Herefordshire Council

Economy, Communities and Corporate
Geoff Hughes - Director

TO: ALL MEMBERS OF THE COUNCIL

Our Ref: Council - 16 December 2016
Please ask for: David Penrose
Direct line: (01432) 383690
email: dpenrose@herefordshire.gov.uk

8 December 2016

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 16 December 2016** at the Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX at **9.30 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

C Ward

CLAIRE WARD
SOLICITOR TO THE COUNCIL

Herefordshire Council

AGENDA

Council

Date:	**Friday 16 December 2016**
Time:	**9.30 am**
Place:	**Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX**
Notes:	Please note the **time, date** and **venue** of the meeting. For any further information please contact: **Governance Services** Tel: 01432 260239 Email: councillorservices@herefordshire.gov.uk

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Agenda for the Meeting of the Council

Membership

Chairman	**Councillor DB Wilcox**
Vice-Chairman	**Councillor PJ McCaull**

Councillor PA Andrews
Councillor BA Baker
Councillor JM Bartlett
Councillor WLS Bowen
Councillor TL Bowes
Councillor H Bramer
Councillor CR Butler
Councillor ACR Chappell
Councillor MJK Cooper
Councillor PE Crockett
Councillor PGH Cutter
Councillor BA Durkin
Councillor PJ Edwards
Councillor CA Gandy
Councillor DW Greenow
Councillor KS Guthrie
Councillor J Hardwick
Councillor DG Harlow
Councillor EPJ Harvey
Councillor EL Holton
Councillor JA Hyde
Councillor TM James
Councillor AW Johnson
Councillor JF Johnson
Councillor JLV Kenyon
Councillor JG Lester
Councillor MD Lloyd-Hayes
Councillor MN Mansell
Councillor RI Matthews
Councillor RL Mayo
Councillor MT McEvilly
Councillor SM Michael
Councillor PM Morgan
Councillor PD Newman OBE
Councillor FM Norman
Councillor CA North
Councillor RJ Phillips
Councillor GJ Powell
Councillor AJW Powers
Councillor PD Price
Councillor P Rone
Councillor AR Round
Councillor A Seldon
Councillor NE Shaw
Councillor WC Skelton
Councillor J Stone
Councillor D Summers
Councillor EJ Swinglehurst
Councillor LC Tawn
Councillor A Warmington
Councillor SD Williams

AGENDA

		Pages
	(The meeting will be preceded by prayers.)	
1.	**APOLOGIES FOR ABSENCE** To receive apologies for absence.	
2.	**DECLARATIONS OF INTEREST** To receive any declarations of interest by Members in respect of items on the Agenda.	
3.	**MINUTES** To approve and sign the Minutes of the meeting held on 30 September 2016.	9 - 30
4.	**CHAIRMAN'S ANNOUNCEMENTS** To receive the Chairman's announcements and petitions from members of the public.	31 - 32
5.	**QUESTIONS FROM MEMBERS OF THE PUBLIC** To receive questions from members of the public.	33 - 34
6.	**MOTIONS ON NOTICE** To consider the following motion: fracking and any associated hydrocarbon extraction processes in or under Herefordshire's vitally important Areas of Outstanding Natural Beauty**.**	35 - 38
7.	**PROPOSED 2017/18 CAPITAL BUDGET** To approve the proposed capital budget for 2017/18 as proposed by Cabinet on 1 December 2016.	39 - 48
8.	**HEREFORDSHIRE ECONOMIC DEVELOPMENT STRATEGY** To adopt the Herefordshire economic vision as the county's economic development strategy.	49 - 134
9.	**STATEMENT OF COMMUNITY INVOLVEMENT, CONSULTATION, COMMUNICATIONS AND PROGRAMME TO ADOPTION** To adopt the statement of community involvement.	135 - 222
10.	**YOUTH JUSTICE PLAN 2016/17** To approve the Youth Justice Plan.	223 - 274
11.	**COUNCIL CONSTITUTION** To adopt a revised constitution including designation of certain posts as statutory officers.	275 - 496
12.	**CHANGES TO ARRANGEMENTS FOR APPOINTMENT OF EXTERNAL AUDITORS** To approve arrangements for the appointment of external auditors.	497 - 502
13.	**LEADER'S REPORT** To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting.	503 - 512

14. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

To receive any written questions from Councillors.

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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 Cabinet and 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, 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.
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The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 30 September 2016 at 10.00 am

Present: **Councillor DB Wilcox (Chairman)**
Councillor PJ McCaull (Vice-Chairman)

Councillors: PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, CR Butler, ACR Chappell, MJK Cooper, PE Crockett, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, DW Greenow, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, JA Hyde, TM James, AW Johnson, JF Johnson, MD Lloyd-Hayes, MN Mansell, RI Matthews, RL Mayo, MT McEvilly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, P Rone, AR Round, A Seldon, NE Shaw, WC Skelton, J Stone, D Summers, EJ Swinglehurst, A Warmington and SD Williams

The Chairman informed Council with great sadness of the passing of two former councillors, Beris Williams and John Edwards.

Both councillors had served for a substantial number of years on South Herefordshire District Council and then Herefordshire Council. It was recognised that they both represented their wards admirably and did distinctive service, with both holding the office of vice-chairman of the council; John Edwards retired from the council after two years as chairman.

Council stood in silence as a mark of respect.

The Chairman reported that he had written letters of condolence to the families of Beris Williams and John Edwards and that services were due to be held on 7 October and 13 October 2016, respectively.

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Bramer, KM Guthrie, JLV Kenyon, JG Lester and LC Tawn.

28. DECLARATIONS OF INTEREST

Agenda item 7 (minute 33), Annual report of Hereford and Worcester Fire Authority.

Councillor RJ Phillips declared a pecuniary interest in this item, as vice-chairman, and on behalf of other councillors present who were members of the fire authority.

29. MINUTES

The minutes of the previous meeting were received.

RESOLVED: **That the minutes of the meeting held on 15 July 2016 be confirmed as a correct record and signed by the Chairman.**

30. CHAIRMAN'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda pack.

The Chairman reported that one petition had been received immediately before the meeting from Hereford Transport Alliance in relation to the promotion of a tram system in conjunction with the South Wye Transport Plan. It was noted that the petition contained 375 signatures, collected in one day, and it had been requested that the petition be included in the consultation process on the transport plan. The Chairman handed the petition to Councillor PD Price, cabinet member infrastructure.

The Chairman advised that this was the last meeting to be attended by the Reverend Prebendary Paul Towner, who was retiring the following week as the Vicar of St Peter and St James, after 17 years' service to the city and county. The Chairman presented him with a plaque of the county's coat of arms, suitably engraved to mark the contribution he had made. In receiving the gift and thanking Council, the Reverend Prebendary commented on the importance of public service and the benefits of partnership working.

The Chairman drew attention to the concert to be held on Saturday 22 October 2016 in aid of the Chairman's Charity, 'The Haven'.

31. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the minutes at appendix 1.

The Chairman proposed, and Council agreed, to vary the order of business stated on the agenda so that the 'Annual report of the Hereford and Worcester Fire Authority' item was considered before the 'Notices of motion under standing orders' item.

32. ANNUAL REPORT OF HEREFORD AND WORCESTER FIRE AUTHORITY

The new Chief Fire Officer, Nathan Travis, was welcomed to Council. Councillor RJ Phillips, vice-chairman of the Hereford & Worcester Fire Authority, introduced the report and invited questions from members.

During the discussion, the following principal points were made:

- Attention was drawn to the success of the 'Dying 2 Drive' scheme, with almost 1500 young people attending, and praise given to the organisers, particularly Angela Tyler, and to the schools that had signed up. It was commented that the organisers were raising money for a simulator and councillors were urged to give their support to the initiative.

  Councillor Phillips asked councillors to report back to schools in their wards about the value of the scheme.

- Comments were made about Herefordshire's large geographic area and, whilst recognising the budget pressures for all public services, the need to protect frontline firefighters.

  In response, the Chief Fire Officer said that the fire authority was considering its medium term financial plan and it was estimated that by 2019/20 there would be a

budget deficit of between £1.6m and £2.4m, predicated on the national pay agreement. He advised that a review was being undertaken on staffing across the board and the authority would be looking to manage a balanced budget whilst indicating its priorities to frontline firefighters.

- It was noted that the service had attended 6,459 incidents in 2015-16, representing an increase of 347 on the previous year, and it was requested that a breakdown of figures for Herefordshire be provided for different types of fire and road traffic incidents.

  Councillor Phillips and the Chief Fire Officer agreed to circulate further information. The Chairman suggested that it would be helpful if such further detail could be included in fire authority reports to Council in the future.

- With reference made to Community Risk Management Plan (CRMP), it was requested that the voluntary Day Crewing Plus duty system trial period review findings be reported to councillors. It was also requested that the outcome of the Wyre Forest hub station consultation be made available.

  Councillor Phillips said that, whilst it was a document belonging to the fire authority, the CRMP could be shared with councillors. However, the Wyre Forest hub station was considered a Worcestershire issue and this would be debated at the next fire authority meeting.

  The Chief Fire Officer reminded Council that key documents about the service were already available on its website (at http://www.hwfire.org.uk/your-right-to-know/our-publications/), alongside information about fire authority meetings and agenda (at https://hwfire.cmis.uk.com/hwfire/Meetings.aspx).

- A councillor commented that, at a recent town council meeting, reference had been made to negotiations ongoing between the police and fire service to combine the site in Bromyard. Confirmation was sought about these negotiations, whether it was desirable, and whether it would have any effect on the service provided by that fire station.

  Councillor Phillips commented on the efficiencies associated with combining fire, police and blue light services, particularly during a time of public constraint. He said that an audit had been undertaken across the two counties; a joint station was to open in Evesham in December and other sites were being looked at in Bromsgrove and Redditch, as well as in Hereford.

  The Chief Fire Officer reported: Bromyard was being considered as a possible joint station; the fire service was in early discussions with the police and the council to create a new hub in Hereford; the potential for the fire service to support the wider police agenda, and vice versa, was something he was keen to champion; and crews at the fire stations were being consulted and feedback was positive. He noted the benefits of combining services from both financial and service delivery perspectives.

RESOLVED:

That the annual report of the Hereford & Worcester Fire Authority be received.

33. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman reported that two motions had been submitted for consideration by Council.

The Chairman advised that it was for Council to decide whether, under section 100(A)(4) of the Local Government Act 1972, the press and public should be excluded from the meeting for the discussion on the first motion on the grounds that it involved the disclosure of exempt information relating to an individual as defined in schedule 12(A) of the act. He added that, in light of the subject matter, Council may choose not to exclude the public but the monitoring officer was obliged to ask Council to consider this.

Councillor CA Gandy moved that Council agree that this motion be debated in public, seconded by Councillor DW Greenow. This was carried, with two abstentions.

Motion 1: To admit Sasha Kindred OBE to be honorary freeman of the county of Herefordshire

In presenting the motion, the Chairman asked that references inferring that Sascha Kindred might retire from competition be deleted from the preamble to the motion.

In response to a question about the award, the Chairman said that the ability to confer honorary titles was set down in statute. The monitoring officer confirmed that the power under section 249 of the Local Government Act 1972, subsection 5, enabled the council to admit (a) persons of distinction and (b) persons who have, in the opinion of the authority, rendered eminent services to that place or area to be honorary freemen or honorary freewomen of the place or area for which it is the authority.

The Chairman noted that it was unusual for a council chairman to propose a motion but, in view of the special circumstances and for the first time during the life of this council, he proposed that Council make Sascha Kindred an honorary freeman of the county and made the following points:

1. In September 2016, in the Paralympic Games in Rio de Janeiro, Sascha Kindred of Herefordshire had won a gold medal for the 200m men's individual medley in swimming and broke the world record in doing so.

2. This was the seventh gold medal that Sascha had won since competing in his first Paralympic Games in 1996 in Atlanta.

3. Twenty years later, he had a marvellous record of achievement, winning a total of 62 major championship medals, including 7 golds at Paralympic Games, 11 golds at World Championships, and 14 golds at European Championships.

4. In the Queen's New Year Honours list of 2009, he had been awarded the Order of the Most Excellent Order of the British Empire for his sporting achievements.

5. Four years ago, the former Council Chairman, the late Councillor Olywn Barnett, had presented a certificate of congratulations to Sascha and other medal winners of the 2012 Paralympic Games at a welcome home celebration.

6. In the 2016 Paralympic Games, Sascha was the only Herefordshire resident Paralympian winner. The Chairman also paid tribute to Vicky Jenkins from Malvern who trained at Bromyard and had won a medal in archery.

7. Sascha's career started some 25 years ago in Oldham, Manchester, with his international debut three years later. He moved to Credenhill in 2006 and subsequently Belmont in 2010. He was married to Nyree, a Paralympian medal winner in swimming in her own right, and they had a daughter.

8. Since coming to Herefordshire, Sascha had carried out his main training at Leominster swimming pool whilst being a member of Hereford swimming club, making it a cross-county issue.

The Chairman concluded by saying that, to make anyone an honorary freeman or free woman of the county, Council had to be satisfied that he or she was a person of distinction and they had rendered eminent service to the area, and he considered that Sascha met those requirements. The Chairman formally proposed the motion, seconded by the Vice-Chairman.

As seconder to the motion, the Vice-Chairman said he wished to comment on Sascha as a person and, referring to his involvement in swimming events in Leominster, his ability to connect with young people and inspire them to take up swimming. The Vice-Chairman commended Sasha for staying in training for so many years, for achieving the recent world record, and for representing Herefordshire on the world stage.

Other councillors spoke in support of the motion, the following principal points were made:

a. Comments were made about the contribution made by Sascha and his family to the community in the Newton Farm ward.

b. Sasha provided encouragement to many young people, not only in swimming but across the board.

c. The council should be proud that it had a facility such as Leominster swimming pool and credit should go to the council's leisure services partner, Halo, for supporting Sascha.

d. There were many deserving individuals in the county who rendered eminent service, and had gained national and international recognition, and the council needed to be mindful of the need to preserve the awarding of honorary titles to recognise extraordinary achievement.

e. Sasha was an inspiration for many people with disabilities.

The motion was carried, with one abstention.

RESOLVED:

In recognition of the outstanding contribution that Sascha Kindred has made to swimming in general and to the Paralympic Games in particular, and in recognising the major successes, medals and world records that he has achieved, especially in the 2016 Paralympic Games by winning a gold medal and breaking the world record for the men's 200 metre swimming medley, this Council wishes to afford him the greatest honour it has in its power to bestow on any individual resident, namely admit Sascha Kindred to be honorary Freeman of the County of Herefordshire. His achievements in Paralympic, world, European and other championships over the past two decades have attracted national and international acclaim, bringing honour and credit on him, his family and connections including the county where he lives to which he has rendered eminent service.

The Chairman advised that a special meeting would be arranged to confer the honorary freeman title on Sascha Kindred, possibly on the same day as the next scheduled Council meeting, 16 December 2016.

Motion 2: Supplementary planning document (SPD) relating to polytunnels.

In presenting the motion, Councillor EJ Swinglehurst made the following points:

- Herefordshire had been in the lead in creating a set of advisories through the SPD on polytunnels which had been adopted in 2008 after due consultation and sustainability appraisal.

- The introduction to the original document was quoted '… Herefordshire Council has prepared this supplementary planning document (SPD) to help potential applicants prepare their planning applications. It will also provide useful information to officers of the council and other interested parties, local residents for example, on how the council expects the many issues to be addressed within planning applications.'

- The adoption of the Core Strategy in 2015 led to a number of existing policies being either replaced, saved or set aside. The SPD on polytunnels was set aside.

- It was described as a compelling and detailed document, and represented a tremendous amount of effort in terms of officer time and expertise.

- The SPD was considered to be of assistance to applicants and residents alike in understanding the issues that arise.

- The reinstatement of the policy compliant elements of the document would assist the planning committee in determining applications and contribute to the sustainable future for this type of farming in the county.

Councillor Swinglehurst formally proposed the motion, seconded by Councillor BA Durkin.

Other councillors spoke in support of the motion, the following principal points were made:

- There were reflections on the difficulties and frustrations experienced prior to the original adoption of the SPD and how the council had been at the forefront in addressing the issues.

- The council should look again at whether it had adequate policies in other areas, particularly in relation to intensive livestock production, with reference made to the implications for nutrient management. It was also suggested that similar consideration could be given to a SPD in relation to housing for older people.

- Unless it had been covered by other provisions, some members considered it unfortunate that the SPD on polytunnels had not formed part of the Core Strategy documents.

- There was a need to keep the SPD sufficiently up to date and be reviewed in light of the ancillary requirements of polytunnels, such as the provision of facilities on farms and accommodation for temporary seasonal workers, and the impacts on specific areas such as Areas of Outstanding Natural Beauty (AONB). It was also commented that officers should work with councils in other parts of the country to understand and manage the totality of the infrastructure associated with this type of farming.

- There was a difficult balance between supporting new farming practices and protecting the landscape.

- A comment was made about the contribution of horticulture to the economy of the county compared to other types of farming.

- In response to a question, the monitoring officer advised that it was her understanding that the document, as an SPD, would not form part of the Core Strategy and that the whole strategy would not therefore have to go out to consultation again.

Councillor PJ Edwards moved that the question be now put, seconded by Councillor J Hardwick. This was carried.

As seconder to the motion commented that: the Tuesley Farm case in Surrey had been a turning point in terms of the planning status of polytunnels; Herefordshire Council had been at the vanguard in the development of policy in this area; the SPD would assist in the determination of planning applications; and there was a need to review the document to ensure that new farming practices were considered and the environment protected.

The motion was carried unanimously.

RESOLVED:

That Herefordshire Council ask the Executive to consider reinstating the SPD on polytunnels working with officers to ensure that the policy is still fit for purpose, up to date and policy compliant.

34. LEADER'S REPORT

The Leader introduced his report on the activities of cabinet since the meeting of Council on 15 July 2016. In particular, the Leader drew attention to the decision made by Cabinet on 28 July 2016 in respect of the council applying to become a non-constituent member of the West Midlands Combined Authority and repeated assurances to Council that he would keep members informed about progress on the issue.

Councillors asked questions about the report and associated matters, the following principal points were made:

i. Referring to appendix 3, report on the activity of the Herefordshire community safety partnership (HCSP), a councillor expressed concern about future funding arrangements for new public open space, particularly in view of comments made at a recent members' briefing about further cuts to maintenance budgets. He also asked the cabinet member health and wellbeing to input into the HCSP on this issue on the basis that it supported healthy and safe communities. The cabinet member health and wellbeing said that, notwithstanding whether this was an issue for the HCSP or if there was a genuine safety concern, the matter would be referred to the relevant cabinet member. Later in the meeting, the cabinet member transport and roads commented that maintaining public open space was a non-statutory part of the public realm contract and, given the budget pressures, the council had to choose whether it did things differently, paid for them differently, or stop doing them altogether.

ii. Referring to paragraph 4 of the Leader's report about the sustainability and transformation plans being developed by the NHS, the chairman of the health and social care overview and scrutiny committee expressed disappointment at the reluctance of NHS England to accept that both the scrutiny committee and the health and wellbeing board had a right to see the proposals which impact on service provision in Herefordshire before they were finalised.

The cabinet member health and wellbeing acknowledged the comments, thanked the director of adults and wellbeing for his efforts to bring the plans before members, and confirmed that the health and wellbeing board and the scrutiny committee would be holding meetings on this topic, in public on 19 October 2016.

iii. A councillor drew attention to paragraph 6 of the Leader's report about the consultation undertaken in relation to short breaks to provide respite and opportunity for children with disabilities and welcomed the progress made, with officers and the cabinet member young people and children's wellbeing thanked for their work.

In response to a question, the Leader provided assurance that the council would maintain efforts and provide appropriate attention to these arrangements.

iv. Referring to appendix 3, a councillor asked questions about the work being undertaken to understand and address the figures, specifically in relation to the increase in the number of hate offences (up 69% to 44 incidents) and the increase in the number of referrals to West Mercia Women's Aid (up 24%) and calls to the helpline line (up 55%).

In response, the cabinet member health and wellbeing said there was a problem with domestic violence and abuse in Herefordshire and there was considerable work going on to understand and address the issues, both to help the victims and to support the perpetrators to stop doing it; the cabinet member said that further information could be shared with the councillor about this activity. The cabinet member noted that the number of hate offences was relatively low but emphasised that all hate crime was unacceptable. In response to a further question, the cabinet member said that it was not considered that Herefordshire had an additional problem to that indicative across the country.

v. Referring to appendix 1 and recent cabinet decisions, a councillor asked questions about the New Model in Technology and Engineering (NMiTE) university project.

The chief executive was invited to update Council, he made the following points: the Treasury green book business case had been submitted on schedule the previous week and, whilst it was for the relevant government departments to consider, he felt that a strong and powerful business case had been put forward; and, although contingent on a government decision to support the university, the council continued to discuss a range of options for learning locations and student accommodation and further updates would be provided to Council in due course. In response to a further question, the chief executive said that it was government's prerogative as to when it confirmed its position but this was unlikely to happen before the Autumn Statement, possibly not until the Budget.

vi. It was commented that the draft economic masterplan had been discussed at general overview and scrutiny committee on 27 September 2016 and a plea was repeated for the document to reflect the importance of the market towns to the county as a whole.

The cabinet member economy and corporate services noted that the report to scrutiny was the 'start of the conversation' and he welcomed this point being brought to his attention. He provided assurance that work was ongoing to identify projects in the market towns.

Another councillor said that the document should also take into account the immediate hinterland surrounding them. It was also suggested that agricultural industries should be referenced, particularly the success of the livestock market.

vii. Returning to the issue of short breaks, a councillor welcomed the improvement in communications with families and said that this needed to be maintained. However, there was some concern about the tactics of the tendering and contracting process and the cabinet member young people and children's wellbeing, and officers were asked to give this serious consideration.

The Leader provided assurance that the council would do all it could to make the best of the arrangements, under the guidance of the officers involved and the cabinet member young people and children's wellbeing.

viii. A councillor expressed disappointment was that the 'Let's Listen Herefordshire' mental health day proposed by Councillor D Summers was not being taken forward, despite the motion being carried unanimously at the last meeting of Council (minute 20 refers).

The cabinet member health and wellbeing said that: Council had asked the executive 'to consider the establishment of an annual designated mental health day'; the director of adults and wellbeing and the director of public health had met with Councillor Summers to explore the idea and the cabinet member had offered to meet with him also; consideration of the proposal had been undertaken in a genuine fashion; and it had been concluded that there were better ways to achieve the desired objectives that were explicit in the motion.

ix. Referring to page 49 of the agenda, a member drew attention to the decision regarding termination of contract with the Shaw Trust for mental health employment service and commented that mental health was a real issue for the county.

x. A councillor said that, whilst the reasons were understood, it was regrettable that road safety would no longer be a main priority in the community safety strategy, particularly as this was a sensitive issue in rural communities. Furthermore, it was commented that more needed to be done, particularly in a time of public constraint, to secure financial contributions from developers to address rural accident blackspots; the councillor said that there were existing mechanisms but there appeared to be a reluctance to use them.

The Leader acknowledged the comments and said he would take the issue up with officers.

Another councillor subsequently commented that the level of casualties were relatively high given the rural nature and quality of the roads, and noted that rural road safety was one of the main priorities of the West Midlands Police and Crime Commissioner.

xi. Referring to page 50 of the agenda, in relation to restated 2015/16 capital outturn per scheme, it was questioned whether Councillor RI Matthews had been thanked for the identification of errors within the report to cabinet on 16 June 2016.

The Leader said that Councillor Matthews had been provided with a detailed written response to his questions on the matter and the Leader emphasised that it involved a reporting and not financial errors, as confirmed by both internal and external audit.

The chairman of the audit and governance committee confirmed that he had thanked Councillor Matthews for his efforts in scrutinising the accounts.

xii. A councillor suggested that, in view of the state of the roads in the county, the authority should consider using reserves or obtaining a loan from the Public Works Loan Board to carry out vital repairs to the local road network. A concern was expressed about the potential reduction in the drainage budget.

The cabinet member transport and roads reminded Council of the finite budget available, that difficult decisions had to be made about where money was spent, and, whilst £20m had been invested in roads over two years, it would cost nearly £80m to bring all the roads in the county up to an optimal state.

RESOLVED: That the report be noted.

35. FOUR YEAR FUNDING SETTLEMENT

The Leader presented the report.

A councillor noted that, following consideration of the 2016/17 budget and medium term financial strategy (MTFS) by Council on 5 February 2016, central government funding had unexpectedly awarded Herefordshire additional funding within the rural services delivery grant. However, the council's savings plans appeared to be unchanged from the MTFS which contained proposals to withdraw funding from services such as the rural subsidised bus network and the lengthsman scheme. The councillor considered that reducing funding to these services would have an impact on the quality of life and infrastructure within rural areas, placing additional pressures on parish council precepts. He added that recent briefings had made it clear that parish councils would be expected to contribute further it they wanted to maintain essential services; parish clerks and volunteer parish councillors were described as being 'at breaking point'. Therefore, assurance was sought that the additional windfall funding within the rural services delivery grant would be discussed fully, with the intention of mitigating proposed cuts to essential rural services.

In response, the Leader said that he shared concerns about the pressures that parish councils found themselves under and the additional grant had not at the moment been earmarked for a particular purpose given the uncertainties about aspects of central government funding, including other grants. He commented that the level of reserves was still a small part of the total budget when expressed as a percentage. He considered that it would be inappropriate to make decisions until the council had a clearer picture of its general financial state.

Points made by other councillors during the discussion included:

1. The approach of the Department for Communities and Local Government had left local authorities little option but to accept the settlement and rural counties were at a significant disadvantage compared to central London authorities in terms of business rates. A concern was expressed about a proposal to cap town and parish council precepts; another councillor later said that he understood that the cap would apply to the larger local councils.

2. It was commented that the efficiency statement gave the impression that the authority was flourishing but it was actually facing difficult times. It was suggested that the additional rural services delivery grant could be used to improve rural roads.

3. It was becoming more difficult for parish councils to recruit and retain parish councillors which could have a significant impact on future viability.

   The Leader reiterated that he shared this concern and urged members to make representations to the government.

4. It was noted that the Local Government Association had campaigned for a four year settlement but this was considered a bare minimum offer which was not guaranteed, with the government reserving the right to change the settlement due to unforeseen events, and it did not offer the financial security needed.

5. Returning to the matter of the rural services delivery grant, a councillor said that the authority should be able to use the funding to reduce the rate at which services were withdrawn or reduced in rural areas. It was considered that adding the allocation to reserves would continue to allow services to degrade and in some cases disappear. With reference made to discussions at the general overview and scrutiny committee, an assurance was sought that, if the settlement was agreed, the council would not be constraining itself in terms of making a case on an annual basis for the special circumstances in Herefordshire, particularly in view of rural sparsity issues.

   The Leader said that the council would continue to press for everything it needed at regular intervals. He reiterated the need for certainty about the financial position before any decisions could be made.

6. It was noted that the majority of local authorities had accepted the settlement and there were risks associated with not signing it.

The decision was carried unanimously.

RESOLVED: That

(a) Council accept the four year central government funding settlement for 2016-17 through to 2019-20; and

(b) the efficiency statement (appendix 3 to the report) be approved.

36. DESIGNATION OF SECTION 151 OFFICER

The Leader, in his capacity as chairman of the employment panel, introduced the report. It was reported that the constitution delegated authority to the chief executive, as head of paid service, to make interim appointments to senior management positions and that Mark Taylor had been appointed interim director of resources.

A councillor, and member of the employment panel, said that he understood the delegation made in the constitution but wished it to be noted that he considered it regrettable that on this occasion the Leader had not taken the opportunity to involve the panel in this appointment process and, in making this recommendation to Council, some panel members had little awareness about the candidates involved.

The decision was carried, with three abstentions.

RESOLVED:

That the interim director of resources, Mark Taylor, be designated as section 151 officer to the council.

37. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

A copy of the member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the minutes at appendix 2.

The meeting ended at 12.39 pm **CHAIRMAN**

Public questions to Council - 30 September 2016

Question from Mr P McKay, Leominster

Question 1

Community representation as part of the Strategic Development Plan (SDP)

Fathoming out why there was a lack of community input into appropriate s.106 planning obligations in recent 20+ dwelling planning decision in parish that had lodged objection, with several other housing sites in its Neighbourhood Plan, and putting this down to absence of guidance in the SDP when there has been no developer initiated pre-application consultation regarding these in-conformance with chapter 1.8 of the SDP, with the effect being that the absence of any guidance denied the community of any input, and then finding that the latest s.106 agreements contain a clause to effect that should the Community Infrastructure Levy become payable that this would replace agreed s.106 payments.

May I ask for confirmation that in absence of any developer initiated consultation that consideration of appropriate planning obligations is not closed to community but open for community representations to be made as part of consideration of the planning application within the published consultation period, and if guidance regarding this could be added to the SDP, making it clear that submitting this information should the development be approved would not prejudice any objection to the development raised by the community, or if the introduction of the Community Infrastructure Levy is so imminent that clarifying this issue would no longer serve any practical purpose and ought look forward to receipt of Community Infrastructure Guidance ?

Answer from Councillor Philip Price, cabinet member infrastructure

Herefordshire Council is required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in Article 15 of the Development Management Procedure Order.

Where a planning application requires developer contributions or affordable housing this is set out in a section 106 draft heads of terms. This document forms part of the suite of information submitted in support of a planning application. It is published on the council planning website and is subject to public consultation.

Anyone can comment on a planning application. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups can provide representations on planning applications within the prescribed time period for consultation.

A new planning obligations supplementary planning document would be produced following the adoption and implementation of a community infrastructure levy.

Supplementary question

Thank you for your reply, my not having been aware of that and it not being mentioned in the SPD, so may I ask if any procedure is available enabling communities to request consideration of detailed changes to the obligations not expected to be of any concern to the developer, with the objective of better addressing the local community concerns, and to determine when the allocated monies will be used by yourselves or cascaded down to the community to use for the defined purpose?

Public questions to Council - 30 September 2016

Answer from Councillor Philip Price, cabinet member infrastructure

If the question could be put in writing, I will do my best to answer within a short period of time.

Subsequent written response from Councillor Philip Price, cabinet member infrastructure

When section 106 contributions are received, the Council will liaise with the ward member, parish council and any resident groups on the spend of the monies. With regards to whether the benefactor project can be amended/altered after the agreement has been completed this can only be done in exceptional circumstances for example, where a contribution has been requested for a facility and that facility no longer exists. The contribution will have been calculated on the basis of evidenced need. The agreement will have been completed only where the statutory legal tests will have been met. A developer would need to be in agreement with an amendment. Seeking their approval could result in them requesting the money back as the original contribution is no longer justified.

Mr McKay has been provided with information on play and sports provision in the County and who is responsible for delivery.

Question from Mr R Palgrave, How Caple

Question 2

Rail freight

The Government published its Rail Freight Strategy on 13th September 2016.

They said: "Transporting freight by rail offers significant benefits to the UK economy:

- by reducing road congestion
- improving industry productivity
- cutting carbon emissions and air pollution"

Large lorries are up to 160,000 times more damaging to road surfaces and foundations than the average car. Road repair costs are therefore mostly attributable to freight traffic.

Reducing greenhouse gas emissions from road freight transport is a significant challenge, more so than for personal transport and local buses where electric vehicles are a viable option.

With the local road network already in a poor state and with Herefordshire lagging behind much of the rest of the country in cutting emissions arising from transport, will the council investigate ways to support the expansion of rail freight in Herefordshire?

Answer from Councillor Paul Rone, cabinet member transport and roads

In line with commitments set out in the local transport plan the council will be investigating the potential for supporting rail freight as part of a review of freight within the county and the wider Marches area. Discussions are underway with local enterprise partnership partners to agree the scope and timetable for this review.

Public questions to Council - 30 September 2016

Question from Ms K Sharp, Hereford

Question 3

Southern link road

A lot has been said about the need to deliver the southern link road so that it can link via the A465 into the large investment in road improvements that the Department for Transport is making in the Head of the Valleys Road from South Wales up to Abergavenny. With a single lane, traffic light controlled river crossing at Llangua, and the HGV height restriction at Pontrilas, would the cabinet member please detail the investments the council will have to make in road infrastructure to overcome these barriers so that heavy goods vehicles can actually access the substantial investment this county's taxpayers are being asked to make in new road infrastructure in and around Hereford?

Answer from Councillor Philip Price, cabinet member infrastructure

There are currently no plans for improvements at Llangua Bridge and Pontrilas. Whilst there may be benefits from such improvements, any proposals would need to be developed jointly with Welsh transport authorities. The council's current priority is to deliver the Hereford bypass which will deliver substantial housing and jobs growth for Hereford. The southern link road is the first phase of this.

Question from Ms D Toynbee, Hereford

Question 4

Destination Hereford

In December I requested details of how Herefordshire Council's 'Destination Hereford' package had performed against its targets of reduced congestion and increased rural access to public transport.

Cllr Price replied that the project was being evaluated, and a report would be presented. Since the £11 million was allocated to Herefordshire Council in April 2015, and I am still unable to find any performance reports by the council, would the cabinet member now please provide a detailed update on progress made in reducing congestion, developing low carbon transport and improving public transport?

Answer from Councillor Philip Price, cabinet member infrastructure

An evaluation of the Destination Hereford projects impacts on travel behaviour has been completed and is available at:

https://www.herefordshire.gov.uk/media/4690109/destination_hereford_report_final_for_issue_signed.pdf

That evaluation identified the evaluation identified:

- A reduction in car based trips as a proportion of all trips
- An increase in walking and cycling as a proportion of all trips
- An increase in walking, cycling and public transport trips (both bus and rail)

Public questions to Council - 30 September 2016

Question from Mrs E Morawiecka, Breinton

Question 5

South Wye transport package

Safer walking and cycling routes around Marlbrook Primary school, along Holme Lacy Road, the A49 Ross Road and new 20mph limits in residential areas around the A49 in South Wye are just some of the proposed sustainable transport measures in the current South Wye transport package public consultation. These measures which can be implemented relatively simply and quickly would do much to improve:

1. the health of the local population;

2. air quality along the A49 Ross Road;

3. congestion on the A49 Ross Road;

4. safer active routes for parents and children around the local primary and secondary schools;

4. low cost and safe routes for employees to access the new jobs being developed at the Hereford Enterprise Zone.

At least £7million of funding is available for these sustainable transport measures through the Growth Funding Package from central Government. With traffic on the A49 Ross Road predicted to increase traffic by over 15% once the southern link road is in place, what reasons does the cabinet member have for delaying implementation of these sustainable transport measures until after the new road is built?

Answer from Councillor Philip Price, cabinet member infrastructure

The delivery of sustainable transport measures is not being delayed until after the southern link road has been built. A number of improvements have been introduced over recent years and we are currently consulting with the public on a range of potential further improvements in the South Wye area. Details of the consultation are available at: https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-transport-plan-201314-201516/south-wye-transport-package#consultation and the consultation remains open until 25 October. Once the responses have been analysed, consideration will be given to which schemes to take forward and the timetable for their implementation

Supplementary question

Thank you Councillor Price for clearly stating that 'The delivery of sustainable transport measures is not being delayed until after the Southern Link Road has been built.' However, the final version of the South Wye Transport Package (SWTP) Monitoring and Evaluation Plan issued in June 2016 by Herefordshire Council states equally clearly in Section 4 on the Delivery Timeframe, that the SLR will be completed in 2019 but the active travel measures will not be completed until Autumn 2021, 5 years from now. With the results of the Destination Hereford project now publicly available it is clear that less than £5m of funding in sustainable transport measures resulted in fewer car journeys and a considerable rise in active travel across the city in less than 4 years. With such an improvement in active travel and reduction in car use, would Councillor Price reassure the public that many of the sustainable transport measures of the SWTP will be implemented ahead of or alongside construction of the Southern Link Road (SLR) to try to minimise the 15% increased vehicles forecast to transfer to the A49 Ross Road in Hereford on the opening of the SLR?

Answer from Councillor Philip Price, cabinet member infrastructure

A report that came out did say that there has been a reduction in car use and an increase in cycling and walking of those people that were part of the questionnaire and part of the response. Unfortunately, whilst that may be the case, there is a continual rise in car use in the city.

With regards to where the money is spent on sustainable measures, there is a consultation currently going on and we will hear what people are saying on that.

It was quite clear that some of the sustainable active travel arrangements could not be implemented until after the SLR has been completed. In particular, the weight limit on the Belmont Road could only be enabled once the road has been built and some of those sustainable measures could then be implemented. We are looking at it, it is ongoing.

Some of the actions have already been taken over the last year or two and the consultation will come to a conclusion as to where we spend the money going forward but some of the active measures will have to be implemented after the delivery of the link road.

Question from Mr J Perkins, Hereford

Question 6

Investment in Rotherwas

Following the referendum vote for the UK to leave Europe, future European funding is unlikely to be made available for projects such as making privately owned land at Rotherwas viable for development. Would the cabinet member please explain how much money is needed to make sites in private ownership viable for development and if this money is not forthcoming, how much will this constrain development of future jobs at Rotherwas?

Answer from Councillor David Harlow, cabinet member economy and communities

18 acres have already been developed at the Rotherwas enterprise zone, including just over 9 acres of land previously owned by the Goodwin Trust; sale of a further 23 acres is currently being negotiated. In June the Goodwin Trust advised the board that they would be temporarily withholding a relatively small proportion (4.5 acres) of the land in its ownership from sale.

The board continues to explore the potential to build units to let and what opportunities may be or become available to meet any viability gap, but the decision to temporarily withhold that element of the site from sale does not represent a constraint on the development of future jobs at this time.

The council has a strong track record of securing external funding to support economic growth in the county; the sources of funding do change over time but there is no reason to believe that future funding opportunities will not arise given the government's continuing commitment to enterprise zones.

Supplementary question

Thank you Councillor Harlow for the answer you have provided and highlighting how successful the Enterprise Zone is in Hereford. As the HEZ site is so successful and with so much public land being developed or in the process of being sold for development, could the cabinet member explain why the A49 and the Rotherwas relief road are constraining development at the HEZ and to such an extent that the council needs to spend £27m on building a road from the A465 to the A49 to improve access to this poorly serviced site?

Public questions to Council - 30 September 2016

Answer from Councillor David Harlow, cabinet member economy and communities

Clearly there are rules about expanding on the Enterprise Zone, including traffic levels on the A49, and our aim is to keep the expansion going. We don't want to stop the investment that is being made, it is a real success story. This is one of the most successful of the enterprise zones but, without addressing the traffic issues, there are doubts as to how much we can develop the HEZ further. We are in discussions to create an extra 24,000 sq m of new work space, with 460 job opportunities identified. This is hugely positive but we can only expand at full speed with the road infrastructure.

Members' questions at Council - 30 September 2016

Question from Councillor WLS Bowen

Question 1

Council constitution

Are you aware that a fairly recent amendment to the constitution prevents group leaders from attending and speaking at all committee meetings and would you agree that a reversion to the protocol that all group leaders should be allowed to attend and speak at all committee meetings would be desirable and should be instituted as soon as possible?

Answer from Councillor Brian Wilcox, chairman of the council

The amendment to the constitution, which took effect on 1 January 2010, does not prevent group leaders, or any other members, from attending any public meeting of the council; members in attendance may speak at the discretion of the chairman of the meeting. Such discretion is exercised having regard to a range of factors including the number and complexity of items on the agenda, and numbers of such requests to speak. If they are not minded to exercise their discretion to allow a member in attendance to speak chairmen will often advise that member either to ask a member of the committee to raise the query on their behalf or undertake to raise the issue from the chair in order that matters relevant to the agenda can be aired in a timely way.

I am aware that the audit and governance committee has approved a set of governance design principles to guide the ongoing refresh of the council's constitution. These include the following principles:

- "Members and officers perform effectively in clearly defined functions and roles"; and
- "Maximise member engagement and participation, including the involvement of all members in the development of key policies"

As a member of the working group guiding the refresh of the constitution and reporting to the audit and governance committee, Councillor Bowen will be in an excellent position to put forward the views of his group on this matter before December when any changes to the constitution are due to be brought to Council for consideration.

Supplementary question

Can I take it that you approve of my suggestion to the working group that all group leaders should have the right not only to attend committee meetings but also to have the right to speak at all committee meetings that they attend?

Answer from Councillor Brian Wilcox, chairman of the council

Subject to the caveats contained in the earlier reply.

Question from Councillor B Matthews

Question 2

Enterprise zone (EZ)

Appendix 2

Members' questions at Council - 30 September 2016

In June this year, the EZ board was advised that due to the substantial costs of making plots development-ready, the Goodwin Trust had decided that at present they would not be making any land available for sale. This was because of the excessive cost of providing highways, utility services and the significant cost involved in raising ground levels on site. The board were advised that the sale of plots was no longer commercially viable.

Can you please inform members what impact the Goodwin Trust decision will have on the future prospects of the EZ, and will it mean still further delays in the provision of the well paid and secure jobs so desperately needed within the county?

Answer from Councillor David Harlow, cabinet member economy and corporate services

It is perhaps unfortunate that Councillor Matthews does not appear to have referred to the publically available minutes of the board meeting in June of this year and therefore appears to have gained a partial and unnecessarily pessimistic view of the issue. The board were indeed advised by the Goodwin Trust, a key private sector partner in the enterprise zone, that they would be temporarily withholding a relatively small area of land (4.5 acres) from sale because of the infrastructure costs associated with such sales; however the board were advised that the trust would look to work with the zone to explore building units to let and the board also determined to explore the potential and opportunities available to meet the viability gap.

I would also refer Cllr Matthews to the answer given to public question number six.

Given the progress made to date on the site (which does not amount to 'delays' as stated), the robust delivery plans in place, and continued exploration of every opportunity to support development of and business growth on this crucial site I do not share Councillor Matthews rather pessimistic view.

Supplementary question

The council has spent £10m on land improvements to bring the site up to some sort of reasonable standards, roughly working out to £80k for every job created, can you tell us how much more has to be spent on the northern size of the EZ before it will be in a reasonable state for sale?

Answer from Councillor David Harlow, cabinet member economy and corporate services

We need to recognise the challenging conditions in commercial property, not just in Herefordshire but also in the West Midlands and the whole country. Despite these conditions, we ought to be proud of the achievements in Rotherwas. It is also important to take a long term view, the EZ continues to 2037.

Commercial viability is down to the judgement of the investor, the property market can go up and down. In relation to the 4.5 acres of land withheld by the Goodwin Trust (over 9 acres had already been developed), no investments were being turned away as a result of the recent commercial decision made by the trustees.

It is not just about the number of jobs that are being attracted to Rotherwas but it was also about the quality of those jobs. Members should celebrate the fact that some projects in the EZ had been included in the New Growth Deal submission, namely the cyber security centre and the proposed redevelopment of the shell store, which will hopefully lead to better jobs.

In terms of the specific question on costs to bring that land up to development potential, a written response will be provided.

Appendix 2

Members' questions at Council - 30 September 2016

Subsequent written response from Councillor David Harlow, cabinet member economy and corporate services

All council land within the Hereford Enterprise Zone that has not already been purchased or developed is available for sale. This includes the land within the northern site. Depending on the final use of the land, the users utility requirements, the configuration and size of plots purchased, and other variables, it is probable that additional costs will need to be incurred prior to sale completions. It is not possible to define these costs at this point due to these considerations and the variables mentioned. As stated in the response to Public Question 6 of the 30 September 2016 Council meeting, this approach to land sales has generated 18 acres of land sold to date and a further 23 acres under negotiation.

Question from Councillor B Matthews

Question 3

Approval of accounts

It was at a full council meeting, not audit and governance, when discrepancies in accounting for major capital projects was first identified. With the public and the media concerned about the inaccuracies in financial reporting at Herefordshire Council and the errors confirmed in this year's audit report, would the Cabinet Member please explain why adoption of the Year End accounts and the acceptance of the audit report have not been brought to full council for approval.

Answer from Councillor Paul Newman OBE, chairman, audit and governance committee

The functions of approval of the council's statement of accounts and consideration of the external audit findings report, which are not cabinet functions, have been delegated by Council to the audit and governance committee which also has responsibility for seeking assurance that action is taken on risk related issues identified by auditors.

The matter to which Councillor Matthews refers, and which has been reported to and considered by both internal and external auditors, was not a discrepancy in accounting but in reporting. The audit and governance committee has established a process for monitoring the implementation of actions agreed in response to audit recommendations in order that the council may have assurance that improvements in this, and other risk areas, are secured.

Supplementary question

Can I ask Councillor Newman if he could take it up with auditors and ask them to reply to me in detail on the issues that I raised?

Answer from Councillor Paul Newman OBE, chairman, audit and governance committee

The audit and governance committee proceeds in a relatively formal way. The formatting and reporting issues, as they turned out to be, were examined by both internal and external auditors who reported to the committee that there were no reasons that we should not to proceed with normal accounts and audit approval processes. Faced with such recommendations, the committee had no option but to proceed. I am happy to contact both the internal and external auditors to ask if they consider that any matters have not been not properly responded to from Councillor Matthews and I will then rely on their response to that question.

Chairman's Announcements – 16 December 2016

Events attended by the Chairman/Vice-Chairman of Herefordshire Council since the last Council meeting on 30 September 2016

2 October-St Peters and St James Service & lunch to mark the retirement of Rev'd Preb Paul Towner
6 October-SIL-Services for Independent Living AGM and 20th Anniversary
7 October-The late Cllr Beris Williams' memorial
9 October-Shrieval Service-High Sheriff Bill Jackson
10 October-Citizenship Ceremony
13 October-The late Cllr John Edwards' memorial
14 October- Ambitious 4u, Children in Care Council celebration event
16 October-Patrons curry lunch in support of the Herefordshire and Worcestershire Army Cadet Force charitable trust
18 October-HRH the Princess Royal visit to ABT Products and James Gourmet Coffee shop Ashburton Industrial Estate, Ross-on-Wye
20 October-Hartpury University Centre Graduation
21 October-Young Farmers AGM at Lyde Arundel
22 October-Police Choir charity event in aid of the Chairman's Charity 'The Haven'
23 October-Hereford Cathedral harvest songs of praise
23 October Leominster civic service
29 October-Bromyard freedom of the town to the Rifles
2 November-Scouts meeting
8 November-HVOSS AGM
8 November-HGTA -Herefordshire & Worcestershire Group Training Association awards
9 November-Sports Partnership Herefordshire & Worcestershire Sports Awards
10 November-Field of Remembrance Cathedral service
11 November-RNCB celebration of achievement ceremony
12 November-HALC AGM
13 November- Hereford Remembrance Sunday service
15 November-Woodside Day Care Ross-on-Wye
18 November-Hereford & Worcester Fire Service award ceremony
19 November-Bromyard Christmas lights switch on
20 November-Road Peace service
21 November-Seminar with the Police and Crime Commissioner and Chief Constable
22 November-Armed Forces covenant signatories meeting
30 November-St Michaels Hospice 34th AGM
2 December-Civic Heads Dinner, Ellesmere, Shropshire
11 December-St Michaels Hospice 'Light Up A Life' Cathedral Service
12 December-Citizenship Ceremony

On Saturday 22 October, Hereford Police Choir and Hereford Soul Choir performed at the Shire Hall in a charity concert in aid of the Chairman's Charity 'The Haven'. It was a wonderful evening attended by many and raised a fantastic £1200.00 for the charity!

Public questions to Council: 16 December 2016

Question from Mrs C Protherough, Birch Hill

Question 1

Hereford bypass

As, in the council's submission for funding for the Hereford transport package, it is generously proposed that the "bypass will make the A49 an alternative for M4/M5 traffic to ease congestion on the motorway network", could the council provide statistics for the likely resulting increase in through traffic, both car and HGV, on the A49 between north of Leominster and Ross, and could they confirm that these figures will be widely available in public consultation on the bypass in the future?

Question from Mr P McKay, Leominster

Question 2

Green highway infrastructure and planning obligations.

Following my September question I am getting positive feedback from two parishes regarding play areas and parks, they now being aware of and conditions regarding planning obligation funds available for that purpose, but the November Local Access Forum minutes report that our paths are in poor condition with lack of funding leading to idle volunteers. This seems to boil down to our green highway infrastructure not having been specifically mentioned in the local transport plan delivery strategy nor monitored in the annual progress reports, even though the local transport plan recognises our green highway infrastructure as being the single most important means of accessing the countryside, providing for quiet recreation and improving health, leisure, tourism, with the management subject of ever increasing partnership working whether that is with health providers to encourage greater walking and recognition of health benefits, with tourism partners to encourage access or with local councils and volunteers to ensure as far as possible that routes are available and free from obstruction.
So may I ask if reference to this green highway infrastructure could be mentioned when transport planning obligations are sought, so that parishes and volunteers may also be aware of and conditions regarding available transport planning obligation funds, with our green highway infrastructure included in the annual transport plan progress reports?

Question from Ms K Sharp, Hereford

Question 3

Southern link road

I have seen correspondence from the Department for Transport, including letters from Andrew Jones Minister for Roads, stating that the Southern Link Road is a 'retained scheme' and that the Local Growth funding of £27m allocated for the Southern Link Road will only be released when DfT approve the Final Business case. As the Final Business Case for the SLR is yet to be approved, do you not agree that it is very misleading for Council to repeatedly tell residents that "the funding is secured"?

Question from Mr J Perkins, Hereford

Question 4

Air pollution

On 29th April, the Supreme Court ordered the British government to boost its fight against air pollution, which could lead to drivers of diesel cars facing higher road taxes and daily charges to enter city centres or even being banned from them.

Many areas are discussing banning such vehicles from their city centres including London.

Public questions to Council – 15 July 2016

In Britain, about 29,000 premature deaths a year are thought to be caused by air pollution. When will Herefordshire Council make an announcement banning these sources of illegal pollution?

Herefordshire Council

Meeting:	**Council**
Meeting date:	**16 December 2016**
Title of report:	**Motions on notice**
Report by:	**Monitoring officer**

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider motions received on notice.

Recommendation

THAT: the motion as listed at paragraph 7 is debated and determined by Council.

Alternative options

1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

Reasons for recommendations

2 To comply with the provisions of the constitution.

Key considerations

3 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by at least one member and submitted not later than midday on the seventh working day before the date of the meeting.

4 Motions must be about matters for which the council has a responsibility or which affect the area.

5 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of three, unless the member giving notice states, in

writing, that they propose to move it to a later meeting or withdraw it. motions exceeding three are not listed on the agenda and will be held over for listing on the agenda for the next meeting in the order they were received.

6 A maximum of 1½ hours will be allocated for dealing with notices of motion but that time may be extended at the discretion of the chairman.

7 One notice of motion has been received and is set out below:

Motion one – Fracking and any associated hydrocarbon extraction processes in or under Herefordshire's vitally important Areas of Outstanding Natural Beauty.

(Proposed by Councillor PD Newman OBE)

In August 2015 a license for Fracking in Kerne Bridge was proposed within the Habitats Regulations Assessment 14th Onshore Oil and Gas Licensing Round, block SO51. Kerne Bridge sits in Herefordshire's Wye Valley AONB, the river itself is an SSSI, this area is a European Special Area of Conservation and there is a protected groundwater aquifer under Ross on Wye. While I personally have nothing against Fracking in principle, I do not believe that Fracking should be permitted in and around our most precious and "protected" environments and landscapes, until its safety has been proven in other areas of our unique and complex UK geology.

A licence has now been granted to South Western Energy Ltd to drill an exploratory well in block SO51 in Kerne Bridge, ostensibly for coal bed methane extraction (subject to planning permission being granted). This is not related to shale gas Fracking but involves "associated hydraulic fracturing" - a regime which uses lower quantities of toxic chemicals and may allow drilling to take place directly within the AONB (ref Surface Development Restrictions for Hydraulic Fracturing dated 4th November 2015).

In October 2015 this Council adopted a core strategy which places a particular reliance on policy E4, tourism. Tourism is more important to this beautiful and rural county than other areas of the UK which may have stronger industrial, financial and other sectors. Nearly 10% of the County's jobs and over £450m of annual income depends on tourism. Herefordshire's beautiful AONBs, the Malvern Hills and Wye Valley, are national tourist icons and core to "Brand Herefordshire" and to the attraction of visitors. Oil and gas extraction in and around our AONBs is a threat to our attractiveness as a tourist destination and, given our exceptional reliance on tourism for this County's income and jobs, it represents a significant threat to the successful delivery of our core plan.

In September 2016 information emerged that some fracking licences may not be taken up as offered. However, it remains unclear as to whether all forms of "fracking", testing and exploration are affected, whether the licences can be remarketed and when areas in Herefordshire may next be involved in further licencing processes.

I therefore call upon this Council to resolve that:

The Executive be asked to consider the risks of hydraulic fracturing, and the high importance of tourism income to this County and to write accordingly to the Secretary of State to ask the Government to consider withholding any licence which would allow fracking and any associated hydrocarbon extraction processes in or under Herefordshire's vitally important Areas of Outstanding Natural Beauty.

Community impact

8 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet.

Equality duty

9 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet

Financial implications

10 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet.

Legal implications

11 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet.

Risk management

12 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

Consultees

13 None.

Appendices

None.

Background papers

- None identified.

Herefordshire Council

MEETING:	**Council**
MEETING DATE:	**16 December 2016**
TITLE OF REPORT:	**Proposed 2017/18 capital budget**
REPORT BY:	**Leader of the council**

Classification

Open

Key decision

This is not an executive decision.

Wards affected

County-wide

Purpose

To approve the proposed capital budget for 2017/18 as proposed by Cabinet on 1 December 2016.

Recommendation

THAT:

(a) Council approve the additional schemes detailed in appendix 2; and

(b) following the approval these are added to the current capital programme set out in appendix 1 to form the capital budget for 2017/18.

Alternative options

1 The proposed capital schemes will enable the delivery of savings targeted in the medium term financial strategy, are self-funded, grant funded or address critical service needs. There are no alternative options that would not radically effect the provision of services.

2 Additional capital spend could be proposed however they must be affordable, deliverable, support the corporate plan objectives and consider the use of alternative solutions.

Further information on the subject of this report is available from
Mark Taylor, interim director of resources on tel (01432) 383519

Reasons for recommendations

3 The council's budget and policy framework rules require that full Council approves the capital budget.

Key considerations

4 The capital programme builds on the council's medium term financial strategy, core strategy and corporate plan priorities.

5 The current capital programme and funding sources, originally approved by Council in December 2015 and updated as reported to cabinet through budget monitoring, is provided in appendix 1. Changes reported include the re-phasing of budgets between financial years and the addition of £0.5m Sports England grant funded spend at Halo leisure centres and the inclusion of the approved £2.5m Marches business improvement grants scheme.

Proposed additions to the capital programme

6 Proposed additions to the capital programme are provided in appendix 2. Following approval each new scheme will only commence following a separate decision report detailing the scheme, funding and implications in line with the council's constitution requirements. The proposals focus on priority schemes, school investment strategy and schemes subject to confirmation of external funding contributions. The additional investment proposed will support the corporate plan priorities by improving schools, infrastructure, housing and the creation of job opportunities.

7 Of the £76.9m proposed additions, £65.2m is to be funded by capital grants, redirected funding allocated in prior years, capital receipts or returns on investment. This leaves £11.7m to be financed by corporately funded prudential borrowing, to be secured over the medium term financial strategy (MTFS) period, 2017/18 through to 2019/20. The revenue implications are detailed in the financial implications section of this report and are supported in the MTFS.

8 Of the £11.7m prudential borrowing requirement, detailed in appendix 2, £0.7m will be held as a contingency to fund unforeseen immediate requirements and the remaining sum is proposed to fund the following:

- £1.2m is required for priority corporate property estate works to ensure continued compliance with health and safety standards.
- £2.0m is required for the purchase and repair of existing open market properties to house vulnerable young adults, care leavers and those that require assistance to live independently. This scheme will provide match funding to registered social landlord (RSL) to adapt properties to meet client groups' needs that can be complex. This scheme will reduce revenue budget pressures in adults and wellbeing, including temporary accommodation costs.
- A further investment of £1.2m is recommended to continue to grow the offering at Herefordshire enterprise zone. The money will be used alongside grant funding (subject to confirmation in the autumn statement) to develop the shell store building to provide space for business start-ups. Public sector led investment for space to rent has proved successful, confirming demand, and by providing this space it is anticipated that more businesses will be attracted to Herefordshire.

- £3.8m funding is proposed to support an application for external capital grant funding towards continued improvements to the county's roads. Non principal roads have benefited from investment in prior years however principal road conditions have deteriorated and require additional investment. The bid will also target investment in the county's bridges. The submission for grant funding will be made in the new year.

- £0.6m is proposed to fund site investigation, feasibility and preparatory works as part of the development partnership project. This project will see the council commission a developer to progress the development of suitable sites in its ownership including the capability to progress development funding and provision of services and to be open for use with other collaboration partners as required. Procurement of a preferred supplier is progressing with appointment expected to be approved in the summer. A number of projects are expected to start post appointment, the affordability of the programme will be assessed at all stages during the process.

- In line with the Fastershire Broadband Strategy adopted by Cabinet in December 2015, up to a maximum of £2.0m is requested from the 2018/19 capital programme to complete the council's anticipated funding commitment. This will be matched by £2.4m of external grant funding secured. Significant progress has been made in delivering Stage 3 of the four stage strategy resulting in a range of bids for the lots which have been designed to cover Herefordshire. These bids provide a real world indication of costs and will be finalised as part of a contract award decision expected in early 2017.

- The remaining sum will fund capital equipment costs supporting the delivery of savings in library and customer services, investment in Stretton Sugwas closed landfill site remediation works and corporate funding towards externally funded energy saving schemes.

9 The £4.8m schools capital investment strategy is linked to preliminary works to inform key investment need and an expansion to Marlbrook school. It is anticipated that a significant number of schemes will come forward over the next five years to deliver sustainable, high quality education facilities in Herefordshire. Funding for the completion of such schemes will be explored with partners such as the education funding agency, schools, the diocese of Hereford, archdiocese of Cardiff, local communities as well as opportunities for releasing sites and reinvesting in education.

Borrowing implications

10 The additional borrowing requirement of £11.7m will be included in the treasury management strategy (TMS) to February Council which will be updated following approval of this report. Actual borrowing will be secured as cash funding is required following individual scheme approval and commencement, at the optimal interest rate available at that time.

11 Total gross outstanding debt was £196.5m as at 31 March 2016, the 2017/18 operational boundary for borrowing as approved in the TMS is £290.0m, the approval of the proposed additions in this report will remain below this operational limit.

12 Herefordshire has a long term debt to asset ratio of 28% which means just over a quarter of Herefordshire's assets are financed by long term debt, which is in line with the average for all unitary authorities. Herefordshire currently provides 12% of its net revenue budget to cover the repayment cost of debt. This is slightly higher than the all unitary average of 9% and represents the council investments in a number of

schemes that will generate returns, for example investment in an energy from waste plant and the county's leisure centres.

Community impact

13 The capital programme proposed supports the overall corporate plan and service delivery strategies in place. The overall aim of capital expenditure is to benefit the community through improved facilities and by promoting economic growth.

Equality duty

14 The Public Sector Equality Duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying "due regard" in our decision making in the design of polices and in the delivery of services.

15 Following the commencement of a new capital scheme an equality impact assessment is completed to assess any potential impact on the protected characteristics as set out in the Equality Act 2010.

16 The duty means that the potential impact of a decision on people with different protected characteristics is always taken into account when these assessments have been completed then we will consider mitigating against any adverse impact identified.

Financial implications

17 The majority of proposals are funded as detailed in appendix 2. Proposals are subject to the confirmation of external funding sources expected over the coming months.

18 It is estimated that the phasing and cost of the £11.7m new prudential borrowing requirement, using the current weighted average cost of capital of 3.42%, will be as follows. Actual borrowing is only secured when cash funds require.

	Capital cost	Cost of borrowing per annum
	£m	£m
2017/18	3.2	0.1
2018/19	5.5	0.2
2019/20	3.0	0.1
	11.7	0.4

19 The expected additional borrowing costs will continue for approximately 25 years and comprise both interest and debt repayment. These estimations will be included in the revenue budget proposals for future years.

Legal implications

20 The council is under a legal duty to sensibly manage their own capital finance. The council is able to borrow subject to limits set by the council and any nationally imposed limits and it must do so in accordance with the prudential code on borrowing.

21 The Local Government Act 2003 allows the council to borrow for any purpose relevant to its functions under any enactment and for the purposes of the prudent management of its financial affairs. Before approval of any individual scheme it will be necessary to ensure that the need for the scheme arises out of a legal obligation on the council for its provision. Any scheme will need to be procured in accordance with the procurement regulations and the council's own contract procedure rules and appropriate contractual documentation put in place to protect the council's interests.

Risk management

22 The level of prudential borrowing required as a result of these proposals is within the existing MTFS. Borrowing is only secured when required as detailed in the TMS. When schemes are approved they are included in the monthly budget control meetings which highlights individual scheme risks and possible mitigation action.

Consultees

23 General overview and scrutiny committee considered the proposals on 14 November and made no substantive recommendations. Cabinet considered the proposals on 1 December and recommended the programme to full Council for approval.

Appendices

Appendix 1 - Approved capital programme

Appendix 2 - Proposed additional schemes

Background papers

- None identified.

Appendix 1

Approved capital programme

Scheme Name	Spend in prior years £000	Sept 2016/17 budget £000	2017/18 £000	2018/19 £000	2019/20 £000	Total £000
Economy, Communities and Corporate						
Energy from Waste Plant	23,412	16,588				40,000
Hereford City Centre Transport Package (includes Hereford city link road)*	17,575	12,124	5,682	4,000	1,270	40,651
Local Transport Plan (LTP)	annual plan	11,633	11,313	10,341	10,341	
Fastershire Broadband (excludes Gloucester spend in prior years of £9.7m)	9,003	6,605	9,747	2,845		28,200
Hereford Enterprise Zone	5,071	3,150	7,779			16,000
Leisure Centres	7,268	2,784				10,052
Solar Photovoltaic Panels	463	1,671				2,134
Data Centre Consolidation	-	1,170				1,170
Corporate Accommodation	18	1,082	600			1,700
South Wye Transport Package (total budget of £35m includes £8m funded by LTP, scheme extends into 20/21)*	1,983	1,000	3,500	14,000	6,200	26,683
Hereford Library Accommodation Works	91	909				1,000
Marches business improvement grants	-	833	833	834		2,500
Highway Depot Improvements	-	800				800
IT Network Upgrade	-	500				500
Software to Enable Remote Access to Desktops and Automate Upgrades	-	500				500
Property Estate Enhancement Works	-	500	500	500	500	2,000
LED street lighting	4,750	905				5,655
Childrens wellbeing						
Colwall Primary School	33	4,800	1,667			6,500
Schools Capital Maintenance Grant	annual plan	1,205				
Peterchurch Primary School	6	1,000	4,494			5,500
SEN & DDA school improvements			710			710
Schools Basic Need	annual plan	666				
Adults and wellbeing						
Disabled facilities grant	annual plan	1,734	tbc			
Other schemes less than £500k		*4,877*	*1,685*	*530*		
Total		**77,036**	**48,510**	**33,050**	**18,311**	
Financed by						
Prudential borrowing		44,382	19,126	5,030	1,770	
Grant and funding contributions		27,388	21,299	28,020	16,541	
Capital receipt funding allocated to approved capital schemes		5,266	8,085			
Total		**77,036**	**48,510**	**33,050**	**18,311**	

* both of these schemes are supported by the Marches Local Enterprise Partnership (LEP) and the funding allocations are based on the details contained within the scheme business cases, however as schemes develop and work completes the individual scheme costs may vary but remain within the overall funding envelope as shown below:

Scheme		LEP Grant £m	Locally funded £m	Total scheme budget £m
Hereford city centre transport package		16	25	41
South wye transport package		27	8	35
Total		**43**	**33**	**76**

APPENDIX 2

PROPOSED CAPITAL BUDGET ADDITIONS (subject to Cabinet or Cabinet member approval)

	Capital spend				Capital funding				
Scheme Name	**17/18 £000**	**18/19 £000**	**19/20 £000**	**Total Cost £000**	**17/18 £000**	**18/19 £000**	**19/20 £000**	**Total Funding £000**	**Total net cost £000**
Priority schemes									
Stretton Sugwas closed landfill site gas extraction system	95			**95**				**-**	**95**
Customer services and libraries - investment in equipment	133			**133**				**-**	**133**
Private sector housing improvements - match funding per housing unit to generate savings	800	800	800	**2,400**	400			**400**	**2,000**
Priority corporate property estate works	1,171			**1,171**				**-**	**1,171**
Sub total	2,199	800	800	**3,799**	400	-	-	**400**	**3,399**
Subject to additional funding confirmation									
Herefordshire Enterprise Zone, shell store incubation centre	2,500	3,200	500	**6,200**	2,500	2,500		**5,000**	**1,200**
Development Partnership project mobilisation and investment	600	10,000	10,000	**20,600**		10,000	10,000	**20,000**	**600**
Highway asset management & major infrastructure investment (including Hereford by-pass)	14,543	7,735	7,000	**29,278**	14,000	6,000	5,523	**25,523**	**3,755**
Energy efficiency invest to save programme	100			**100**	12			**12**	**88**
Model Farm, Ross on Wye, new enterprise park	2,520	4,250	300	**7,070**	2,520	4,250	300	**7,070**	**-**
Sub total	20,263	25,185	17,800	**63,248**	19,032	22,750	15,823	**57,605**	**5,643**
School capital investment strategy									
Preliminary works to inform key investment need throughout the county	300	1,774		**2,074**	300	1,774		**2,074**	**-**
Expansion for Marlbrook school to make it full 3 form entry and create an early year's hub.	2,000	726		**2,726**	2,000	726		**2,726**	**-**
	2,300	2,500	-	**4,800**	2,300	2,500	-	**4,800**	**-**
Subject to suitable providers being commissioned									
Fastershire broadband strategy	-	4,403	-	**4,403**	-	2,437	-	**2,437**	**1,966**
1% contingency	228	322	186	**736**	-	-	-	**-**	**736**
Total	**24,990**	**33,210**	**18,786**	**76,986**	**21,732**	**27,687**	**15,823**	**65,242**	**11,744**
Corporately funded prudential borrowing requirement					3,258	5,524	2,963	**11,744**	

Herefordshire Council

Meeting:	**Council**
Meeting date:	**16 December 2016**
Title of report:	**Herefordshire economic development strategy**
Report by:	**Cabinet member economy and corporate services**

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To adopt the Herefordshire economic vision as the county's economic development strategy.

Recommendation(s)

THAT:

(a) the Herefordshire economic vision attached at appendix 1 be adopted as the county's economic development strategy; and

(b) delegated authority be given to the cabinet member economy and corporate services to make technical amendments to the strategy during the period 2017 to 2021 on factual matters such as: updating of statistics, replacing images, and reflection of projects approved by cabinet within each aim of the strategy.

Alternative options

1 That the strategy is amended to reflect different priorities. This is not recommended because consultation with partners was undertaken early within the process of drafting the strategy. The draft strategy reflects priorities and opportunities identified through this consultation. A mechanism is included within the strategy to review the content on a regular basis and to include new priorities if required.

2 That the strategy is not accepted or published. This is not recommended because the draft strategy identifies opportunities and guides investment. Without the strategy there is significant risk that the county would lose out on external investment opportunities and not realise the vision.

Reasons for recommendations

3 The draft strategy has been produced to reflect an agreed approach on the actions and priorities to secure the future economic prosperity of the county. As a budget and policy framework document adoption of the strategy is reserved to full council.

Key considerations

4 The draft strategy, called Herefordshire's Economic Vision, will provide a key context to regeneration and investment work in the county. In particular it will form a basis for the private sector to plan future investment decisions and identify opportunities.

5 The strategy spans fifteen years, split into three blocks each of five years. This allows the strategy to focus on the immediate projects which are already in development whilst also allowing the ambition and vision to be articulated over a longer time period.

6 The aim of developing the economic vision is to unlock and drive the full economic potential of the county through a coordinated plan that is at once ambitious and coherent, dynamic and, whilst stretching, is persuasive and achievable.

7 The economic vision focuses on a broad investment picture. It recognises that it is neither right nor possible for the council to deliver this vision alone and identifies a series of private sector investment opportunities that would make a significant contribution to the growth of the county.

8 The economic vision has four key roles, it;

- Identifies priority projects that will support economic growth or generate a higher value economy;
- Attracts investment to Herefordshire and guides it within the county;
- Raises the profile of Herefordshire and the investment opportunities;
- Provides Herefordshire with a framework and clear priorities for negotiations with government and crucially the Marches Local Enterprise Partnership;

9 The vision recognises that availability of public sector funding is significantly reducing and for the county to advance it will need to perform better in terms of attracting private sector investment. Consequently the focus of the strategy is on a number of large scale capital investment opportunities each a definable project in its own right.

10 The strategy identifies these opportunities and brings them into a document to demonstrate a coordinated approach to regeneration across the county. As identified above, one of the primary roles of the strategy is to attract and guide investment to the county. The strategy and a suite of future publicity material will be used to market the county and investment opportunities to the development and investment community.

11 Additionally the document will be utilised by the council, and partners, in a lobbying and bidding capacity, specifically, but not restricted to, the Marches Local Enterprise Partnership and government.

12 The strategy is visionary and aspirational. The investment opportunities are in various stages of development and it is accepted that not all of them may be realised. It is important to demonstrate what could be achieved within the county and to start the conversation about regeneration with partners, local communities, and prospective investors whilst remaining agile and flexible to respond to challenges and opportunities as they arise.

13 A number of agreed council priorities are included within the strategy to demonstrate the alignment of council projects and the capital programme behind the aspirations contained within the strategy.

14 The strategy is not a statutory document but it is strongly linked to the local plan and Herefordshire's adopted local transport plan.

15 Cabinet considered the Herefordshire economic vision as the draft economic development strategy on 1 December 2016. Cabinet agreed that the Herefordshire economic vision, as the draft economic development strategy, be recommended to council for adoption, and separately approved the investment pitch book (at appendix 2 for information).

Community impact

16 The strategy is supported by a suite of investment opportunities. Each of these projects will aim to make a contribution towards economic growth and a higher value economy. These projects are in various stages of development. Consequently some projects have a defined and evidenced set of outcomes and benefits, whilst other projects will need to undertake this work as the project develops.

17 The strategy sets out some specific targets to demonstrate contributions to economic growth and to measure success. These targets are aspirational and will be subject to review on a regular basis. Examples of the targets included within the strategy are:

a. Increasing average wages;

b. Providing new higher education places;

c. Increasing the number of new business start-ups;

d. Reducing carbon dioxide levels;

e. Increasing Gross Value Added to demonstrate improved productivity.

18 The drafting, and approval, of the strategy will help guide council and private sector investment through the implementation of the investment opportunities and other projects, consequently making a significant contribution to the corporate priority to support the growth of our economy.

Equality duty

19 There are no equality or human rights issues arising from the content of this report and there are no equality or human rights issue in the drafting of an economic

development strategy.

20 However, the work contained with the production of the Economic Master Plan may draw attention to issues within the implementation of the various priority projects that would have an impact on equalities or human rights.

21 Should council approval be required for support towards, or involvement with, any of these priority projects, a decision report will request the appropriate approval and set out the equality and / or human rights issues.

Financial implications

22 The financing of the individual projects will largely be achieved through private sector investment, however all other funding opportunities will be considered where appropriate and realistic including government grants and other public sector finance. Should a project require the council to make a financial contribution, or provide other support, a decision will be required at the appropriate governance level informed by a business case as necessary.

23 Cabinet approved in June 2016 the procurement of a development partner, contract award is currently anticipated within summer 2017. The development partnership is a potential delivery option for the investment opportunities being promoted by the council.

24 A suite of additional material will be produced to accompany the strategy from a marketing and promotional perspective. The specific material required has not been defined however costs will be met from within existing department budgets.

Legal implications

25 The economic development strategy is not a statutory document and as such there is no requirement to produce one. However the council has deemed it appropriate to have such a plan and it forms part of the policy framework to be approved by council.

Risk management

26 There is risk in realising the ambitions of the strategy in uncertain economic times. This will be mitigated by working with partner organisations to deliver effective activities to achieve ambitions.

27 There is risk in ensuring funding streams are available to progress key projects, particularly in relation to infrastructure. This will be mitigated by working with the Marches Local Enterprise Partnership (LEP) and other partners to access funding and to encourage private sector led regeneration.

28 There is also risk in ensuring engagement from the private sector which is necessary to deliver the strategy. This will be mitigated by working with the Herefordshire Business Board and other key partners such as the Hereford Business Improvement District, Enterprise Zone Board, Chamber of Commerce, Federation of Small Business, and various project partners involved in the production of the strategy.

Consultees

29 The draft strategy has been informed by a series of ‘planning for real’ style events

that took place in the spring of 2016. The events included:

- Leominster – 29 February
- Hereford Business Board – 1 March
- Hereford – 2 March
- Ross-on-Wye - 9 March
- Ledbury - 14 March
- Bromyard - 15 March
- Rural Areas, Withington – 17 March

30 Additionally a number of key local partners have been specifically engaged primarily due to the impact on their operation, asset, or remit. These include:

a. Herefordshire Nature Trust
b. Herefordshire Local Nature Partnership
c. Hereford and Worcester Chamber of Commerce
d. Herefordshire Federation of Small Business
e. NMiTE
f. County of Culture bid
g. Hereford and Ludlow College
h. Hereford College of Arts
i. Hereford Football Club
j. Hereford Business Improvement District
k. Ross Rowing Club
l. Ross Independent Traders Association
m. Hereford Rugby Club
n. The Enterprise Zone board
o. Arena Racing Company

31 Comments from the above partners has informed the development and identification of the investment opportunities.

32 General overview and scrutiny committee have meet to discuss the strategy. A

summary of their recommendations and the response to these is included at appendix 3.

Appendices

Appendix 1: Economic Development Strategy – Herefordshire's Economic Vision

Appendix 2: Investment Pitchbook

Appendix 3: Response to General Overview and Scrutiny Committee recommendations

Background papers

- None identified.

Invest Herefordshire

Herefordshire's Economic Vision

Invest Herefordshire

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Foreword

Herefordshire is a dynamic, vibrant and growing county. It has areas of outstanding natural beauty and sites of specific scientific interest, with wildlife and conservation sites covering 9% of the county. It is popular with tourists seeking to experience the outdoors, natural beauty and is home to town hailed as the birthplace of British tourism- Ross-on-Wye. Every May and December, thousands of visitors arrive to the Hay Festival of Literature in the Welsh border town and the River Wye attracts water-based activities all year round.

It is not only tourists who enjoy Herefordshire. The county's entrepreneurial spirit and room to grow has proved fruitful to business, including Bulmers (Heineken), British Land, Cargill, Weston's Cider, Bloor Homes and Tyrrells Crisps. The defence industry is well-represented across the county, as home to the Special Air Service and a short distance from Gloucester–based Government Communication Headquarters.

The commitment to superfast broadband is connecting creative and diverse businesses across the county, with big business existing alongside successful smaller businesses. There are significant investment opportunities in a county that is already forward-thinking and ambitious. A number of schemes are underway, with the Hereford Bypass in progress and significant city-centre refurbishment and investment creating an exciting and sympathetic historic shopping and leisure destination.

There is commercial potential to capitalise on the county's links to the Midlands, the South West and Wales alongside local specialisms in defence and security, manufacturing, food, drink and tourism. This economic vision identifies key projects and investment opportunities across the county and starts the conversation between local partners and the investment and development community.

As we all expect to be able to connect online, offline, to commercial centres and with natural surroundings, we need a thriving economy that creates high value jobs, whilst maintaining and enhancing the quality of life and natural capital of this fertile county. This economic vision identifies the ambitions and intentions of a range of stakeholders and partners, to help make Herefordshire an even better to place to live, work and learn.

This is just the start. We aim to be aspirational and forward thinking, to look beyond what is currently planned, identify new opportunities and build a bigger picture. We look forward to working with you to deliver this economic vision for Herefordshire.

Why an economic vision?

■ Britain's economy is changing. Regions must compete ever more effectively for investment, whether from the private sector or the public sector. Herefordshire is performing well – and competitively – in attracting inward public investment into our county's infrastructure, but we cannot depend upon public investment to drive our economy in the long-term, or to unlock its real potential.

The aim of setting out the economic vision is to realise the full economic potential of the county through a coordinated plan that is at once dynamic but coherent and, whilst ambitious, is persuasive, achievable and sustainable.

The economic vision focuses on a broad investment picture. It identifies a series of private sector investment opportunities that will contribute to the growth of the county. It also sets out what the public sector, in an enablement role, will provide in terms of creating the conditions to encourage economic growth.

The economic vision has four key roles:

1. to support the growth of the Herefordshire economy by identifying priority projects:
2. to attract investment to Herefordshire and guides it within the County:
3. to raise the profile of Herefordshire and the investment opportunities:
4. to provide Herefordshire with clear priorities for negotiations:

Alongside local stakeholders the principle audience is intended to be the development and investment community. Consequently the vision aims to demonstrate the economic momentum and opportunity within Herefordshire.

The timescale of the vision is set over fifteen years, split into three blocks each of five years. This gives focus on the projects which are already in development whilst also allowing an element of ambition and vision to be articulated over a longer time period.

SECTION 1

Herefordshire the county

■ Herefordshire is an entrepreneurial county, 15% of the population are self-employed; there are excitingly high levels of patent registrations; and good business survival rates. The county's business base is both diverse and healthy.

Despite its relatively rural location the county benefits from being on the motorway network linking South Wales to the West Midlands in addition to having direct and regular rail links to London, Birmingham, Manchester and Cardiff. Birmingham, Bristol and Cardiff airports are all accessible within a 90 minute drive.

The largest business sectors are currently

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manufacturing, defence and security, food and drink production, agriculture and tourism. Within the county a number of global companies – including Cadbury/Mondelez, Heineken, Cargill, Kingspan, and Special Metals, operate alongside well known British brands – including Tyrells, Weston's Cider, and PGL, most of whom have started and grown in Herefordshire.

To support the county's continuing growth, Herefordshire Council has recently adopted a local plan which by 2031 will have delivered 16,500 new homes; new bypasses for Hereford and Leominster to reduce congestion and improve access to markets; and sufficient employment land to meet the needs of a growing business base.

Much has already been achieved in recent years to implement this proactive pursuit of growth. Major investments include:

- The Old Market retail and leisure development. This £90m development, in partnership with British Land, brought a new cinema, retailers that include a department store and high end supermarket and restaurant chains reinforcing the role of Hereford as a retail destination.
- Fastershire. A £32.5m programme of investment in superfast broadband infrastructure, delivering a 21st century digital network, to 55,000 homes and businesses countywide.
- Hereford Enterprise Zone. A 74 hectare new business park development which has already secured over £23m of public and private investment delivering business growth and new job opportunities.

- Halo Leisure. Investment of £10million in the redevelopment of a range of sports and leisure centres to bring facilities into the 21st century, enhance the user experience, and improve the company's economic viability.
- Securing over £43m from central government for road infrastructure schemes which will enable the development of several hundred city centre homes, and form the first section of a Hereford bypass.
- Investing £7m in the construction of a new Livestock market to facilitate the retail and leisure development within the city and provide a state of the art market to serve the Marches agricultural sector.

These and other investments represent well over £250m of recent public and private investment in the county, improving the economic infrastructure and enabling private sector growth.

Economic Challenges

As with any county or region there are challenges affecting the economic and social character of Herefordshire.

■ Challenge 1 – Productivity and a low wage economy

Herefordshire has very low unemployment, 3.5% over the period July 2015 to June 2016, finding jobs is not an issue within the county. However in 2016 Herefordshire finds itself within the bottom 5% of council areas across Great Britain in terms of average weekly wage. This is largely a legacy of an economy built upon agriculture, food and drink processing, and manufacturing. It impacts on the resident population's disposable income, social mobility and living standards. Our solution to these social and economic issues is to aim to become a higher value economy with a focus on knowledge intensive employment and businesses.

When measured per head of population, Herefordshire's gross value added (GVA) in 2013 was £17,900, highlighting lower levels of economic productivity when compared to both regional (£19,400) and national (£24,000) GVA per capita.

The knowledge economy (founded on technological progress and advanced products and supported by highly skilled workers in financial and business services, communications and information) has driven UK economic growth for the last 40 years. Yet within Herefordshire these sectors make a significantly lower contribution than the more traditional sectors of agriculture, public administration, and manufacturing.

Herefordshire is moving towards a more knowledge based economy. This is bringing forward improved communications infrastructure, upskilling of the workforce, attracting highly skilled employees who benefit from the opportunities on offer and the high quality of life within the county.

Economic Challenges

■ Challenge 2 – Skills and Higher Education

Herefordshire has a very high proportion of good and outstanding early year's providers, schools and colleges. The sixth-form college is one of the best performing in the country and was voted Times Educational Supplement Sixth form College of the Year in 2016.

The education System in Herefordshire is highly collaborative; this has led to a year on year improvement in education outcomes, moving Herefordshire from below average performance to second and top quartile performance nationally for most children.

Whilst qualification performance is strong, further improvement is needed in developing the right match of skilled employees for current and future business needs. We want to achieve this through strong and enduing relationships with the business sector.

9.4% of the working age population have no qualifications (8.6% nationally) and it is recognised that local engineering and manufacturing companies are struggling to recruit people with the right skills.

The evidence is clear that increasing the level of skills in the workforce is fundamental to economic long term growth. As the national economy moves to a model characterised by high performing and high value added sectors, this in turn requires more people to be employed in higher level jobs with the skills to match.

Key to increasing the skills base of the local workforce is the provision of higher education courses. The current lack of a university within the county leads to a significant proportion of college graduates leaving the county to further their education. Few make an immediate return leading to a localised "brain drain" that is not reversed until people enter their late thirties, start families and begin to have a different set of priorities.

It is therefore vital that we ensure that young people have the skills that they need to find work and that people are supported throughout their lives to upskill and achieve their potential. Provision of a higher education institution will help to replace the students choosing to study out of county and provide a source of graduates to local businesses. Collaboration between businesses and skills providers will need improving to be responsive to changing and emerging business and skills needs.

■ Challenge 3 – Infrastructure and capacity

Large area's of the county are a considerable distance from the national motorway network. Other areas may suffer from slow broadband connectivity or unreliable mobile phone coverage. In the "digital age" any under provision of electronic communication can be as big an inhibitor to growth as the lack of road, rail or utility infrastructure: To address this infrastructure challenge the council and BT are investing £32.5m in the Broadband network locally.

The significant growth in housing and employment sites planned for the county can only be accommodated if the required supporting infrastructure is in place. The challenge is to ensure this infrastructure is in place in time to facilitate the growth.

The current principle infrastructure constraints relate to the road infrastructure in and around Hereford, with similar but smaller scale issues to be addressed in Leominster. Additional constraints apply to the capacity to treat waste water and mitigate phosphate discharge, and the provision of suitable broadband speeds to meet the needs of businesses and residents.

SECTION 2

Vision, aims and outcomes

The Herefordshire economy will be grown by delivering new jobs which generate increased output per head through exploiting knowledge whether in the manufacturing, leisure, or service sector.

Our vision will be delivered through implementation of seven Aims

A Great Place for Business	Creating the conditions in Herefordshire to encourage new business start-ups and an increase in productivity leading to higher value employment and greater innovation.
A Great Place to Learn	Increasing the range of higher education provision and improving the balance between business demand and the supply of skills and qualifications.
A Great Place to Live	Offering diverse and well located new homes and a broader range of jobs whilst maintaining and improving the quality of life within the county.
A Great Place to Visit	Developing a broader range of visitor and leisure attractions and increase the length of visitor stay and amount of spend.
Great movement and accessibility	Improving the connectivity of people and business to jobs and markets.
Countywide Ambition	Enabling Market Towns and rural communities to maximise their role in building thriving, distinctive, service centres that support their communities and rural hinterlands.
A Great Environment	Improving competitiveness and growth through energy and resource efficiency and implementing a range of landscape enhancements.

Vision

Herefordshire will offer an unrivalled balance of economic opportunity and quality of life. The much sought after Herefordshire rural and urban living environments will be further enhanced by thriving communities and economies that are better connected and made more sustainable by conserving and enhancing the natural environment. The County will host a range of exciting investment opportunities and be open and welcoming to external investment.

Businesses that exploit knowledge will start-up, grow and invest in a supportive environment. A diverse range of high value jobs will be produced in sectors where there is a competitive advantage. The county will become a world class choice for students in specialised disciplines whilst retaining and attracting young people and skilled workers.

Aim 1 - A great place for business

Creating the conditions in Herefordshire to encourage new business start-ups and an increase in productivity leading to higher value employment and greater innovation.

■ Vision

Assets will exist in the form of a nationally important cyber security centre of excellence and a suite of business incubation centres. Dedicated facilities on the Skylon Park enterprise zone will enable collaborations between local businesses, the New Model in Technology and Engineering (NMiTE) university and other higher education partners. Hereford will be a sub-regional office location serving the county, eastern Wales and beyond, catering for a growing professional services and creative industries sector. All of the above will create jobs in higher value sectors and boost GVA.

The enterprise zone will be fully occupied and a range of relevant, attractive business parks will operate within the city and the market towns in locations that capitalise on the motorway and trunk road network. Electronic communications will benefit from a superfast broadband infrastructure that enables connected work environments throughout the county. Herefordshire companies will have access to a supportive business landscape where company growth is encouraged by a supportive regulatory framework, specialist advice, and a range of finance options.

School and college students will recognise starting a business as a viable and achievable career choice and will have access to a range of support and accommodation to facilitate their business growth.

■ Outcomes

Increase GVA per head by 10% in real terms, from £19,500 to £21,500 by 2031 (at 2015 prices).

Directly assist in the creation of 1,000 new businesses by 2031.

Create 10,000 new jobs by 2031.

Projects

1. Development of a new Hereford central business district as a sub-regional office centre meeting increased demand for office space from professional services and creative industries.
2. Construction by the University of Wolverhampton of a new Cyber Security centre of excellence which facilitates collaboration between research faculties and businesses.
3. Continued commitment to the build out of the Hereford Enterprise Zone and investment within the existing Rotherwas industrial estate.
4. Development of an entrepreneurial culture among school and college children to create a genuine future career option of starting a business.
5. Build out of the Model Farm enterprise park at Ross on Wye and encouraging delivery of existing major employment allocations at Three Elms in Hereford, Moreton on Lugg, and the market towns;
6. Construction of a range of new or refurbished business incubation centres within Ross on Wye, Leominster, Ledbury, Bromyard and Kington.
7. Development of the Marches Growth Hub offer to coordinate and maximise the range of advice, funding and support available to businesses across the county.

Aim 2 - A great place to learn

Increase the range of Higher Education provision, improve the balance between business demand and the supply of skills and qualifications, and strengthen the relationship between business and schools

■ Vision

Higher Education provision at the College of Arts and Hereford and Ludlow College the city and wider county will become home to a vibrant and growing student population. There will be an innovative and successful cluster of spin out businesses from several institutions locating in a series of business incubation centres across the county. Herefordshire business will have access to a range of opportunities to engage in research and development in collaboration with local Universities and other private sector facilities.

Businesses will have a strong relationship with schools, through the provision of business governors, involvement in curriculum opportunities and careers development and developing a better understanding of skills requirements

Herefordshire schools, colleges and training providers will have benefited from £100m of public – private sector investment to improve the learning environment and give Herefordshire children the best possible start in life.

■ Outcomes

Provide 1,500 HE student places in county by 2025.

Increased take up of apprenticeships.

Projects

1. Implementation of the New Model in Technology and Engineering University, as a regional centre of engineering excellence, with associated teaching and administration space, student accommodation, and linked laboratory and development workshop space.
2. New build student accommodation and associated facilities for students attending the Hereford College of Arts.
3. Investment in the Holme Lacy campus and development of the campus and college farm for an expanded range of courses and outside, but linked, activities.
4. Increased linkages between the county's schools and colleges and the local business base, expansion of entrepreneurship based programmes such as Young Enterprise.
5. Implementation of the £100m schools capital investment programme over the next twenty years.

Aim 3 - A great place to live

Offering diverse and well located new homes and a broader range of jobs whilst maintaining and improving the quality of life within the county.

■ Vision

The county will offer an unrivalled work / life balance. Improved road and electronic communications will facilitate greater access to markets. Supportive planning policies and improved broadband infrastructure will make home working and live / work units a genuine work choice for significant numbers of people. The City of Culture bidding process will have led to increased participation in cultural activities across the county and an expansion of the existing vibrant arts and cultural offer.

Herefordshire will be known across the country for its natural capital and access to an outdoor lifestyle. The county will be host to a number of regional or national level sporting or leisure events that capitalise on significant local participation and a number of purpose built facilities.

Each market town and the city will have built on their distinctiveness and vibrancy. A range of sympathetic and high quality developments will enhance the residential, leisure and commercial offer improving the viability of the town centres. New build housing will have been encouraged towards energy minimisation and Passivhaus developments will be an increasingly common form of new build.

■ Outcomes

Construct 16,500 new houses including maximising the number of affordable housing units by 2031.

Increase gross weekly pay from £420 to £460 by 2031 (at 2015 prices).

Projects

1. Continue the development of the urban village within Hereford city as a mixed use site providing jobs, housing and public services;
2. Promotion of the Berrington Street area as an opportunity for a new ‘city living’ development with small scale/niche retail accompanied by cafés, bars and food outlets alongside live/work units and residential or student accommodation.
3. Working with Hereford Football Club to refurbish the Edgar Street ground to provide a range of ancillary uses and improve the facilities available to the club and supporters.
4. Development of a calendar of outdoor sporting or leisure events of regional or national standard that build upon the creation of locally available facilities and locations.
5. Submission of the city of culture bid to improve the range and profile of cultural activities and increase the local engagement with various cultural assets and facilities.
6. Encouragement of housing schemes and business premises that minimise energy consumption with particular focus on the provision of Passivhaus standard homes and office locations.

Aim 4 - A great place to visit

Developing a broader range of visitor and leisure attractions and increase the length of visitor stay and amount of spend.

■ Vision

Building on current strengths Herefordshire will become nationally known for its outdoor sporting and leisure competitions and experiences. Organised competitive and recreational events will be held across a range of disciplines supported by facilities that offer a year round opportunity for more casual and leisure use. At the forefront of this outdoor offer will be the River Wye, access to, and use of, the river will be improved at key locations to develop its economic potential.

The local food and drink sector will present a significant tourist attraction. Building on the growth of local food entrepreneurs the county will attract those who want to sample high quality cooking using traditional and local ingredients. There will be the opportunity to experience not only local food and drink but a range of music, arts and other cultural events through a range of festivals, producer tours and open days, street events and specialist retail outlets supporting local producers.

Building on the history and cultural offer of the county a number of new visitor attractions will have opened under private ownership. Combined with the Cathedral, National Trust properties, and other existing attractions significant numbers of visitors are drawn to the county to experience its history and heritage in a variety of forms.

Underpinning the entire visitor offer will be a wide range of quality and unique accommodation experiences including yurts, Hobbit Holes, bivouacs, and high-end glamping. At the other end of the scale, Hereford will feature a new high quality hotel to meet the increased demand from visitors to the new university and increased business and cultural tourism.

■ Outcomes

Increase the total visitor spend by 7.5% (from £442 million to £475 million) by 2021.

Increase the total number of annual visits by 10% to over 5.5 million visitors.

Projects

1. Development of a ‘river quarter’ within Hereford to open up access to the river and provide a focal point for the county’s recreational and outdoor pursuits offer.
2. Utilisation of elements of the Hereford racecourse and surrounding area to develop an enhanced hotel and conferencing facility with wraparound leisure offer.
3. Working with local communities and organisations to expand upon and better promote the distinctive and sustainable music, arts and other festivals and events (h.Art, Three Choirs Festival, Hay Festival, Ledbury Poetry Festival) run throughout the year.
4. Working with specific attractions and landowners to develop a series of facilities that will accommodate sporting and leisure competitions that would ultimately be able to host a regional or national level event.
5. Continued support of the local food and drink sector in the enhancement of their visitor offer and experience and in the development of a series of food and drink orientated events and festivals which showcase the best the county has to offer.
6. Development and implementation of a Herefordshire Destination Management Plan to coordinate tourism activity and encapsulate new visitor economy drivers.
7. Support to new visitor attractions that add to the cultural and economic diversity of the county and have the potential to expand the visitor offer and generate additional visitor spend.

Aim 5 - Great movement and accessibility

To improve the connectivity of people and business to jobs and markets.

■ Vision

Hereford's bypass will enable the growth of the city. Through a network of attractive routes the participation in walking and cycling into and across Hereford will be increased. A range of street enhancements will link between the city core and the residential areas to the west and north by introducing pedestrian friendly crossing points and removing underpasses. New multi storey car parks will be situated in locations where they divert commuters and visitors before they impact on the city centre traffic, while the railway station will feature a public transport hub to combine bus, rail, and taxi provision.

Across the wider county improvements will be made to the A road network reducing journey times and improving safety. Railway stations throughout Herefordshire will feature enhanced car parking provision and, to improve reliability, the line between Hereford and Ledbury will be twin tracked.

The whole county will benefit from superfast broadband, enabling businesses to operate flexibly and allowing residents to benefit from the latest communication media and electronic leisure entertainment.

■ Outcomes

By the end of 2018 everyone in Herefordshire will be able to access the broadband services they need.

A 30% reduction in Hereford through traffic average journey times (A49 to A49) by 2031.

100% increase in the number of people cycling regularly by 2021, and a 200% increase by 2031.

Projects

1. Implementation of new public realm, bus and active travel measures across the city, including:
   - Continuing the road surface treatment on Newmarket Street along Blueschool Street and into Commercial Street.
   - Future road surface improvements along Edgar Street and Victoria Street towards the current road bridge over the River Wye.
   - Removal of the underpasses at Eign Gate and the Barton Road junction.
2. Development of new multi storey car parking sites to serve commuters and visitors to the city centre.
3. Construction of a new transport hub interchange at Hereford railway station to link rail, bus and taxi users.
4. Continued improvements to the cycle and footpath networks across Hereford city and the market towns to help increase walking and cycling options for commuters, school children and college students.
5. Implementation of the Hereford bypass transport package including an A49 to A49 bypass of Hereford and a range of active mode measures and behavioural change projects to encourage walking and cycling across the city.
6. Implementation of car parking improvements at Leominster and Ledbury railway stations to improve facilities available to passengers and increase usage.
7. Investment in the Hereford to Ledbury railway line to include twin tracks wherever possible to improve reliability, reduce journey times, and increase rail usage.

Aim 6 - Countywide ambition

Enabling market towns and rural communities to maximise their role in building thriving, distinctive, service centres that support their communities and rural hinterlands.

■ Vision

The market towns of Bromyard, Kington, Ledbury, Leominster, Ross on Wye and villages across the county will be vibrant places with a clear sense of community. They will all have built their own distinct identity focussing on identified target audiences to create a sense of distinctiveness and a niche tourism offer. Town centres will be sought after places to live, shop and visit. They will support small scale production, niche retailing and a growing local food, drink and hospitality sector.

Through the neighbourhood planning process new residential developments will be integrated into existing settlements, enabling sustainable growth for communities of all sizes. A series of premises will have been developed or converted to provide accommodation for small scale production and niche retailers alongside localised services such as post offices, business start-up space, and community facilities.

■ Outcomes

Reduce shop vacancy rates to 10% or less in each market town by 2025.

Develop and promote a distinctive visitor offer in each of the five market towns.

Projects

1. Development of a suite of managed workspace or ‘business centres’ across the county to encourage small, creative and innovative businesses.
2. Development of a series of rural employment and service centres where a combination of small scale production and niche retailing can flourish for example in craft and arts or food and drink based industries.
3. Redevelopment of specific and appropriate sites within the market towns to enhance the retail, service, employment and residential offer, starting with the redevelopment of Leominster Broad Street car park.
4. Establishment of business improvement districts in the market towns to give each a definitive business plan owned by local businesses and finance to deliver a range of improvements and programme of activity.
5. Growth of the emerging local food and drink and hospitality sector which is typified by the growing number of craft pubs, breweries, pop-up food outlets and speciality offers, to attract a wider and more diverse customer base.
6. Development of specialised retail and visitor propositions within each of the market towns based on local niche markets and linked to relevant local leisure and tourism offers.

Aim 7 - A great environment

Improving competitiveness and growth through energy and resource efficiency and implementing a range of landscape enhancements.

■ Vision

The overall quality of Herefordshire's landscape will have been enhanced through a series of conservation and ecology projects that attract visitors and serve local communities. Sites will be linked by a series of trails and facilities that encourage participation and access to conservation activities. Additionally projects will maintain and enhance the county's natural capital by increasing resilience to flooding, climate change, and loss of pollinators that service agriculture.

Work will continue on the delivery of the Nutrient Management Plan, specifically with the water companies, farmers, landowners and housebuilders to minimise the amount of phosphate reaching the watercourses.

The Urban Village development in the city centre will be served by a new district heating and energy system that offers a low carbon solution and reduces heating and power costs across this new and sustainable community.

Villages and communities elsewhere across the county will have introduced measures that lead to energy self-sustainability such as local energy schemes that allow revenues to be shared among local communities and bring about a reduction of numbers of households in fuel poverty.

■ Outcomes

Carbon dioxide reduction of 179,000 tonnes by 2021 a saving of £41m.

Number of visitors to Living Landscape projects – 150,000 by 2031

Projects

1. Delivery of the Lugg Living Landscape project restoring habitats and ecology across the river valley with accompanying access improvements and associated visitor and tourism facilities.
2. Implementation of the nutrient management plan to reduce phosphate levels, improving water quality and unlocking future development land.
3. Implementation of a range of localised energy schemes that contribute to increased energy self-sufficiency by delivering secure, low carbon and affordable energy.
4. Implementation of a range of other Living Landscape projects across the county in appropriate locations.
5. Development of Herefordshire's strong environmental technologies sector and provision of support to the fitting of energy efficient measures within business, community and public buildings.
6. Constructing a district heat and energy scheme for the Urban Village development utilising the requirements of the Heineken and Cargill factories alongside the demand created by the hospital and emerging NMiTE university proposals.

Invest Herefordshire

Herefordshire's Economic Vision

Invest Herefordshire

APPENDIX 2

Investment Pitchbook

■ The Economic Vision has "kick-started the conversation" with investors, partners and communities. Viable investment propositions that offer opportunities for both investors and for the economic growth of Herefordshire have been identified. To realise these projects, the council and its partners are committed to positively engaging with, and supporting investors.

The council's partners include the Marches Local Enterprise Partnership (MLEP), local public sector agencies, the Chamber of Commerce, Federation of Small Businesses, and other organisations with a more specific focus such as Hereford Business Improvement District and Enterprise Zone. Between the council and these partners, there are excellent links to the private and public sectors as well as connections to Whitehall departments that includes direct access to ministers. The council and partners have an excellent track record of delivering growth projects and bringing forward investment.

The council and partners will build on this track record and can support investors in a number of ways:

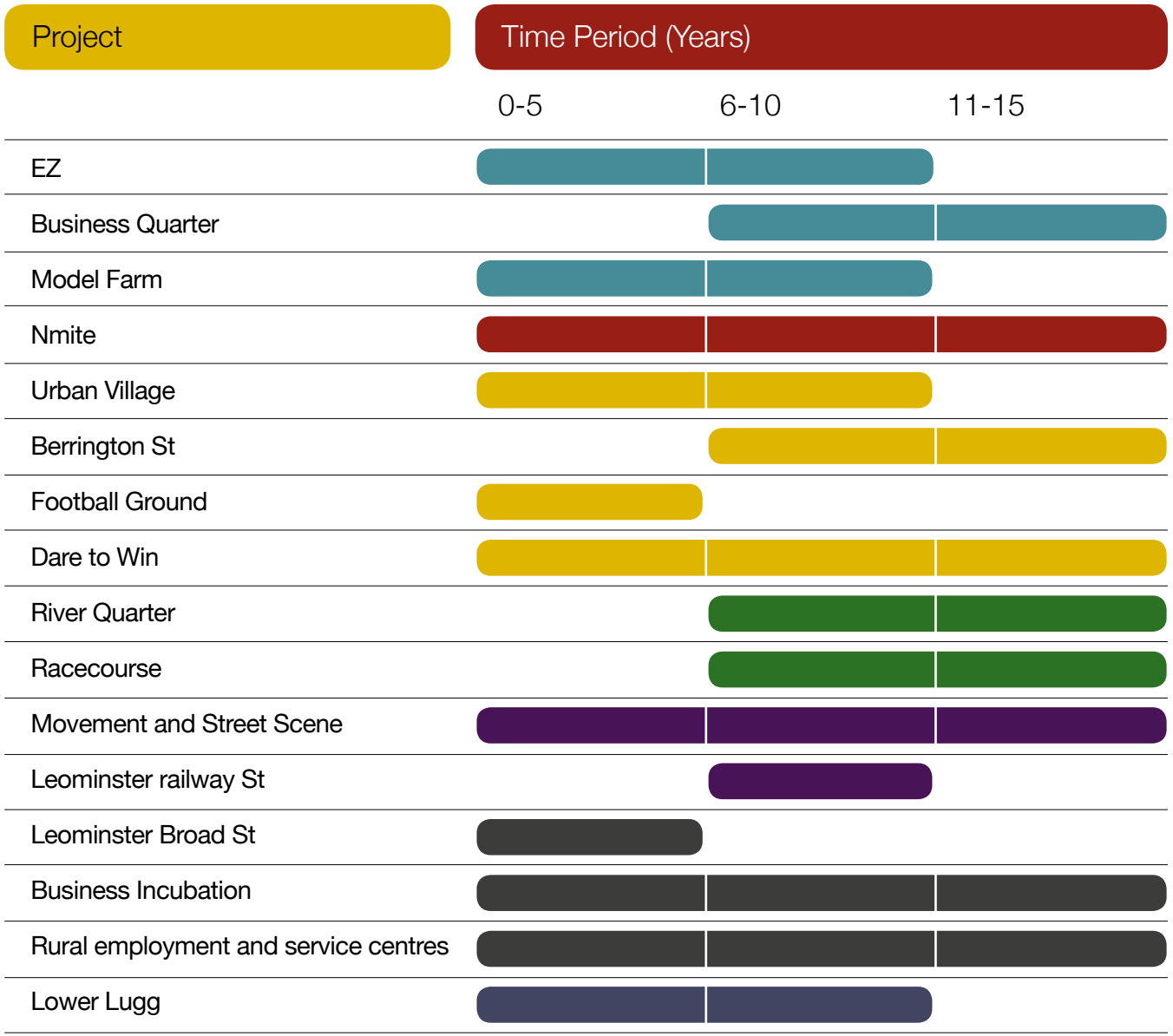
- **Infrastructure:** An extensive programme of road, rail and digital infrastructure, as outlined in section 3 above, is underway in Herefordshire. This will unlock the development of many of the masterplan projects and improve commercial aspects of all projects.
- **Joined-up regulation:** Planners and other regulatory services can offer a joined approach, working proactively with investors to support appropriate initiatives.
- **Expertise/connections:** Collectively, there is a large degree of experience in developing capital projects and a broad range of connections within both the public and private sector that can be employed to support the development of projects.
- **Land:** Between the council and its partners, there is a portfolio of significant land holdings within the county which can be utilised, where appropriate, to bring forward projects. Support to engage with other land owners, assemble land and direct development assistance through the council's Development Partnership will also be made available.
- **Communications:** The inclusion of the project within the Economic Vision will open-up communication to a wide range of stakeholders.

Officers are keen to discuss any of these opportunities with potential investors and full contact details are at the end of the document.

■ Timescales

The Economic Vision maps out activity across Herefordshire over the next 15 years. Activity is broken down into three five year periods to reflect the short, medium and long term proposals and opportunities. This time period also aligns with the Local Development Framework and ensures the enabling infrastructure is in place.

Individual project delivery timescales will depend on a host of factors and therefore cannot be accurately set at this stage but the accompanying diagram sets out the indicative timescales of project delivery. However, most projects can be brought forward earlier, if there is investor demand.



■ Funding

It is envisaged that the above projects are commercially viable and would be instigated by the private sector using private sector finance. Where relevant, investors may be able to access loans or grant funding to enable projects or to close funding gaps.

The partners would be supportive of this approach and will work with central government departments and regional agencies such as the Marches LEP and West Midlands Combined Authority to maximise any opportunities that exist to attract public sector funding.

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To deliver key infrastructure and other projects underpinning the economic vision the council will explore a range of funding mechanisms including, but not limited to, Community Infrastructure Levy/ Section 106 agreement, Tax Increment Finance, and Business Improvement Districts.

Through its development partnership the council will also look to make investments in projects that both contribute towards economic growth and deliver a financial return that can be reinvested back into further redevelopment projects or used to secure the future delivery of front line services.

■ Project Pipeline

The opportunities presented in the 'investor pitchbook' represent the current investment and economic growth proposals. This list is not exhaustive and does not reflect all the opportunities within Herefordshire. The Economic Vision is a "living process" and it allows projects and priorities to change over its 15 year life. This will result in a frequent turnover of projects and consequently a projects pipeline is required.

Partners will hold several annual "Think Tank" sessions with representatives from stakeholders and project promotors to facilitate the process of gaining input and ideas into the project pipeline. Ideas generated through this mechanism will be progressed by the relevant partner or promotor Outside of these informal events short précises of new project ideas can be submitted to the economic vision lead contact for assessment and further feedback.

To be considered for inclusion with the economic vision new project proposals will need to:

1. Be in conformity with the local plan;
2. Be of an appropriate scale with benefits to the whole of the county;
3. Deliver either economic growth or a higher value economy in the form of new or better paid jobs, new houses or other accommodation. Alternatively, it can be demonstrated that the project makes a significant contribution to the profile or economic asset base of the county;
4. Be consistent with, and complementary to, the other projects contained within the economic vision;
5. Have considered responses from, or have the support of, the local community;
6. Require the benefit of external or investment funding, the support of the council and its partners or a raised profile to ensure delivery.

A panel of partners will review the submissions on an annual basis and decide on their suitability for inclusion within the Economic Vision. Unsuccessful submissions will be signposted to other support to advance their implementation.

■ Moving Forwards

The role of the vision is not to set a definitive blueprint or to become a statutory document but to outline a framework of opportunities and projects which showcases the best that Herefordshire has to offer to investors. The vision is designed to be flexible and robust however none of the projects are set in stone. Each can be amended and adapted to fit with market demand, available finance, or other constraints.

Some of the opportunities within the current document may not be brought forward, however the vision addresses this through the "pipeline approach", which will generate further investment opportunities, and a commitment to a regular reviews. By embedding the Economic Vision within the council and its partner's frameworks, it will ensure that there is a long-term outlook and a lasting legacy.

■ Contacts for Potential Investors

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Delivering our vision

Herefordshire may be small in terms of population but is big on ideas, ambition, and opportunity. The partners promoting this economic vision believe in the growth of Herefordshire. For the county to be truly successful, businesses and investors need to be able to share that confidence and belief.

Recent developments have already demonstrated significant local and regional demand resulting in the capture of footfall and investment from neighbouring localities; for example the enterprise zone has recently attracted new business investment from Gloucestershire.

A series of assets are being built which will support wider business growth and talent from across the education and business sectors. The council and public sector partners will support the economic vision by:

1. **Building a Hereford bypass and investing in other road improvements.**
   The forecast growth in Hereford requires an appropriate investment to increase the city's transport capacity, the proposed solution comprises a package containing the Hereford bypass and active travel measures.

   Once constructed the bypass will create a full north/south circumnavigation of Hereford from the A49, back to the A49. In addition to addressing network reliability it will support the delivery of 6500 houses and 6000 jobs, the new NMiTE University and expansion of the Hereford Enterprise Zone, and assist in managing congestion in the city centre.

2. **Create a new development partnership to bring forward jobs and houses.**
The council are committed to commissioning a development partner to progress the development of suitable sites in its ownership. The commission includes the capability to progress development funding, and to be open for use with other partners as required.

There is significant opportunity for this partnership to work with third party partners and investors to bring forward elements of the economic vision or smaller scale projects that make a contribution to the growth ambition.

3. **Building a cyber security catapult / centre of excellence.**
Herefordshire is ideally located to take advantage of three significant assets in the defence and security sector. Hereford is home of the UK special forces, Government Communications HQ is located in Cheltenham a 30 min drive from the south of the county, and QinetiQ are based just outside the county border in Malvern.

The University of Wolverhampton, in partnership with Herefordshire Council, will invest £8m and deliver a new cyber security centre of excellence to add to these assets and take advantage of the significant number of local businesses specialising in this sector.

4. **Investing in schools, entrepreneurship and skills to develop the next generation of employees and business owners.**
We want every child in Herefordshire to have a great start in life, so we want our schools to be great places for learning and working. If our children have had the best education possible, we know that gives them the best chance to be successful adults. It also gives Herefordshire businesses and employers the skilled people they need.

Schools in Herefordshire are worth investing in, consequently Herefordshire Council are looking to secure in the region of £100m investment in schools over the next 20 years.

5. Developing a supportive planning framework.

The Local Plan identifies the need for the broad distribution of 16,500 new houses up to 2031. Strategic sites identify the location of around a third of this target and a significant number of units are already built. In order to achieve the local plan target there remains a requirement for approximately 6,000 units in, as yet, unidentified locations.

The council is working proactively with parish councils / neighbourhood planning groups and developers to identify appropriate sites which can make a contribution towards the Herefordshire housing growth target. Developments are welcomed where there is conformity with the local and neighbourhood plan(s) and the sites are appropriate in scale, design and location.

6 A supportive business landscape

Fundamental to the support of business growth is the Herefordshire growth hub. As both a virtual and physical resource the hub acts as the access point for all public sector support available to businesses and social enterprises within the county.

Access is via a website (www.marchesgrowth hub.co.uk) and physical building located centrally in Rotherwas, Hereford. Here Herefordshire Council business facing staff work alongside partners from the University of Wolverhampton, UKTI, the chamber of commerce, and a range of private sector organisations.

The partners are committed to delivering a vision which generates higher value jobs and industry in the Herefordshire economy. This will require an increased focus on emerging sectors and technology and will involve securing new investment from the EU, national and local sources to facilitate growth.

A series of sector specific strategies will be developed to research opportunities to support the key business sectors within the Herefordshire economy. These strategies will identify growth prospects in emerging markets and technologies and support businesses seeking to establish or improve their exporting potential.

7 Inspiring an entrepreneurial generation

The county can boast leading colleges and schools, institutions that compare favourably with the best the rest of the UK has to offer.

There is a growing number of young people who are starting their own business and benefiting the independence, flexibility, reward, and huge satisfaction that comes with it.

A programme of support and enablement to encourage more young people to harness their entrepreneurial skills, and to begin life as their own boss, is in development and the following projects could play a part:

- Establishing a school alumni programme with former pupils running businesses acting as champions and ambassadors for the school and for enterprise.
- Subsidised start up space for young people fresh from college or school
- Targeted training events aimed specifically at young people
- A programme of talks and presentations from successful local business people
- A mentoring programme where successful businesses provide advice and guidance to new start-ups.

Building a base of young, vibrant entrepreneurs creates the next generation of Herefordshire businesses but also brings confidence, initiative and resilience as young people find the inspiration and drive to make their business a success.

8 Herefordshire. County of Culture

One of Herefordshire's great assets is a distinctive culture, rich in tradition and innovation, from a wealth of outstanding heritage sites to a dynamic contemporary arts scene. Much of the county's cultural activity already has a national or international profile, not to mention major events literally on our doorstep such as the Hay Festival and Ludlow Food Festival.

This is the tip of the iceberg, with villages and towns across the county home to many practising artists and a wide range of professional and volunteer festivals and events. To build on this activity a consortium of major arts, cultural and heritage groups, are working with the local authority and businesses to develop a bid for Hereford to be named UK City of Culture 2021.

Hereford's bid is being made on behalf of the county, not just the city, and it will make the case for how the award would turbo-charge existing cultural activity, generate new activity of exceptional scale and quality and transform the fortunes of a whole region not just a city.

Regardless of the outcome of that competition, a series of cultural projects which will raise the profile of the county and offer a diverse range of cultural activity will continue to be implemented.

■ Investing in a difference

These and other investments will lay the foundations for wider private sector investment. This document presents 16 potential investment projects from across the county which will generate a total over £1billion of private sector investment. These investment opportunities address the diversity of Herefordshire's economy and will build the economic, leisure, environmental and infrastructure growth, ensuring that a package approach is applied to the county's expansion.

Delivering these projects, and bringing forward others, will make a significant contribution to the achievement of our aims and wider vision. The economic plan is the start of our project designed to show that Herefordshire is open for business. We want people to be talking about the county, to be excited about our future and to see what we have to offer.

Delivered over three periods each of five years, the implementation of the economic vision will transform a rural economy into a modern, diverse, and well connected business location. Herefordshire will offer a first class environment for undertaking business, in combination with an aspiring entrepreneurial population and an excellent quality of life.

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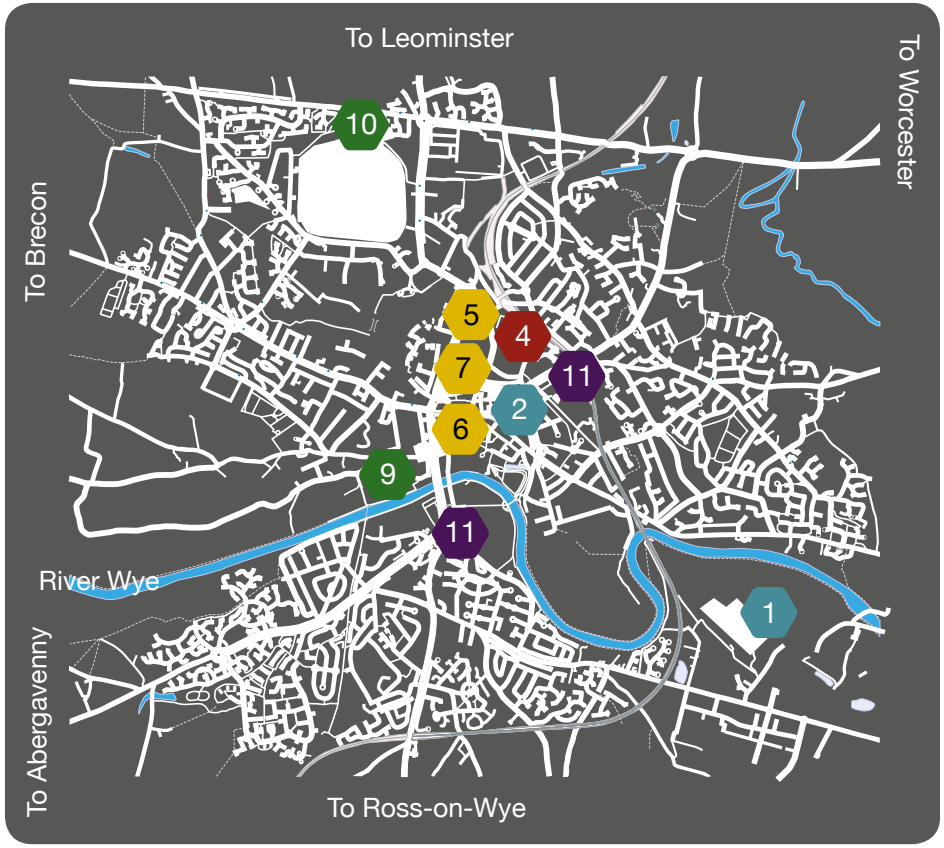

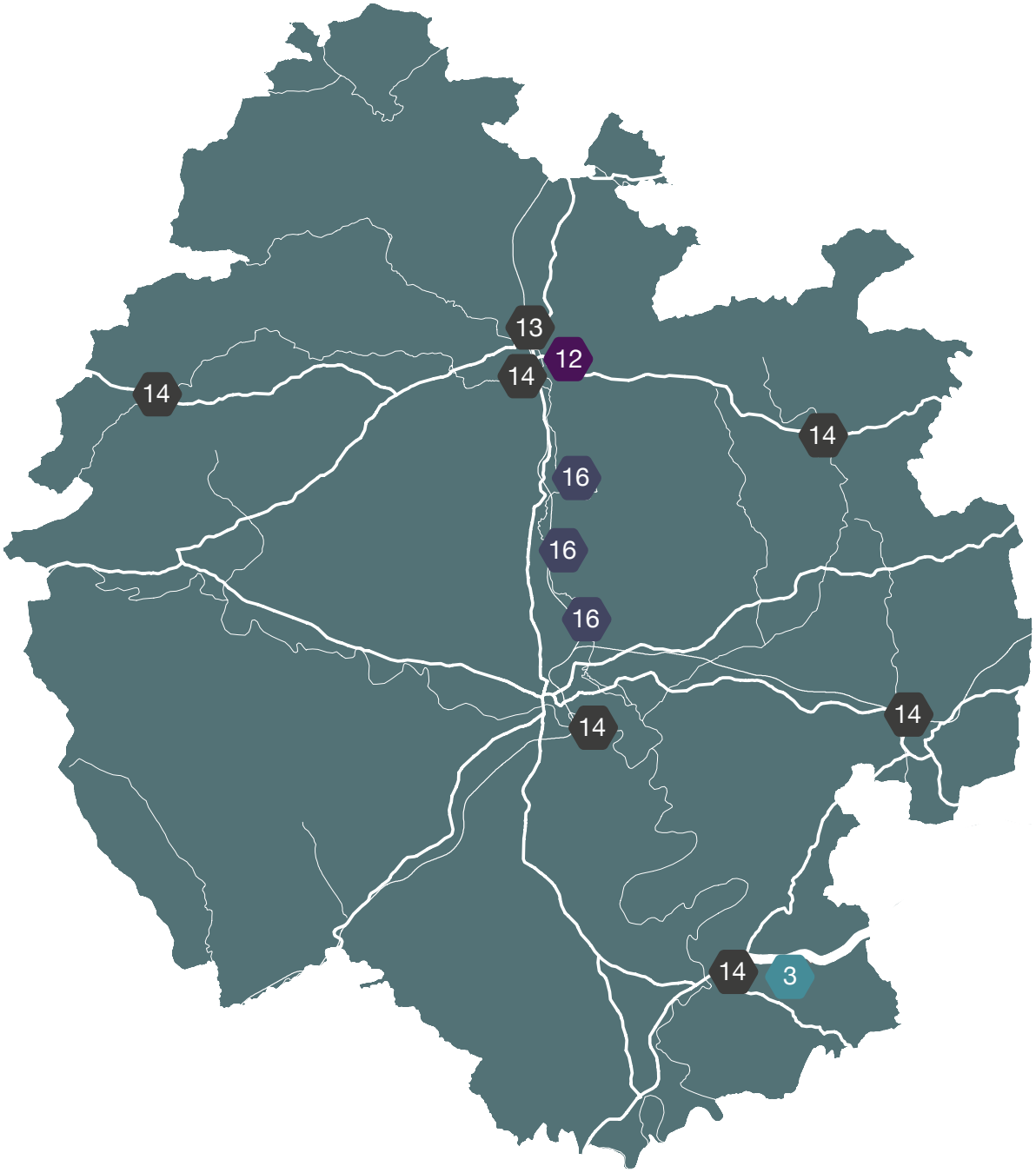
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The Hereford Enterprise Zone – North Magazine

Overview

Our vision for the enterprise zone is to create high quality business space and a vibrant, dynamic business community in an attractive historic setting. Skylon Park is the prime commercial location within Herefordshire and is increasingly seen as the perfect mix between a great place to work and a great quality of life.

With its focus on the defence and security sector, advanced manufacturing, food and drink companies, sustainable technologies and professional services, Skylon Park is well on the way to achieving that vision. The site is proving an attractive and cost effective investment location for growing companies from the local market and across Britain. There has also been interest from foreign inward investment, in particular in the defence sector.

The enterprise zone is also promoting facilities to encourage further business generation and growth, alongside more research and development and increased engagement with higher education. A 2,400 sqm incubation, design and application centre is planned in association with the project promoters for the New Model in Technology & Engineering. The University of Wolverhampton intends to invest in a 2,500 sqm cyber security centre to provide facilities for business, research and training.

The prime development site within the enterprise zone is the North Magazine. This 10 hectare development plot benefits from dedicated site access, full land remediation and plot levelling. The plot neighbours the enterprise zone incubation centre mentioned above. The required utilities and landscaping will be installed to the end user, or users' specifications, this will include connection to the zone's own ultrafast broadband network.

Investors in the enterprise zone benefit from business rate discounts, a simplified approach to planning with outline approval already in place, and a four week turnaround for full sign off.

Opportunity

Plots of the North Magazine's quality and size, with such high levels of preparedness, are rare commodities. The Hereford Enterprise Zone is marketing the whole site for sale on a long lease or freehold basis. It would be prepared to consider splitting the plot into two or three smaller plots if the right occupier(s) were interested. Interest would be welcomed both from companies looking to undertake direct development of their own property or developers wishing to build on a speculative basis. The Enterprise Zone benefits from a robust design guide which sets the tone and quality of development across the whole site, befitting a site of such local importance any development will be expected to be of high architectural and operational quality.

Quick facts

Hereford Enterprise Zone

Sponsor	Hereford Enterprise Zone, Herefordshire Council as landowner
Scale (£)	£100m
Type	Commercial property development
Location	Hereford Enterprise Zone, Rotherwas, Hereford
Investment Type	Development Finance, Co Investment
Programme	Ongoing up to 2030

Hereford business quarter

Overview

Hereford is a service centre for a large hinterland that includes the rural areas and market towns of Herefordshire, southern Shropshire and parts of eastern and mid Wales. Just as the Old Market retail development has enabled Hereford to recapture lost retail spend; the growth of the city's service sector provides an opportunity to limit leakage from the county. The city can cement its position as one of the leading sub-regional service hubs in the West Midlands.

Hereford city centre is the location of choice for many professional service firms, with a large number of accountants, solicitors, architects and property agents combining to make the city a key sub-regional cluster. There are also a number of established as well as young, vibrant businesses whose growth requires a Hereford office presence to serve a wider business. All of these businesses add vibrancy to the city and boost weekday footfall for retail and catering outlets.

Demand for new and high quality office space is now outstripping supply. The enterprise zone has recently developed new speculative office space to accommodate businesses in target sectors. This new supply was rapidly let and rents achieved were well above initial expectations. Much of the available office supply within the city centre is made-up of small scale former residential properties that provide adequate but not purpose built accommodation. There is now an opportunity for new, high quality and purpose built office space within the city centre.

The Bath Street and Gaol Street area will become the focus for this new Business Quarter. This location benefits from nearby assets to the sector including the Magistrates Court, Crown Court, and the planned location for key elements of the new University campus. The location will also capitalise on transport links, including immediate access to railway and bus connections, whilst also linking into the city's wider retail and leisure offer.

Opportunity

There is a commercial investment proposition for the development of high quality office accommodation in a compact business quarter concentrated around the current West Mercia police station and its car park. The neighbouring public car park fronting the old Bath Street council offices and the council owned car park opposite on Gaol Street are also opportunities to expand this provision. Together this forms a site of approx. 1.1 hectares that could accommodate up to 25k sqm of B1 office floor space in a phased development.

Current buildings along Bath Street rise to five storeys and similar massing could be accommodated on this frontage. Any development off Goal Street would need to sensitively interact with the buildings fronting onto St Owen Street, a number of which are listed, but higher rise development could be achieved fronting onto Goal Street.

Quick facts

Hereford business quarter

Sponsor	Herefordshire Council
Scale (£)	£45m
Type	B1 office development
Location	Hereford City Centre
Investment Type	Equity co-investment and development finance
Programme	2020 -2031

Model Farm enterprise park

Overview

The Model Farm enterprise park project is a proposition to bring forward a strategic enterprise park to satisfy high evidence of local and regional demand. Model Farm is located on the M50 motorway and will unlock a total of £32m of private sector investment across a 10ha site capable of accommodating upwards of 1,000 jobs and 29,000m2 of industrial buildings.

Planning permission for the scheme is in place and the site is wholly owned by the council. The council proposes to develop the infrastructure on the site then sell plots to developers or owner occupiers.

With its excellent motorway links Model Farm is the gateway to markets in the Midlands, Wales, the West and the Republic of Ireland. This is due to direct access to the M50 serving the Midlands/ South West via the M5, the A40 (linking to the M4 corridor) to Wales, and the A49 to Hereford and northwards, forming the spine of the Marches.

Model Farm has the flexibility to provide land and/ or premises to meet the requirements of a range of business sizes and uses with plots available from a half acre to the entire twenty acre site. There has been a significant amount of initial interest in the development due to the current under supply within south Herefordshire and neighbouring authorities.

Model Farm is situated within a sustainable urban extension to the market town of Ross on Wye that will deliver over 600 homes. The wider area provides an outstanding business environment with a strong, loyal and proactive private sector and an excellent track record of delivering new housing, jobs and businesses.

Opportunity

Following the installation of site infrastructure, plots will be offered to business and the development market. Given the close proximity to the motorway network and lack of localised competing commercial floor space, the site will be attractive to investors and owner occupiers alike.

Plots can be configured to accommodate a wide variety of end users and size requirements ranging from a half acre to the full 20 acres. Alternatively, investors interested in un-serviced plots or seeking to purchase of the entire estate as a development opportunity will also be considered.

Particular regard will be given to speculative B1 developments that offer modern, attractive architecture that sets a high quality precedent for the park. As with any large employment site it is recognised that there will be the opportunity to accommodate a certain element of a wraparound offer, whether leisure or food related. This element will be planned from the outset and particular sites will be offered for these purposes.

There is limited opportunity for a partial development of the site buffer zone for a residential purpose. This would need to be sympathetic to both the neighbouring existing residential uses and the proposed commercial space on the site.

Quick facts

Model Farm enterprise park

Sponsor	Herefordshire Council
Scale (£)	£1m to £45m
Type	Commercial business part development. Small scale residential and leisure / retail uses.
Location	Ross-on-Wye, south Herefordshire.
Investment Type	Development finance Co-investment
Programme	2018-2028

New Model in Technology and Engineering (NMiTE) university

Overview

The New Model in Technology & Engineering (NMITE) University is crucial to the county's future plans. The UK's first new university for 40 years, will be an independent, not-for-profit, teaching only, world class engineering university based in Hereford. It will have a game-changing impact on the city, county and UK plc. NMITE is projecting a student population of five thousand by 2031.

NMiTE aims to address the shortage of graduate engineers in the Marches and the UK. The curriculum will be targeted at the needs of engineering and technology employers and will produce employment-ready, productive, innovative and business literate graduates who will be able communicators and project managers. A new approach to learning, based on real world problem solving that also blends engineering study with design, communication and employability skills, will be target the need of the future. NMiTE will be a regional centre of engineering excellence and a national centre for engineering higher education.

NMITE is committed to the construction of a state of the art, twenty first century teaching and innovation campus in Hereford City Centre, developed on the latest 'agile' principles. It will involve the construction and/or refurbishment of new teaching and administrative facilities. Linked to the new city centre facilities, will be laboratories and workshops, including the NMiTE application & development centre on the enterprise zone. The first phase of the project will see over a thousand students taking courses by 2021, rising to five thousand by 2031. Students will predominately be housed within, new, dedicated accommodation across the city.

The project has made rapid progress over the course of 18 months. Private sector promoters have built a management team, started developing a curriculum and sourced academic institutional partners and business contributions. NMITE is seeking £25M funding from government to support the project, with Herefordshire council investigating the potential to invest in the student accommodation.

Opportunity

Student accommodation plans currently identify a number of sites within easy walking distance of the university's academic buildings. Residences will provide a superb environment for living and studying with generous en-suite bedrooms with fast connectivity. NMITE are seeking private sector partners who can match their expectations for high quality accommodation which provides the facilities needed by the students of tomorrow.

The city centre campus will ensure that the university is integrated with the local community and students will use the services available within the city. Opportunities to provide a range of services, not currently available or aimed directly or partially at the student market will also emerge. Redundant shops have the potential to be redeveloped into seminar spaces and old offices could be converted into small studios/worklabs. This will also present significant investment opportunities for private sector partners.

Quick facts

NMITE

Sponsor	Herefordshire Tertiary Education Trust
Scale (£)	£560m
Type	Education and Student Accommodation
Location	Hereford City Centre
Investment Type	Equity investor, developer and development funder
Programme	2018-2030

Hereford urban village

■ Overview

Located immediately to the north of the existing city centre, the urban village represents a significant opportunity to create a sustainable urban community linked to transport infrastructure, retail and leisure facilities and employment.

At the core of the city centre, the urban village will benefit from proximity to the football ground, Courtyard Centre for the Arts, cinema, retail, restaurants and nightlife. It will also increase the vitality of the city centre supporting the night time economy and enhancing the current footfall.

To enable the development the council are investing circa £30m in the installation of a city link road as enabling infrastructure and the required land assembly. The urban village site will contribute up to 800 new houses within the city centre and will deliver high quality housing across all tenures. The construction of the city link road will facilitate the creation of a new transport hub centred on the railway station linking together the various forms of public transport in one location, and make Hereford city more accessible to walkers and cyclists.

In addition to the desire for housing units within the site, considerable demand exists from a range of public services and the new NMiTE University for space within this location. This will lead to a genuine mixed use development site creating opportunities for an improved public realm and sustainable travel patterns linking students, residents and commuters with teaching facilities, employment and leisure services.

Herefordshire Council is the predominant land owner within the urban village site but considerable private ownerships are also prevalent. The council are committed to a development partnership approach to bring forward the development of their assets within the site but opportunity exists to create development parcels from third party ownerships. The council and its development partner could play an enablement role to assist landowners and investors to bring forward these sites.

Throughout the area the street scene will be refurbished to a high standard to make the walk or cycle into and through Hereford city centre more pleasurable whilst helping people lead healthier and more active lives.

■ Opportunity

With the infrastructure being completed in 2017 land parcels within the Urban Village are currently being created. Herefordshire council and its development partner will work with developers and landowners to unlock development sites across the urban village where contributions can be made to the housing targets.

Complementary uses will be considered where there is a definitive logic and rationale to their location within a predominantly residential arena. If this involves the movement of services around the city, compensatory housing development will be sought on the original sites as a replacement for any loss of housing land within the urban village.

In addition to the bringing forward of housing parcels and units there is opportunity to support the enablement of the NMiTE university and the required student accommodation and services.

Quick facts

Hereford urban village

Sponsor	Herefordshire Council
Scale (£)	£100m
Type	Regeneration
Location	Hereford City Centre
Investment Type	Equity investor, developer and development funder
Programme	2017-2025

Berrington Street regeneration area

■ Overview

The historic core of Hereford city is contained within the old city walls. It encompasses the majority of the city's retail and cultural offer, with attractions such as the cathedral and High Town prominent features. There are however significant sites with tremendous potential which are in close proximity to the retail and historic core.

These locations present an opportunity to undertake a comprehensive regeneration programme achieving higher value uses with a wider economic, commercial and cultural value to the city centre. On a sustainable basis these development sites are well located in terms of their proximity to employment, retail and leisure facilities in addition to being well served by public transport.

Whilst there are a number of other small scale sites across the city that could benefit from redevelopment, the large area between the A49, West Street, Broad Street and King Street/St Nicholas Street presents a considerable opportunity to regenerate and realise the full potential of a keystone area of the city centre.

The 2.2ha site is currently in a variety of ownerships; the council is looking to work with landowners and development partners to assemble the site and create a comprehensive master plan for the area.

Indicative concepts that could be incorporated into this master plan include; student accommodation to address the demand created by NMITE university and Hereford College of Arts; small scale/niche retailing alongside catering and hospitality; or live/work units and pure residential elements.

The ambition is to create modern city-centre living with a densely populated development aimed at a young demographic. Dominated by flats and starter units, the development will encourage movement away from car use, with access to units through interconnecting courtyards and pedestrian walkways.

Local facilities will include small scale retail and employment units, catering for those who live within the city but also becoming an attraction in its own right, offering a local food, drink and retailing.

■ Opportunity

Proposals are welcomed for mixed use schemes which offer comprehensive redevelopment of the area. A high density of residential units is expected and encouraged, particularly where the predominant use is for smaller and starter units.

A high quality of landscape and street scene is essential for this area to act as a destination in its own right and perform as an additional visitor and retail attraction that complements the rest of the city centre. Particular regard should be given to the proximity to the historic cathedral quarter. Developments that feature high levels of pedestrian permeability with varied and interesting street patterns incorporating courtyards, cut-throughs, and pedestrianised streets will be particularly encouraged.

Small scale retail, food outlets and B1 office accommodation should feature as an integral element of any scheme to ensure that development has a vibrancy, footfall and activity adding an element of self-sufficiency and offering a range of attractions to entice visitors.

Quick facts

Berrington Street regeneration area

Sponsor	Herefordshire Council
Scale (£)	£100m
Type	Residential and mixed use city centre redevelopment
Location	Hereford City Centre
Investment Type	Equity investor, developer and development funder
Programme	2020-2025

Hereford Football Club

■ Overview

The Edgar Street Stadium is home to Hereford Football Club and a football ground with a long and illustrious history; it is an embedded part of the fabric of the community. Many glories and sadly some bitter defeats have played out at the ground and none more so than the 2014/15 season when Hereford United Football Club were put into liquidation.

In the 2015/16 season, a new Hereford Football Club with the backing of local initial investors and supporters rose from the ashes. The first season was a remarkable tale of success and emotion. League and Cup success has led to promotion and a trip to Wembley in the FA Vase Final. The feel good factor returned to Edgar Street and the people of Herefordshire have embraced this phoenix club.

Success has not simply been confined to results. The stadium is adjacent to the £90m Old Market retail and leisure development and the football club's attendances, of up to 4,000, have much improved connectivity to the city centre's retail and leisure offer. As the club rises up the leagues there is the prospect of larger attendances, including much greater 'Away' support.

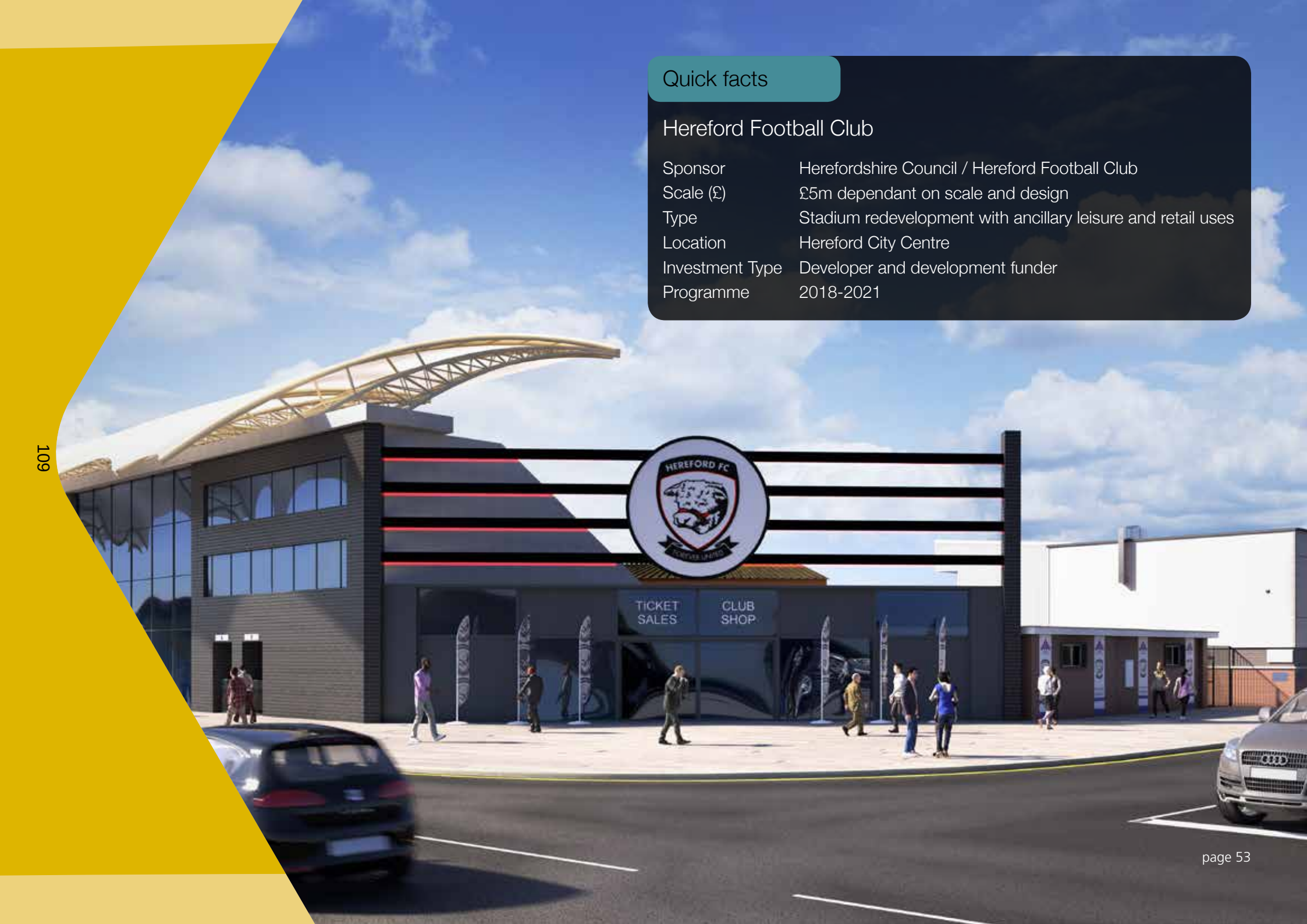
The location of the ground brings a special vibrancy to the city, however the stadium itself fails to either visually live up to or commercially capitalise upon this opportunity. There is significant scope for a partial redevelopment of the ground within the confines of the original stadium boundaries. This could improve the ground facilities without impacting negatively on the ongoing use for footballing purposes.

The club and the ground could make an even greater contribution towards the vitality of Hereford City. Even beyond match days, the Edgar Street ground and the club has the potential to become a focal point at the heart of the city, of which the club, its supporters, and the city should feel proud.

■ Opportunity

An opportunity exists to remodel Edgar Street Stadium stands and terraces to provide a variety of ancillary facilities and to improve the match day experience for the supporter base. Hereford Football Club already benefits from an on-site gym but limited training facilities which could be much enlarged. It would be both possible and desirable to build upon and enhance the existing conferencing and hospitality amenities, and increased match day supporter facilities including food, drink and merchandise retail.

These sporting and match day orientated changes could be supplemented by an even more commercially focused offer that could provide and enable significant activities outside of match days to underpin the sustainability of Hereford F.C Potential opportunities include small scale retail uses, in particular on the Blackfriars Street frontage mirroring the Old Market development, or residential or hotel units above or behind the stands, benefiting from the existing building massing in the area and the neighbouring urban village development. The club and its supporters would be open to engagement and involvement in appropriate development proposals which would improve the offer to their customers and assist them in realising the football club's ambition.



Quick facts

Hereford Football Club

Sponsor	Herefordshire Council / Hereford Football Club
Scale (£)	£5m dependant on scale and design
Type	Stadium redevelopment with ancillary leisure and retail uses
Location	Hereford City Centre
Investment Type	Developer and development funder
Programme	2018-2021

Dare to Win

– Herefordshire's outdoor, action & extreme sports offer

■ Overview

With natural assets that include the River Wye, the Malvern Hills, Symonds Yat, the Wye Valley Area of Outstanding Natural Beauty and vast expanses of open countryside; Herefordshire has always been an important destination for outdoor enthusiasts. The long link with one of the world most elite special forces raises the county's brand cachet in the outdoor market and provides local expertise and skills to develop the sector.

Established outdoor activities of climbing, canoeing and mountain biking are now joined by emerging activities such as mountain boarding, extreme assault courses, and zorbing, within the county. Confidence in Herefordshire as an active sports destination has been recently confirmed with the investment in "The Send", a new climbing centre in Hereford, and Hereford Skate Park being voted third best in the UK.

The UK outdoor activity market is large and has huge potential. Consumer leisure expenditure has grown nearly twice as fast as total consumer expenditure and the entire sector accounts for 7.4% of UK GDP in 2014. The outdoor sector is predicted to be growing faster than the leisure industry alone and the influence of social media is engaging new consumers. By combining Herefordshire's high quality environment, strong existing outdoor sector assets and with an eye on new technology and evolving business models; there is the potential to develop an outdoor sector within the county that grows above the market and delivers high quality employment opportunities.

Herefordshire could be home to a new large outdoor attraction, such as a mountain biking or canoeing centre. Alternatively, a sizable innovative centre that focuses on a range of emerging outdoor activities could also be an asset. In addition to this, there is the opportunity to entice new smaller scale attractions, develop existing activity provision and supporting infrastructure such as dedicated accommodation and hospitality. Alongside new product development, there is a need to coordinate activity and marketing across the destination in addition to hosting national scale outdoor events that raise the profile of the county within the sector.

■ Opportunity

Investors in larger scale outdoor leisure activities will be supported by Herefordshire Council and other local providers to develop their proposition. A package of support will assist investors to identify viable sites, join-up regulatory matters (such as planning), identify finance and support recruitment/ skills development. The council will develop an investor proposition where available locations and market research are combined to identify specific opportunities for investments in growing outdoor markets.

An industry led sector cluster will be developed and this will advance a key strand within the Herefordshire Destination Management Plan. It will help ensure that the outdoor offer is integrated, creates synergies in marketing and develops a year round programme of events. Outdoor sector related businesses will be offered prioritised access to business support, where there is a clear proposition.

Hereford river quarter

Overview

Hereford is built on the banks of one of the UK's great rivers. The River Wye has always had a reputation for great fishing and it is now becoming a premier destination for canoeing and other water related activity. The city does not fully capitalise on this natural asset as access to the river is limited and there are few premises with river frontages. The links between the city centre and river are also poor. For many visitors the location and opportunities provided by the river remain an unknown attraction.

This scheme aims to overcome these issues by redeveloping a key stretch of riverbank, west of the city centre, between Great Western Way and the A49. This 300m section of river is already utilised by the rowing club and it is home to several outdoor events, such as the Hereford city regatta and the Beer on the Wye Festival.

There is significant potential to improve the environment, facilities and capacity for outdoor events and river based leisure activities whilst developing new accommodation. Alongside this, a small scale complementary food, drink and retail offer could form part of the scheme. Hereford Rowing Club will also have the opportunity to redevelop their boathouse and riverside access facilities.

Capitalising on the recent success of the high quality Greyfriars Avenue residential development, the site will provide enhanced access to the riverside for cyclists and pedestrians via the existing Greenway cycle path. Leisure opportunities will be split across two primary purposes: firstly as a focal point for water based activities, including canoeing and kayaking, open water swimming and rowing: secondly as a city-centre based outdoor events space that is adaptable for a range of cultural events including small scale festivals, theatre performances or music events.

In time, the project will become a natural hub within the city and draw tourists and visitors to sites across the city. It will also complement and link with the retail leisure and cultural experiences available at the city centre and the Old Market.

Opportunity

There is scope for a comprehensive redevelopment of this riverside site that is adjacent to Hereford city centre. The enabling residential and commercial development will need to use innovative technology and design to maximise the developable area whilst mitigating the impacts of flooding. Support from government initiatives may be able to assist in the mitigations.

This enabling development will facilitate the creation of high quality public spaces including a prominent river frontage and outdoor event settings. This element is key to extending the city community to this area whilst maximising the opportunities of the river frontage.

Quick facts

Hereford river quarter

Sponsor	Herefordshire Council
Scale (£)	£15m
Type	Mixed use riverside regeneration
Location	Hereford City Centre
Investment Type	Developer co-investment and development finance
Programme	2019-2022

Business hotel & sports/leisure development

■ Overview

Herefordshire has a long and historic link with National Hunt racing, dating back to 1771 when Hereford Racecourse first held a race meeting. Thousands of visitors are now attracted to meetings each year and the media coverage generates national exposure for the city. The annual programme of around a dozen National Hunt race meetings provides significant scope to expand the Racecourse's range of other events and commercial activity.

With the views across the city and towards the Black Mountains, the course provides a captivating setting for a high quality hotel and conference centre. The area could also be home to an expanded high class sports and leisure facility. Development could complement or enhance the existing infield facilities that include a golf course, driving range, a running track and sports pitches. The course, grandstands, associated buildings and adjoining locations provide space and scope for a high quality leisure orientated development.

A number of locations surrounding the course also provide opportunities to accommodate an enhanced range of commercial activity. The area could become "sporting village" with facilities for a range of outdoor and indoor sporting activities, alongside a commercial presence that offers high quality hotel accommodation, conferencing facilities and a wraparound offer. With excellent connections to the nearby city centre offer, as well as other close by leisure and retail facilities, the area is primed to develop the sports and leisure sector.

■ Opportunity

Many local businesses have expressed their need for a high quality business hotel and conference facility. The growth of the city's commercial sector coupled with increased expectation of business travel provides a clear demand for a new, modern, well presented hotel/conference centre. The site provides the opportunity for an investment from a high quality provider, to develop a facility that is comparable to that in the leading towns and cities across the country.

Investors seeking to be part of a diversified commercial, hospitality and leisure offer would be encouraged. Development of facilities that neighbour the racecourse that would both be able to contribute towards or capitalise upon an increased hospitality and leisure offer would also be supported. By working together, this part of the city has considerable potential to form a "sporting village" which provides a strong indoor and outdoor leisure offer accompanied by other complimentary leisure activity. The university and other scheduled development will drive demand for both aspects of this area's development opportunities.

Quick facts

NBusiness hotel & sports/leisure development

Sponsor	Herefordshire Council / Arena Racing Company
	£50m - £80m
Scale (£)	Hotel accommodation, conferencing facilities with associated
Type	sporting and leisure facilities
Location	Hereford
Investment Type	Development Finance Co Investment
Programme	2020-2025

The Urban Realm and parking

■ Overview

The Herefordshire road transport network converges on Hereford, where there is access to local and long distance rail services making it the most accessible location for the majority of county residents. The challenges that exist on the existing road network – congestion, lack of resilience, long distance traffic routed through the city centre – will be addressed by the construction of the Hereford bypass and the accompanying package of sustainable measures.

The current A49 route places a significant severance between the city core, the urban village development sites, the Old Market development , and the residential areas to the west, and in particular the Courtyard Centre for the Arts and proposed riverside development. The completion of the bypass will create the opportunity to better manage the existing road network in Hereford and enable solutions to address the severance.

Significant streetscape improvements have been implemented along Newmarket Street, with a wide, tree lined boulevard now fronting the Old Market development. This style will be continued along Blueschool Street and around to Commercial Road joining with the new city link road and transport hub at the railway station in a package of work that has already commenced.

Following the creation of the bypass, similar upgrades will be made to both Edgar Street and Victoria Street. This will include at grade crossing points at the Barton Road and Eign Street junctions (including the removal of the underpasses at both junctions) and at the Courtyard Centre for the Arts.

The council's parking strategy plans to move the current parking supply, located mainly in and around the historic core, to an edge of centre location. A number of sites on the principal commuter routes will be identified as new multi storey car park sites to intercept traffic before it reaches the city centre. Chosen for their accessibility from the key road network, sites will be clearly signposted and provide a supply for both commuter and visitor parking.

■ Opportunity

Hereford has an appropriate number of car parking spaces, but they are not in the right location and are spread over too many sites. This currently leads to an uncoordinated and non-strategic level of parking supply which is difficult to access and find for visitors.

Edge of centre sites will be identified as the replacement for the current supply much of which will be incorporated within other regeneration projects. Built as multi storey facilities the sites will represent an opportunity to manage the movement of vehicles into the city centre and both visitor and commuter parking demand.

The sites to be considered are the county bus station on Commercial Road, St Martins Street/ Asda Supermarket, Eign Street, and Friar Street.

Quick facts

The Urban Realm and parking

Sponsor	Herefordshire Council
Scale (£)	£25m
Type	Car parking facilities
Location	Hereford City Centre
Investment Type	Developer and development funder
Programme	2018-2025

Leominster Railway Station Improvements

■ Overview

Located on the Cardiff to Manchester line, Leominster benefits from an hourly train service in both directions. Typical journey times to Hereford are 16 minutes, and 40 minutes to Shrewsbury. This level of service presents significant commuting opportunities from the station both locally to Hereford, Ludlow and Shrewsbury but also more widely to Cardiff and Manchester.

Around a quarter of a million people use the station each year, and the figure is rising, by 25,000 over the past twelve months. It is considered that passenger numbers could further increase if the facilities at the station were improved. Currently the station lacks for toilet facilities, refreshments, and an appropriately sized car park.

Leominster Station currently accommodates approximately 25 car parking spaces with some additional spaces for the registered disabled. Given the relative distance from the town centre and other long term car parking options this lack of spaces significantly impacts on the attractiveness of the station from a commuter perspective.

Alternative car parking arrangements will be investigated, with a preference for a location to the east of the railway line and accessed directly from the A49 trunk road. Potential exists to construct new car parking facilities on land currently constrained for other uses due to the proximity to a flood plain an unattractive location for other development (located between the A49 and the railway).

These facilities would provide easily accessible, highly visible, long term car parking that could equally serve the railway station and the wider, long stay, parking requirements for Leominster.

■ Opportunity

Potential exists to develop a surface car park on agricultural land at a location between the A49 and Marches railway line to the east of the current railway station. An appropriate charging regime could be introduced commensurate with the car park serving long stay users and commuters.

Additional, but ancillary commercial uses could be introduced where they serve the station users and provide a complementary service to the railway station and car parking. In particular it is noted that a number of basic services are currently not available at Leominster Station and the addition of these, either as part of the car parking provision or within the existing station building, would be supported.

Quick facts

Leominster Railway Station Improvements

Sponsor	TBC
Scale (£)	£2m to £3m
Type	Car parking construction and potential ancillary activities
Location	Leominster
Investment Type	Development partner or purchaser
Programme	2019-2021

Leominster retail led regeneration scheme

■ Overview

Leominster is the principle market town in the north of Herefordshire. With a population of 12,000 and a similar sized catchment area the town provides a service and retail hub for a sizeable element of the county and beyond. Additionally the town is scheduled to accommodate considerable growth with an additional 2,300 houses to be constructed by 2031.

The growth of the town requires an enhanced service, employment, and retail offer. Whilst a large employment site is allocated to the south of the town there is a need to identify and bring forward suitable sites within the town centre that can accommodate retail and service provision.

With its connectivity to the existing retail core, the heritage offered by the nearby Leominster Priory, and waterside opportunities on the banks of the Kenwater river, the current Broad Street car park offers an ideal location for a range of potential end uses. Sequentially it is perhaps the best located site within the town to accommodate an enhanced retail provision, and given its size it could be redeveloped for a single or multiple occupier(s).

■ Opportunity

Herefordshire Council as landowners of the Broad Street car park site are committed to the marketing of the land in the anticipation of receiving expressions of interest/bids from prospective purchasers/developers. Agents will shortly be appointed and tasked with undertaking a market valuation of the site.

The council would welcome a comprehensive scheme, potentially retail led, that adds to the vitality and viability of the existing town centre. Regard should be had to the setting of the scheme alongside the existing features of the Kenwater River and the Leominster Priory whist also looking to enhance the linkages with the town centre.

The site is approximately 3 acres in size and benefits from being flat and within public ownership. Access is directly onto the A44 and from there to the A49, there are good opportunities for additional footpath connectivity and the site could easily be integrated within the existing town centre retail and leisure offer.

Uses that significantly upgrade or improve the current retail and service provision within the town will be of particular interest to the council.

Quick facts

Leominster retail led regeneration scheme

Sponsor	Herefordshire Council
Scale (£)	Dependant on end use
Type	Redevelopment site with potential for a variety of end uses
Location	Leominster
Investment Type	Development partner or purchaser
Programme	2017-2019

Business incubator programme

■ Overview

Herefordshire has always been a county which supports its own home-grown industries and where small, family based businesses have grown to become nationally and internationally recognised brands. Tyrells Crisps, Bulmers, Westons Cider, M&M Sports, and PGL Leisure, have grown and prospered within the county.

Vibrant, growing, innovative companies exist throughout the county. Hereford, as the largest settlement, clearly has the largest number of companies but not the monopoly on great businesses. The market towns and the rural areas also have their fair share of innovators and, importantly, are able to serve different markets and take advantage of wider opportunities.

To promote and provide a focus for this support it is proposed to develop a series of business incubation centres which provide flexible, affordable workspace, accompanied with a wraparound offer of meeting rooms, reception facilities, postal and ICT services.

The suite of incubation centres will be anchored by a large incubation centre on the Enterprise Zone. Other centres will be either newly built or created in council buildings across the market towns. The rollout of this programme will be dictated by the provision and availability of suitably located and specified buildings. The key market towns will be prioritised, in particular where there is a shortage of business accommodation or where known demand exists.

An accompanying range of business support services will be coordinated across the suite of centres by the Marches Growth Hub and Herefordshire Council working closely with partners such as Wolverhampton University. This business support will include access to funding and grants, provision of workshops and seminars

■ Opportunity

The council are undertaking to construct the first ‘incubation hub’ by 2018 in a refurbished building on the enterprise zone. A number of potential locations across the market towns are being explored in the search for similar, smaller, buildings.

To bring forward the project the council will investigate a number of delivery options, whether direct development of new build premises, refurbishment or conversion of existing buildings, or in a development agreement with a third party provider.

There are potential partnering opportunities for office developers and operators of incubation space in addition to the construction opportunities involved with the development of a suite of centres.

Quick facts

Business incubator programme

Sponsor	Herefordshire Council
Scale (£)	£8m
Type	B1 office and light industrial incubation accommodation
Location	Herefordshire Market Towns
Investment Type	Equity co-investment and development finance, developers and construction partners
Programme	2019-2025

The Herefordshire food and rural business centres

■ Overview

The Herefordshire food and rural business centres will be a showcase for food, drink and creative and rural industries in Herefordshire. They will provide a high quality retail and leisure offer for both local people and visitors.

It is anticipated that the centres will be located in semi-rural locations and could act as farm diversification projects which will secure the future of farm businesses. In addition to enabling other local businesses to be brought on as partners and tenants as business opportunities grow.

The centres will become catalysts to develop assets to support the local service and business sectors providing much required facilities to the local community. They will also have the potential to enable partnership opportunities that include craft, exhibition space, local services, café, office space and retail units and even allotments.

The centres will provide an provide an opportunity for rural businesses to meet their customers and create an exciting environment for them to grow their businesses in a flexible creative place.

■ Opportunity

In a new approach for Herefordshire we picture the centres growing from simple farm diversification project to become a collection of businesses which will become established as a vibrant working community.

The centres will create the opportunities to grow including a wide offer of retail, leisure, crafts and even local services such as a post office. This makes it a popular stop for both passing visitors and the local population.

Supporting Herefordshire and its market towns is key, as is identifying a major site or site(s) in Herefordshire where the creation of centres will add to the local offer without displacing existing local services.

The preferred locations would ideally be near a major transport route, such as the A49, M50, or A44 corridors, and within a catchment area incorporating a market town and surrounding villages. Ideal locations will be suited to a variety of different business enterprises.

The provision on site will complement existing offers in the area, creating jobs and opportunities for a variety of local businesses. Ideally the projects will allow for a variety of small and starter units to give opportunities for new businesses to set up, grow and move on in a location with great facilities.

Quick facts

The Herefordshire food and rural business centre

Sponsor	Private sector landowner or estate
Scale (£)	£3m
Type	Herefordshire Food and Tourism Offer
Location	TBC
Investment Type	Equity investor, pump priming, DEFRA Growth Programme
Programme	2018-2025

The Lugg Living Landscape

■ Overview

Hereford is a rural city surrounded by a fertile, living, working, landscape that offers an opportunity to "get away from it all". Despite this, access to the network of walks and byways can be constrained for those living in and around the city. Constraints include a lack of car parking facilities, poorly signed or maintained routes and inconsistent access for those with mobility restrictions.

Hereford's situation on the banks of the River Wye is well known, what is less well appreciated is the city's interaction and relationship with the River Lugg, a significant tributary of the Wye that flows to the east of the city. The Lugg valley flows from the northern Welsh border to its confluence with the River Wye, south east of Hereford. The section of river valley between Bodenham and Hereford features lush meadows, working farm landscapes and a series of artificial lakes formed from mineral extraction.

The Lugg Valley is generally flat, of varied use, and offers significant potential for an enhancement to the natural and ecological environment. Mineral extraction quarries at Wellington and Lugg Bridge provide opportunity for future ecological and/or leisure uses.

This is in addition to the existing Bodenham Lakes site which has both leisure and habitat restoration projects. Habitat restoration is the primary long term aim for these extraction sites. This does not preclude other complementary uses alongside the restoration. The Lugg Valley between Hereford and Bodenham could be opened up for public access with new and enhanced footpaths, river access points, wildlife habitats, wildlife viewing points and car parking.

Forming a set of linked habitats and publicly accessible trails and footpaths this seven mile section of the river valley will be anchored by the two mineral extraction points at Lugg Bridge, Wellington, and the existing lake at Bodenham. Activities and access will primarily be focussed at these three core locations.

■ Opportunity

At the core sites, facilities to provide visitor attractions that build on the natural environment and the restored ecosystems will be constructed. Activities available will range from the passive – bird and wildlife watch hides, to the active – pond dipping, canoe safaris, nature trails. All will be designed to attract visitors who will learn about and appreciate the natural landscape and wildlife. Opportunities will exist to provide supplementary services at each site, for example interpretation and visitor centres with appropriate café's, souvenir shops, equipment hire and activity booking. It is anticipated that sympathetic development in the form of overnight visitor accommodation or outdoor activity centres could also form an important element of the project.

Quick facts

The Lugg Living Landscape

Sponsor	Herefordshire Nature Trust
Scale (£)	£5m
Type	Habitat restoration and linked visitor attractions
Location	Lugg River Valley north east Hereford
Investment Type	Construction and business opportunities
Programme	2018-2028

Appendix 3 – response to General Overview and Scrutiny Committee recommendations.

Summary of the principal points identified for consideration from GOSC – 27th September 2016.

General Overview and Scrutiny Committee Recommendations	**Response**
The plan should strive to address the major constraints that were inhibiting plans for growth and seek to make the county more marketable, mindful of what it was within the council's own powers to influence and effect.	The strategy sets out some of the key challenges to the growth of the Herefordshire economy and identifies a suite of investment opportunities which will deliver growth and make the county more marketable.
It was important to be clear who the audience for the document was.	There are two principle audiences for the strategy, an internal to the county audience consisting of local stakeholders, communities, county and parish councilors, and local businesses. There is also an external audience which is primarily investment and development community based. The strategy addresses both through different sections of the document.
It was suggested the document should include a section on the history and geography of the county, and why the county was a good place to live and work, and set out the opportunities and attractions for people who were thinking of moving to the county, set out the objectives and ambitions so that people could judge whether they wished to be associated with them.	In recognition of the intended audiences there are brief mentions of the history and geography of the county. Reasons why the county is a good place to live and work are included throughout the document.
Clear timelines were needed. It was suggested that the plan should be in chunks recognising that changes would inevitably take place over the life of the plan and ensuring that it remained adaptable.	A programme for the various investment opportunities has been included. The strategy will be delivered over three periods each of five years.

Pitch documents were a good idea, possibly split into geographical or industry sectors and so targeting potential investors.	A subsequent iteration of the strategy will be a 'pitchbook' that will showcase the investment opportunities. This will be based around the Investment Pitchbook annex to the strategy.
The case studies provided were helpful.	Noted but due to audience, space and the large amount of text case studies do not feature in the strategy. They are likely to feature in some of the associated media and promotional material and will showcase the best the county has to offer in terms of innovative and growing businesses.
Account should be taken of the links with planning policy and the need to identify where policy could be improved.	The strategy is not a statutory document but does identify linkages with the local plan, emerging area plans, and the various neighbourhood plans. It is not a function of the strategy to identify improvements to policy.
The importance of tourism to the County's growth and sustainability needed to be recognised. Maintaining the county's roads was important to the tourist industry.	Whilst the strategy does not focus on particular sectors of the economy the importance of the tourism sector is recognised in various elements of the strategy.
Promoting the County as a setting for film and tv locations would be advantageous.	This is a level of detail that is not contained within the strategy. The point is recognised and will be investigated. In October 2015 the council signed up to the Film Friendly Partnership Charter which signifies a joint approach with creative England to promote the county as a film friendly location.

The possibility of businesses using underused council property should be explored.	This is a level of detail that is not contained within the strategy but the recommendation will be forwarded to the council's property team.
The Church Commissioners should be approached about scope for public use of their property	This is a level of detail that is not contained within the strategy.
Communication and marketing were key.	Agreed and a full communications plan is to be worked up post adoption of the strategy.
The Plan needed to consider the needs of the whole County. At the moment it was dominated by projects within the city.	Whilst the city is the location of the majority of investment opportunities it should be recognised that projects within the city will serve the wider county. Future iterations of the strategy and investment pitchbook have the ability to include projects from within the various market towns and efforts are being made to engage further with partners from the market towns.
Regard should be had to the horticultural sector within the county.	Noted but the strategy does not currently focus on specific sectors.
The tensions between preserving the county and growth and development needed to be recognised.	The point is recognised and it is considered that a balance has been achieved between the safeguarding of the Herefordshire landscape and the growth ambitions contained within the strategy.
There should be a focus on celebrating what was unique in the county and protecting that. An audit of the county's strengths had been	The strategy looks at what opportunity exists to invest in key projects that will provide the wider growth of the local economy. Whilst some of these will build on

proposed at the Committee's meeting in July but nothing appeared to have happened as a result.	local strengths it is considered that others address key weaknesses or market opportunities. Consequently an audit of the county's strengths would have limited relevance to the identification of projects to be included as investment opportunities.
The photograph on the front cover should be replaced with a more distinctive image relating to the county.	Agreed and actioned.
An implementation plan was needed.	Any delivery or implementation plan will be drafted post adoption of the strategy.
Having identified needs in the county there could be an opportunity to explore ways of meeting these needs, adopting a market led approach.	The strategy adopts a market led approach.
Consideration should be given to seeking a view from external consultants on the plan.	Given the current council budgetary constraints it was considered greater value for money to utilise relevant council officer's expertise and knowledge rather than engage external consultants.
Clarification should be provided on the consultation process. In addition, including a section on those who had been consulted on the plan's development would lend it credibility.	A series of engagements with the city, market towns and rural areas took place in Spring 2016. The strategy is an evolving document that will be amended over time to reflect new opportunities and changing market conditions. Consequently a process for forward engagement has been included.

There seemed to be no reference to the small and medium enterprises that formed the majority of the county's businesses.	Reference to small and medium sized businesses (SME's) has been included within the strategy.
The wording in relation to Cargills (p120 of the agenda papers) and to phosphate pollution (p59) needed to be revisited.	Agreed and actioned.
It was questioned whether the proposals for the river quarter took account of the National Planning Policy Framework and the core strategy.	Investment opportunities within Investment Pitchbook have been discussed with the Team Leader Strategic Planning. He has confirmed that all investment opportunities are in general conformity with the local plan.

Herefordshire Council

Meeting:	**Council**
Meeting date:	**16 December 2016**
Title of report:	**Statement of community involvement consultation, communications and programme to adoption**
Report by:	**Cabinet member infrastructure**

Classification

Open

Key decision

This is not an executive decision

Wards affected

Countywide

Purpose

To adopt the statement of community involvement.

Recommendation

THAT:

a) **the revised Herefordshire Council statement of community involvement (at appendix 1a & 1b) be adopted; and**

b) **authority be delegated to the monitoring officer to make any consequential amendments to the statement necessary following future changes to the council's constitution relevant to public engagement in order to ensure consistency between the documents.**

Further information on the subject of this report is available from
Susi Gilson, local and neighbourhood planning community engagement officer
on Tel (01432) 383357

Alternative options

1 Preparation and adoption of the statement of community involvement is a statutory requirement. The continued use of the existing statement of community involvement is an alternative option. However, this is not recommended as it does not give due consideration to principal use of online communication whenever practical, contains information which is now obsolete and does not provide information on neighbourhood development planning, community right to build and neighbourhood development orders.

Reasons for recommendations

2 To ensure the council adheres to the National Planning Policy Framework and local development scheme and the requirement to review the statement of community involvement as and when the need is identified.

3 The statement of community involvement forms part of the local plan framework and as such is a budget and policy framework item.

Key considerations

4 It is a requirement of the Planning and Compulsory Purchase Act 2004 that as part of the local development framework a statement of community involvement is prepared which sets out the council's policy in respect of consultation on planning matters. The revised statement of community involvement would replace the current document adopted in March 2007. Extensive review of the planning process leading to the publication of the Localism Act in 2011 and National Planning Policy Framework in 2012 means there is now far greater emphasis on early engagement with all potentially affected parties.

5 Over the last eight years, use of online technology as a communication and information tool has increased extensively. It is accepted that more traditional 'offline' modes of communication, such as letters via post and hard copies of documents are still necessary; however, these can now be used to a much lesser degree. The draft of the new statement of community involvement reflects this culture shift.

6 The basis of the Localism Act is to devolve power from central government. It gives communities the opportunity to take responsibility for the shaping of development in their area, within the parameters of the core strategy.

7 Along with the new legislation came the introduction of neighbourhood planning, subject to majority support in a referendum and working in tandem with the strategic policies within the Herefordshire local plan – core strategy.

8 Each neighbourhood development plan establishes general planning policy for sustainable growth and use of land within a defined area.

9 Communities are also given the opportunity to manage development without the need to go through the conventional planning application process, in the form of a neighbourhood development order or community right to build. However, proposals will still need to meet certain criteria and overwhelming community support must be demonstrated before any work can go ahead.

10 The revised statement of community involvement details the various ways in which people are able to be involved in the planning process and the commitment the council has to ensure there is ample opportunity to do so.

11 Public consultation on the new statement of community involvement has been conducted on-line including email correspondence to specified consultees and the local development framework database to publicise the consultation. It included an on-line questionnaire using the questions set out in appendix 4.

12 The consultation was also publicised through the local media, council social media pages and website. A report has been produced setting out the results of the consultation in appendix 5 and the conclusions that can be drawn from it in appendix 2.

13 Following consideration by general overview and scrutiny committee on 5 September, further amendments (as detailed in appendix 3) have been made in order to improve clarity on certain aspects and provide additional guidance where it was thought to be required.

Community impact

14 The council's code of corporate governance includes a commitment to encourage public participation in local government and the adoption of a revised statement of community involvement supports this commitment. The statement of community involvement identifies those groups considered to be more of a challenge to engage with and sets out suggested methods to achieve greatest participation.

15 Established organisations representing these groups provide a vital communication network for the council to utilise. Many of the organisations listed in the original document, produced in 2007, no longer exist, hence the revised statement of community involvement replaces those with current information.

Equality duty

16 In order to ensure that due regard for equality and diversity is met, the following measure will be taken:

- The document is available in alternative formats
- A number of changes have been made to the document in light of the consultation including the removal of acronyms and the use of plain English.
- A summary will be made available to ensure that the information is accessible. See appendix 1b.

Financial implications

17 There are no financial implications arising directly as a result of this decision.

18 Emphasis on utilising online communication as much as possible means potential cost efficiencies if the revised document is adopted.

Further information on the subject of this report is available from
Susi Gilson, local and neighbourhood planning community engagement officer
on Tel (01432) 383357

Legal implications

19 Adoption of the revised document fulfils the statutory requirement for the council to maintain an up to date statement of community involvement, detailing its commitment to engage with the public during preparation of planning documents. This is in accordance with Planning and Compulsory Purchase Act 2004.

Risk management

20 By consulting on and adopting the revised document, the council will avoid breaching its statutory duty to maintain a statement of community involvement.

Consultees

21 Public consultation was undertaken between 10 February and 23 March 2016 upon the draft document in accordance with the requirements set out in the existing SCI. The summary of these representations and response is set out in appendix 5 & 2.

22 It was considered by GOSC on Monday 5 September and Appendix 3 sets out the changes suggested by the committee and the cabinet's response to those changes.

23 Cabinet considered the draft statement and the consultation responses on 3 November and recommended the statement to Council for adoption.

Appendices

Appendix 1a - Draft Statement of Community Involvement.

Appendix 1b – Summarised version of draft Statement of Community Involvement

Appendix 2 – List of changes to original draft following public consultation

Appendix 3 – List of changes proposed by General Overview and Scrutiny Committee

Appendix 4 – Consultation questions

Appendix 5 – Summary of consultation responses

Background papers

- None identified.

Further information on the subject of this report is available from
Susi Gilson, local and neighbourhood planning community engagement officer
on Tel (01432) 383357

Contents

Document summary

1. Summary of planning documents

2. Role and purpose of the Statement of Community Involvement

3. When can you get involved?

4. Who will be involved in the consultation?

5. Community Profile

6. Diversity of interests and those at risk of exclusion

7. Herefordshire's approach to community involvement

8. Community Involvement Methods and Techniques

9. Herefordshire's consultation standards for Development Plan Documents and Supplementary Planning Documents

10. Community Involvement in the planning application process

11. Neighbourhood Development Planning

12. Monitoring and reviewing

Appendices

Document Summary

Revisions of the planning process, since the Planning and Compulsory Purchase Act 2004, have resulted in a more user-friendly, streamlined mechanism with which to bring plans to fruition. In March 2012, the National Planning Policy Framework (NPPF) was published and set out the Government's planning policies for England and how they were expected to be applied.

The NPPF replaced over a thousand pages of policy with a much more succinct and uncomplicated structure to follow.

Publication of the NPPF, along with the publication of the Localism Act 2011, means that emphasis is now firmly placed on early engagement and collaboration with neighbourhoods, local organisations and businesses, making planning inclusive of people and communities who want to be involved and a dispersal of power from central Government to local authorities.

Every Council in the country is now creating a countywide planning strategy, known as a Local Plan. As a cornerstone of planning and future development, Herefordshire's Local Plan (formally the Local Development Framework) fits consistently with the principles and policies set out in the NPPF. The Local Plan is there to deliver sustainable development that reflects the vision and aspirations of local communities.

The Local Plan sets out the strategic priorities for Herefordshire, taking measured consideration of the impact on every aspect of social, economic and environmental matters through progress and change.

Following extensive research and public consultation, as well as intensive examination by an independent inspector, the Local Plan provides the basis for all future planning within the County until 2031.

As part of the make-up of the Local Plan, a Local Development Scheme (LDS) has been devised in order to set a timetable for production of a series of accompanying documents, known as Local Development Documents (LDDs). A comprehensive list of the different types of documents produced is provided in section 1 of this document.

This Statement of Community Involvement (SCI) is one of the Local Development Documents, and sets out how the Council will engage with the community in respect of planning matters.

A vital part of the Statement of Community Involvement is to identify those groups most at risk of exclusion and to identify how the Council will approach this potential challenge. Section 6 has more details about this. Section 8 gives more information about the selection of general methods and techniques the Council use to engage with people.

In order to fulfil the pledge to award more power to local communities, the NPPF has introduced Neighbourhood Planning. Creating a Neighbourhood Development Plan gives communities the opportunity to shape and direct sustainable development within their area. Section 11 gives more information about this.

The overall ethos behind the SCI is that local planning authorities should be informative and receptive to views right from the earliest stages and throughout the planning process, to give everyone the opportunity to contribute.

The aim of this is to ensure that the outcome reflects a collective vision and a set of agreed priorities for the ongoing development of Herefordshire.

1. Summary of Planning Documents

1.1 Local Development Document (LDD)

These comprise of: Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. Definitions of these documents are provided below.

1.2 Local Development Scheme (LDS)

This is a list of what documents will be included in the Local Plan and timetable for their production. The Local Development Scheme for Herefordshire can be found on the Council's website. The scheme is regularly reviewed. The Local Development Scheme can be found on the Council's website at:
www.herefordshire.gov.uk/local-plan

1.3 Statement of Community Involvement (SCI)

This sets out how and when the local community can become involved in the preparation of the Local Development Documents and in the consideration of planning applications. The Council must comply with its adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance will be tested when these are independently examined. The Statement of Community Involvement can be found on the Council's website at:
www.herefordshire.gov.uk/local-plan

1.4 Development Plan Documents (DPD)

Development Plan Documents will have the status as part of the development plan for the area. They must be subject to sustainability appraisal and community involvement during their preparation and can only be adopted after independent examination resulting in recommendations which are binding on the Council.

1.5 DPDs will include the following:

- The Core Strategy, which sets out the long term vision for the area and the policies required to deliver that vision.
- Development Plan policies, based on topics such as housing, employment, and retail and will guide development in the County.
- Site specific allocations of land for individual uses e.g. housing, employment
- A Proposals Map illustrating the spatial extent of the policies
- Action Area Plans for key areas of change.

1.6 Supplementary Planning Documents (SPD)

These documents are optional and may cover a range of issues, both theme based and site specific which provide additional detail to the policies in the development plan document. They are subject to sustainability appraisal and community involvement and do not require independent examination.

1.7 Neighbourhood Development Plans (NDP)

These are also optional and give every parish community the opportunity to shape the way their area develops within the guidelines of the Local Plan. Guidance on how to formulate a Neighbourhood Development Plan and details of the help that is available can be found on the website at:
www.herefordshire.gov.uk/neighbourhood-planning

1.8 Sustainability Appraisals (SA)

Sustainability Appraisals are to form an assessment of the social, economic and environmental impacts of the policies and proposals contained within the Local Plan. All Local Development Documents are subject to a Sustainability Appraisal to assess the contribution the document or policy makes in achieving sustainable development in terms of social, economic and environmental factors.

1.9 Annual Monitoring Report (AMR)

The Council are required to produce an Annual Monitoring Report. This report will consider the effectiveness of the policies within the Local Plan and identify what needs to be reviewed/prepared in the future. The Annual Monitoring Report also sets out the Council's performance in achieving the key milestones set in the Local Development Scheme.

1.10 Planning Applications

The National Planning Policy Framework (NPPF) encourages pre-application discussions. In order for the planning process to work as efficiently and fairly as possible, every effort will be made to ensure that all valid planning applications are available for public viewing at the earliest convenience, giving the opportunity to all interested parties to have their say before the final decision is made.

2. Role and purpose of the Statement of Community Involvement

2.1 A key element of the planning process is to ensure more effective community involvement in the planning process, particularly in the early stages of plan preparation. The Council fully embraces the Government's objectives for improving community involvement in the planning system and has embodied in its Statement of Community Involvement ways in which the Council will seek the views of the community and build on existing consultation mechanisms to continue to make community involvement more effective.

2.2 In complementing the above, the Statement of Community Involvement seeks to explain the Council's policy for actively engaging the local community and stakeholders throughout the preparation, alteration and continuing review of planning documents and in the consideration of planning applications.

2.3 The planning system through its Statement of Community Involvement looks to overcome the traditional reactive way people have previously become involved in the planning process by recognising that people who are likely to be affected by new developments should be encouraged to participate more directly in the preparation of the documents which will form this framework and in the processing of planning applications. For plan documents this will help strengthen the evidence base of Local Development Documents as well as encourage a sense of local ownership and commitment to plan policies and their delivery. For both plan documents and planning applications this front loading approach should help to resolve conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken by examinations and revisions in the later stages.

2.4 A statement of community involvement is required under Section 18 of the Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008, Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012 and is informed by the National Planning Policy Framework 2012.

2.5 **The role and purpose of this Statement of Community Involvement is to:**

- Identify who will be consulted on plan documents and planning applications and when they will be actively involved in plan making and in reaching decisions on planning applications.

- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications.

- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership.

- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas.

- Explain how the results of the consultations will be fed into preparation of Local Development Documents and how those involved will be kept informed.

- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the planning process will be coordinated with other community involvement and consultation initiatives undertaken by the Council.

- Ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and compliance be kept under review and revised where necessary.

2.6 Statutory consultation requirements are set by the Government in the Town and Country Planning (Local Development) (England) Regulations 2012. This statement demonstrates how these will be met.

2.7 Development Plan Documents will be formally examined by independent inspectors from the Government's Planning Inspectorates team. It is no longer a requirement for Statement of Community Involvement to be independently examined.

3. When can you get involved?

3.1 People can participate in all aspects of the planning process, including the preparation and examination of Development Plan Documents and Supplementary Planning Documents and in the consideration of planning applications. Section 11 will have more information on how Communities can come together and play a big part in how the area around them develops in the future by writing their own Neighbourhood Development Plan.

4. Who will be involved in the consultation?

4.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out those bodies that the Council must consult with when preparing plan documents and planning applications.

4.2 The main groups to be targeted are Central, Regional, Local Government organisations, statutory bodies, community, voluntary, resident and interested groups, members of the public, Parish/Town Councils, local businesses and developers/agents. Information with regard to specific consultees can be found in appendix 2 of this document.

4.3 The preparation of Local Development Documents will be more relevant to some groups than others. The list will therefore be used as a guide to identifying the types of groups to involve and consult with. The groups and organisations will change over time and the planning consultation database will be reviewed regularly to maintain an up to date and relevant list of groups and organisations to consult.

5. Community Profile

5.1 Any meaningful and practical programme of community engagement must have regard to the physical characteristics of the County and the dispersed nature of settlements and communities. Community profiling is a useful tool in understanding the composition of the County.

5.2 Herefordshire is a large, predominately rural, landlocked county situated in the south western corner of the West Midlands region, on the border with Wales. It has a close relationship with neighbouring Shropshire and Worcestershire and there are a range of interactions taking place which cross Herefordshire's boundaries in all directions, including service provision, transport links and commuting patterns.

5.3 At the county's heart is the city of Hereford which is the main centre for civil and ecclesiastical administration, health, education and leisure facilities, shopping and employment. The five market towns of Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye, surround the city with still almost medieval regularity. Outside of these urban areas, nucleated villages and smaller settlements, farms and other isolated properties characterise much of Herefordshire.

5.4 According to the latest official estimate, Herefordshire's resident population is 187,200. The projected estimate by 2031 is 205,400.

5.5 Being sparsely distributed, Herefordshire has the fourth lowest overall population density in England (ninth in England and Wales). Just under a third of Herefordshire residents live in Hereford, with about a fifth in the five market towns and nearly half in the surrounding rural areas. Despite other counties having a lower overall population density, Herefordshire has the greater proportion of its population living in 'very sparse' areas (25%).

5.6 This scattered population presents many challenges, both for residents in terms of dependence on the private car, increased household costs, access to services, often poor or no broadband access and social isolation, as well as for the delivery of services, particularly to community members already experiencing disadvantage.

5.7 Like the national population structure, Herefordshire's population is ageing with one in five people aged 65 or over (compared to one in six nationally). There is a much older age structure in Herefordshire compared to England and Wales, with higher proportions of residents in all age groups from 45-49 upwards and less in the middle aged groups. Both national and local forecasts predict a further rise in the proportion of older people.

6. Diversity of interests and those at risk of exclusion

6.1 As a result of previous experiences in engaging with different groups on planning matters, it is understood that no single method of communication is adequate when trying to ensure effective and fully inclusive consultation.

6.2 Different ways of communication will suit different people. Using organisations that are there to provide a support network to specific groups of people is also important. With the use of good communication, everyone can find the information they need and will know how to get involved if they choose to. It is important when contact is made that the council invite feedback on what has been the most convenient and successful method of communication for the recipient.
Suggested pro-active approaches are set out in the following table.

Groups at risk of exclusion	Approach
Minority Ethnic Groups	Utilise links with the Council's Equality, Sustainable Communities Team, Integration & Partnership Team and social media.
Travellers/Gypsies	Utilise links with the Herefordshire G & T strategy group, social media, specific publications and national organisations/bodies supporting this specific group.
Disabled People including those with numeracy, literacy disabilities	Utilise links with the Council's Community Involvement Coordinator, organisations/ bodies supporting this specific group, local Access groups and social media.
Older people	Make contact with network groups supporting the elderly and social media.

Children and young people	Work with the Children's Wellbeing Directorate & Participation Officer, British Youth Council (BYC), School Councils, and Youth Clubs and social media.
Those following different religions or with certain beliefs	Utilise links with the Council's Equality, Integration & Partnership Team, Sustainable Communities Team and social media
Young single parents	Local community centres, post-natal groups, online forums and social media.
Homeless	Herefordshire Council Homelessness and Housing Advice Team.
People located in dispersed rural areas.	Council website, community forums and groups, Parish Councillor and staff and social media.
Adults with Learning difficulties	Liaison with the Council's Adult Social Care team, organisations/bodies providing specific support for this group, social media.
Those who are too busy to respond	Endeavour to ascertain the most convenient means of communication for future involvement, social media.

* Other organisations representing these groups are included in the consultee list maintained by the planning office.

In all future engagement and consultations, the council will pay regard to broader policies, including: Human Rights Act 1998, Freedom of Information Act 2000, Data Protection Act 1998, Equality Act 2010, Disability Discrimination Act 2005 and Race Relations Act 2000.

6.3 It is important to recognise that well established local partnerships and communication networks representing many key organisations and groups exist and operate effectively within the County. To make good use of resources the Council will seek to engage with these partnerships and utilise these communication networks whenever it is possible and appropriate to do so.

7. Herefordshire's approach to community involvement

7.1 In producing its Statement of Community Involvement, the Council seeks to promote effective community involvement in the planning system. The Council corporately has a strong commitment to community engagement and has adopted the following objectives through its Strategy for Community Involvement:

- Purpose should be clear
- Consultation should be well planned, timely and inclusive
- Methods should be appropriate and well-managed
- Relevant documentation should be accessible to all, so opinion is fully informed
- Decisions should be based on all relevant evidence
- Results should be acknowledged and fully considered
- Accessible feedback should be given
- Effectiveness should be evaluated
- Opportunity should be given to public wherever possible to register ongoing interest

7.2 In following these principles the consultation approach developed within this Statement of Community Involvement will reflect local circumstances, be deliverable building on existing practice, be meaningful and easy to understand and capable of being resourced and managed effectively.

8. Community involvement methods and techniques

8.1 Section 5 identifies the key characteristics of the County. The dispersed population spread over a wide rural area raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. As and when it is deemed necessary by the Council, in order to widen the involvement of the community and especially those at risk of exclusion, a broader range of engagements methods will be used. In preparing this Statement of Community Involvement and in developing the approach, it is necessary to give consideration as to how the authority informs, involves, consults and provides feedback.

8.2 To engage effectively over a range of planning documents the Council will use a combination of consultation methods appropriate to the policy area being prepared and its stage of preparation. The table of engagement methods sets out a range of formal and informal community involvement methods and techniques which will be selected from depending on what is thought to be most appropriate. This is based on the Regulations, advantages and disadvantages of different methods, local circumstances, previous experiences, feedback from the Statement of Community Involvement questionnaires and the resources available to manage the community involvement process.

8.3 There is no significance in the order of the various methods and it is not anticipated that every one of these methods need be used. However, electronic communication will be considered as the principle means wherever possible due to its invaluable potential to circulate large amounts of information to the widest range of the Herefordshire audience. This is especially important, given the

county's rural nature; therefore those who may have difficulty accessing information at key sites such as libraries can still take part in the consulting process. It should be noted however that there are parishes with far less access to information; therefore information centres and libraries across the county and well as major county publications and parish council staff will be required to make material available and keep the public informed.

8.4 Table of engagement methods

Method	Main Considerations
Council web site	Information can be provided quickly and efficiently and accessed by the public from their own home or office at a time which is convenient to them. This can overcome the problems of trying to consult over dispersed rural communities. However, access to the internet is not universal and therefore may disadvantage certain groups. The Council has web access at all Customer Service Centres and libraries and will continue to consider ways in which access to web based information can be improved. Web pages should be user friendly. Use is likely to continue to increase.
Email	Information and responses can be provided quickly and efficiently. Increased use of this means of communication is sought with Town and Parish Councils, specified consultees and all other parties will be communicated in this way wherever possible. Every effort will be made to gather and maintain email addresses, unless an individual specifies otherwise.
Social media	Use of sites such as Facebook and Twitter keep users informed with regular updates for low cost. Likely to be utilized as a means of keeping people informed, rather than a formal part of consultation. Still many people not using these mediums. Therefore, where appropriate, pages should be referred to on literature & website to raise awareness.
Formal advertisements in local press	Statutory requirements to publish notices advertising certain planning applications

Press releases	It is cost effective in terms of bringing local issues into the broader local arena. Releases will be sent out to all major county publications. Items may only be reported if they are considered newsworthy by the newspaper editors, therefore publication is not guaranteed.
Consultation documents available for sale, CD or inspection at Council offices, by post and on the web	Traditional means of consultation and the information supplied can be in detail. Information needs to be in plain English with simplified formats. Due to limitations for people with mobility or sight disabilities and where English is not a language that is understood, modified versions need to be made available at no extra cost to the individual.
Leaflet, newsletters and brochures	Can publicise and explain in simple language and invite comment. The Parish newsletters are a good communication link and should be utilised where appropriate. Newsletters can be sent to all residents; however, may be viewed as junk mail and disregarded. Can be expensive to distribute.
Formal written letter	Letters will be sent when there is no other means of communication or a person has requested to be written to by post specifically. High postage and administration costs.
Public Exhibitions/Public meetings/presentations	Can be used to circulate information, seek views and endorse proposals. Gives residents some flexibility in deciding when to visit and can encourage feedback. Takes planning issues to the people and provides an opportunity for people to discuss local issues directly with planning officers in an environment which local people will be familiar and therefore comfortable with. However, people attending may not be representative of the whole community and there is no guarantee of turn out. High staff and material costs. Countywide consultations require extensive coverage and numbers of events. Displaying information in local shops where people frequent should be considered as an alternative, where appropriate.

Notices displayed on a site	Direct and local notification of proposals to those around a site and in local area, however notices can be vandalised or removed before the end of consultation period.
Through partnership organisations and focus groups, existing forums/panels	Useful for topic based discussions and to find out what specific groups feel. Provides opportunity to discuss issues in depth and to have ongoing dialogue. However high direct costs of facilitating. Important to build on existing networks rather than reinvent with new ones.
Councilor networks	Councillors play a very important role in terms of community engagement. They are a recognised point of contact for the local community to go to with regard to Council matters. It is vital to ensure that Councillors are kept well briefed.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals however they are time consuming and require costly staff resource.
Parish and Town Council networks	If Town and Parish Councils are effectively involved with consultation exercises they can provide an invaluable contact with local communities. Many have developed their own websites and social media pages and should be used as a platform to provide information relevant to parish residents. There is also opportunity to assist in the preparation and distribution of consultation material e.g. on town, parish and village notice boards and other locations deemed appropriate.
Questionnaire/surveys	Enables quantifiable information to be collected. Questionnaires need to be well designed. There is no guarantee of response rate. Likely to be time consuming and costly.
Workshops	Organised discussion based event to present and gather information. Can be targeted at key stakeholders. Requires skilled facilitators to ensure objectives are achieved. Requires costly staff resource.

8.5 Resourcing and managing the process

In preparing this approach to community consultation and to ensure that it is deliverable, consideration has to be given to the resources available to manage the process. Officer time is a key resource issue. Electronic communication will be utilised whenever possible, including regular updates on the council website, and social media. A balance has to be struck between consultation and the various production and management issues associated with the range of Local Development Documents that are to be prepared.

8.6 The budget for Local Plan – Core Strategy preparation will meet the costs of the legal requirements for community involvement in plan making. The Council's Local Development Scheme sets out a phased programme for the preparation of Local Development Documents, ensuring that consultation activities are staggered and that the Statement of Community Involvement's requirements can be met without undue pressure on resources. Resources for the Local Plan are assessed through the Council's budget review process, which will include consultation requirements. Where possible, consultations will be coordinated with other departments, external stakeholders and local communities to lever in more resources.

8.7 In addition as a Local Development Document is being prepared particular issues may arise which may require additional community involvement work and the approach needs to be sufficiently flexible to enable this to be incorporated in the Local Development Document preparation process. An issue that needs serious thought is the possible limitations on the ability of the community to fully engage in the consultation process.

8.8 Role of elected members

Herefordshire Council has 53 councillors who are elected to represent the constituents of 53 wards. They have an important role to play in the community involvement process by keeping their local communities informed, representing their views and encouraging and assisting them to engage in the future planning and development of their area.

8.9 It is vital that all elected members are involved in the Local Plan preparation process to provide ownership, leadership and commitment to future implementation. Where appropriate and depending on the issue in question, arrangements will be made with Councillors to involve them in emerging policy work. This approach will be additional to the Council's established procedures for decision making.

9. Herefordshire's consultation standards for Development Plan Documents and Supplementary Planning Documents

9.1 The minimum legal requirements for consultation and public participation for the Local Plan are set down in formal regulations, Town and Country Planning (Local Planning) (England) Regulations 2012. Specified bodies must be consulted if the Council considers that the body may be affected by what is proposed. In addition to the formal bodies, it is the intention of the Council to involve the community at an early stage in the preparation of Local Development Documents. This is essential to work towards the key objectives of openness and consensus and resolving conflicts.

9.2 Development Plan Documents (DPDs)

Development Plan Documents are produced in order to set out the local authority's policies and proposals for development and use of land and buildings in the area. Development Plan Documents are subject to mandatory public consultation in order to prepare preferred options, as well as independent examination. Examples of Development Plan Documents include Core Strategy and Neighbourhood Development Plans.

DPD stage: Initial technical consultation – establish evidence base and prepare issues and options – Regulation 18
(Statutory 6 week consultation period)

9.3 Herefordshire Council will:

- Email prior notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that issues and options documents are to be published for consultation and are available for inspection. This will give people time to prepare in light of any representation they may wish to make. Communication should include details of where documents will be available to view, start/finish of consultation and how anyone wishing to make representation is able to do so.
- Email copies of any issues and options documents to relevant specified bodies and any other interested party who requests it.
- Send a press release to local papers outlining details of the consultation.
- Make copies of any issues and options documents available for inspection at the Council offices and any other venue the Council considers appropriate. (Regulation 35)
- Publish a notification on Council website and social media, along with links to any issues and options documents.
- Carry out a range of other community involvement methods, appropriate to the scope and potential impact of the Development Plan Document. The programme of such exercises will be set out and publicised prior to the commencement of this consultation stage.

DPD Stage: Pre-submission draft consultation – Regulation 19 & 20
(Statutory 6 week consultation period)

9.4 Herefordshire Council will:

- Email prior notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the draft document and accompanying sustainability appraisal report will shortly be published for consultation and be available for inspection. This will give people time to prepare for the formal consultation. At this stage, the emphasis is on exploring the legality and 'soundness' of the document, rather than content.

- Email copies of the preferred options document and accompanying sustainability appraisal report to those relevant specified bodies and any other interested party who requests them.

- Send a press release to local papers, outlining details of the consultation.

- Make copies of the preferred options document and accompanying sustainability appraisal report available for inspection at the Councils offices and any other venue the Council considers appropriate. (Reg 35)

- Publish the documents on the Council website. Include guidance notes on how to make a representation and what will happen when a representation has been received. Produce a standard response form to enable people to make representations in writing or on line via the Council website.

- Publish consultation details, dates and links on social media.

- Issue press release with details of consultation dates, where and when documents will be available for inspection, as well as how representation can be made.

- Use additional, more targeted community involvement methods if deemed appropriate to do so by the Council.

- Acknowledge receipt of all representations submitted and publish them on the Council website.

- Consider all representations received within the specified 6 week period (Reg 20)

- Publish a summary of the representations received indicating how they have been considered and whether any changes are proposed as a result.

Site allocations representations.
Where developers or individuals submit representations during the consultation that promote alternative sites for development

9.5 Herefordshire Council will:

- Email notification to all potentially affected consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, (including those who made other representations during the draft consultation stage) that the representations promoting alternative sites have been received. Include information on where these can be viewed and confirm start/finish date of consultation.

- Send a press release to local papers, outlining details of the consultation.

- Make copies of any site allocation representations received available for inspection at council offices and any other venue where pre-submission documents were displayed and if practical publish them on the Council website. (Reg 35)

- Publish a formal notice on Council website and social media, detailing how to make representations within a specified 6 week period, indicating where and when the site allocation representations will be available for inspection.

- Send to the Secretary of State at time of submission of the Development Plan Document a statement of the additional representations received, a summary of the main issues raised and copies of all additional representations. (Reg 20)

DPD Stage: Submission of the DPD to Secretary of State – Regulation 22

9.6 **Herefordshire Council will:**

- Submit a statement of compliance demonstrating how the Council has complied with its Statement of Community Involvement along with accompanying documents. This will set out whom and how the Council consulted at pre-submission stage, the representations received and the main issues raised and how these have been addressed in the Development Plan Document.

- Email notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, (including those who made representations at the draft submission stage) that the submission Development Plan Document and accompanying sustainability appraisal report is published and submitted to the Secretary of State for independent examination. Include information advising where hard copies of all documents submitted can be viewed.

- Make copies of the Development Plan Document, the accompanying sustainability appraisal report and other supporting documentation available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
  (Reg 35)

- Email copies of the submission Development Plan Document and accompanying sustainability appraisal report to those relevant specified bodies and any other interested party who requested them.

- Publicise the submission on Council website and social media.

DPD stage: Independent Examination – Regulation 24
(Anyone with an outstanding objection has the right to have their representation considered by an Independent Planning Inspector at an examination into the soundness of the DPD)

9.7 **Herefordshire Council will:**

- Email any person who made a representation on the submission document (where the representation has not been withdrawn), or send letter if email addresses are unavailable or they have requested communication by other means. Notification should be at least 6 weeks before the time and place at which the independent

examination will take place and the name of the person appointed to carry out the examination should be included.

- Written representations, round table discussions, informal hearings or formal examinations may be involved, with each carrying equal weight. Only those seeking changes to the Plan have the right to appear and the Government anticipates that written representations can deal with the majority of cases. (Reg 23)

- Publish information on the Council website and social media.

DPD Stage: Inspectors Report – Regulation 25

(After examination, the Inspector will produce a report which is binding upon the Council, with specific recommendations as to how the document must be changed)

9.8 **Herefordshire Council will:**

- Email notification to all relevant consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the Inspector's report has been received and when it will be published.

- A soon as is reasonably practical, publish the Inspector's report and make it available for inspection at the Council offices and any other venue where pre-submission documents were displayed. (Reg 35)

- Publish the Inspector's report on the Council website.

- Publish a notification on social media.

DPD stage: Adoption and publication – Regulation 26

(The Council must adopt the submitted document as changed by the binding Inspector's report)

9.9 **Herefordshire Council will:**

- Email notification to all relevant consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the Development Plan Document has been adopted and include a copy of the adoption statement. A reasonable charge will be made for any hard copies requested to be sent to consultees personally.

- As soon as is reasonably practical, publish the adopted Development Plan Document, the adoption statement and accompanying sustainability appraisal report and make these documents available for inspection at the Council offices and any other venue where pre-submission documents were displayed. (Reg 35)

- Publish notification and documents on the Council website.

- Publish a notification on social media.

- Send out a press release to local newspapers stating that the adopted Development Plan Document and the adoption statement are available for inspection, indicating where and when they can be inspected.

The Council may make a reasonable charge for a hard copy of a document. Specially modified versions can be made available in large print, audio cassette, Braille or languages other than English for those that require it at no cost.

9.10 Supplementary Planning Documents (SPDs)

Supplementary Planning Documents are produced to expand on policy and provide additional information and guidance in support of policies and proposal in Development Plan Documents. They can be site specific or topic based. The process for preparing a Supplementary Planning Document is similar to that for a Development Plan Document, but simplified. There is no requirement to prepare preferred options and Supplementary Planning Documents are not subject to independent examination. As with Development Plan Documents, their preparation is informed by community involvement and sustainability appraisal.

SPD Stage: Preparation of draft plan – Regulation 12 & 13
(statutory 4-6 week consultation period)

9.11 Herefordshire Council will:

- Email notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, of issues to be addressed in the Supplementary Planning Document. Information sent should include details of consultation period, where any background information can be viewed and how representation can be made.

- Where a site specific Supplementary Planning Document is being prepared, undertake more targeted consultation with the local community in the vicinity of the site. This should only be undertaken if the council deems it to be a necessary part of the process, in order to gather sufficient feedback from interested parties.

- Make copies of any issues and options documents available for inspection at the Council offices and any other venue the Council considers appropriate. (Reg 35)

- Publish a notification on Council website, along with any issues and options documents.

- Publish a notification on social media.

SPD Stage: Adoption and publication – Regulation 14
(The Council will adopt the SPD having considered any representations received)

9.12 Herefordshire Council will:

- Prepare a statement setting out the main issues raised by representations received and how they have been addressed in the Supplementary Planning Document the Council intends to adopt.

- Email notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the Supplementary Planning Document has been adopted and send them a copy of the Supplementary Planning Document and adoption statement.

- Make copies of the adopted Supplementary Planning Document and adoption statement available for inspection at the Council offices and any other venue the Council considers appropriate.

- Publish a notification and these documents on the Council website.

- Publish an update on social media.

Decision Making Processes

The Council will maintain a record of consultation responses received during the preparation of planning documents and will present a transparent decision making process to the community. Consultation responses are one of the matters to be taken into account by Councillors when making decisions on plan making.

A summary of consultation responses will be made available prior to any decision being made upon planning documents.

A Statement of Compliance will be produced for every planning document which will include a summary of consultation responses and details of where the document has been amended in light of responses received.

The comments received will be made publicly available so they can be viewed by others with an interest in the matter.

When a Development Plan Document is submitted to the Secretary of State, the Regulations require that the Statement of Compliance is also provided.

The Inspector when testing the soundness of the Development Plan Document at examination will use the Statement of Compliance to determine whether the Statement of Community Involvement has been correctly followed.

If there has been a failure to comply with the Statement of Community Involvement or the Regulations, in a way that undermines the Development Plan Document, the Inspector can recommend that the document be withdrawn.

10. Community involvement in the planning application process

10.1 This section sets out how you can find out about and get involved in the planning application process in Herefordshire.

Herefordshire Council is responsible for the processing and decision making of planning applications. This work which is undertaken by the development management team involves handling a wide range of planning and related applications ranging from house extensions to large housing and employment development and minerals and waste proposals

The operation of the development management process is governed by requirements that are set out in national legislation. With respect to publicity and consultation on planning applications the requirements are set out in The Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended)

This part of the Statement of Community Involvement sets out in detail how public involvement in the planning application process will operate in Herefordshire. It sets out:-

- The approach to consultations and publicity for planning applications
- The approach to decision making
- The approach to pre-application advice

10.2 How can I find out about planning applications in Herefordshire?

When a planning application is received the Council are firstly required to confirm that it is a valid application; that is to check that it contains all the correct documentation. If it does not then the application will not be processed and it will not be publicised. Once the application is confirmed as being valid the Council are required to carry out certain publicity.
The following sets out the publicity given to planning applications:-

Planning applications online

10.3 Details of all applications that are received are displayed on the Council website. During the processing of the application these details are updated with any new information received, such as consultation responses. The record will include the officer's or Planning Committee report, the decision notice, the discharge of conditions and any subsequent appeal.

If you do not have internet access you are able to use the facility at one of our Customer Service Centres.

Site Notices

10.4 For every planning application at least one site notice will be displayed; in some cases there will be more than one notice. The notices are coloured yellow and are displayed at public vantage points on and/or near the site.

Press Notices

10.5 Certain types of application will additionally be advertised in the local press. Currently the adverts are placed in the Hereford Times. The types of application are:-

- Those which affect the character or appearance of a conservation area
- Those for works to listed buildings and development which affects the setting of a listed building
- Those which affect a public right of way
- Those for ten or more houses
- Those for 10,000 square metres or more of employment floor space
- Those for sites with an area of one hectare or more
- Those for waste management or minerals extraction
- Those which are a departure from development plan policy
- Those which are likely to be of a wider community interest, such as wind turbines

- Those which are subject to an environmental impact assessment

Weekly Lists

10.6 A weekly list of applications received is available on the Council website www.Herefordshire.gov.uk

City/Town/Parish Council notification

10.7 The local council are notified of all applications within their area. Neighbouring parishes are consulted on applications where it is considered they will be impacted.

How can I comment on a planning application?

Once you become aware of a planning application the complete details of the proposal can be viewed on the Council's website.

If you wish to comment on any application then you can:-

Use the online comment form on the website

E-mail us to: planning_enquiries@herefordshire.gov.uk

Write to us at: Planning Services, PO Box 230, Hereford, HR1 2ZB

(Oral/verbal or anonymous comments cannot be taken into account)

We recommend that when you make a comment that these relate to relevant planning matters

10.8 **Relevant planning matters include:**

- Planning policy
- The design and visual impact
- The impact on privacy/daylight/sunlight
- Environmental factors - noise, smell, pollution
- The economic benefits
- Highway issues - access, traffic, parking
- Impact on the landscape and ecology (nature conservation)
- Impact on the historic environment, heritage assets and their setting.

10.9 **Matters which are not normally relevant:**

- Loss of a view
- Impact on property value
- Land ownership/property covenant

- Effect on trade/competition
- Personal circumstances of the applicant (except in exceptional circumstances)
- The number of representations

10.10 Any comments you may wish to make should be received within the time period which will be specified on the website or the site/press notice. Following the specified date the Council is able to make a decision on the application. If we do receive a comment after the specified date it will only be considered it if it is received before the decision is issued and raises material issues.
Any comments you make will be open to public inspection. They will be published on the application record on the Council's website. In this we will include your name and address but your signature, e-mail address and telephone number(s) will be redacted.
The Council will not accept responsibility or liability for the comments received and reserves the right to withdraw and/or redact comments from public inspection where they are not of a valid planning nature.
All comments made are taken into account in the making of the decision.

10.11 **How and when are decisions made?**

The majority of decisions on planning and related applications are made in accordance with the Council's Scheme of Delegation – that is the decision is made by an Officer on behalf of the Council. It is important to note that the officer who makes the decision will not be the officer who has dealt with the application.
A number of applications will be determined by the Planning Committee. The types of application are set out in the Council's Constitution. The Committee meets on a three weekly cycle with meetings starting at 10.00am. The agenda, including reports on all the planning applications to be considered, is published five working days before the meeting. The dates for the meetings and the agenda is available to view on the Council website.

10.12 **Which applications are determined by Planning Committee?**

- Those agreed to be called in under the Ward Member redirection procedure
- Those made by the Council itself where material objections have been received
- Those by Council Members
- Those by certain Council Officers
- Those which if approved would be a departure from Council policy
- Significant or strategic applications

Note: The above is a summary with the precise wording set out in the Constitution (currently set out in paragraph 4.8.4.2)

10.13 The Planning Committee encourages public speaking at its meetings. For any application on the agenda the applicant, parish/town council and those making representations will be invited to speak for three minutes. If you have made a representation within the required consultation period we will invite you to speak.

10.14 Please note that if there are a number of representations from the public the speaking time will need to be shared.

Full details of the role and functions of the Planning Committee and the Public Speaking Procedures are set out in the Council's Constitution. This can be viewed on the Council's website.

10.15 Significant planning applications – Community engagement

The Council encourages anyone seeking planning permission to discuss their proposal first. The Council believes these are valuable as they allow discussions to take place around the likely acceptability of a proposed development.

As part of this process the Council always recommend that anybody seeking planning permission should discuss their proposal at an early stage with those potentially affected. There will be certain developments which in the view of the Council are likely to generate public interest which should be canvassed prior to any formal application. The following list, which is neither exhaustive nor prescriptive, lists those more significant applications.

10.16 What are "significant" applications in respect of initial discussion with potentially affected parties?

- Housing schemes for ten or more houses
- New buildings greater than 1,000 square metres
- Development on a site greater than 1 hectare
- Minerals development
- Waste development
- Those which are likely to be of a wider community interest, such as wind turbines
- Those which are subject to an environmental impact assessment

The Council itself does not undertake any form of public/community consultation at pre-application stage but if the development proposed is considered to be significant, it would strongly encourage the applicant to involve the community.

10.17 Applicant's duties for Community Consultation

- Identify groups and/or individuals who should be involved
- Agree a method for their involvement
- Agree a timetable for their involvement
- Set out how any feedback from the consultation will be assessed
- Identify where the feedback has resulted in a revision to the proposal
- Include in the planning application a statement on the consultation exercise

11. Neighbourhood Development Planning

The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live.

There is no compulsion for parishes to prepare a Neighbourhood Development Plan (NDP), however there are a number of benefits to having one:-

- It will help a community play a greater role in shaping the future of its surrounding area.
- It will bring together local residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be done within the local community. It can also build relationships between the local community and service providers.
- Neighbourhood planning offers communities the opportunity to set priorities for planning within their area.
- Areas with adopted Neighbourhood Development Plans will also be entitled to a larger share of any Community Infrastructure Levy to put towards infrastructure projects in the area.

11.1 Neighbourhood Development Plans will set out the vision for an area and the planning policies for the use and development of land within a parish or neighbourhood area. The policies within a Neighbourhood Development Plan are intended to support the strategic policies within the Herefordshire Local Plan – Core Strategy, and should focus on guiding development, rather than stopping it.

11.2 Once a plan has been adopted, it will become a statutory plan carrying equal weight to the Core Strategy and be part of the Local Development Framework to be used in making decisions on planning applications in your area by Herefordshire Council.

11.3 Plans will need to conform to planning policies and guidance at a local, national and European level and meet the Neighbourhood Planning Regulations. This will be tested in an independent examination. They will also need to demonstrate involvement of the local community in decision making and be subject to a community referendum.

11.4 **Neighbourhood Development Plans can:**

- Decide where and what type of development should happen within a parish
- Promote more development than provided for within the Herefordshire Local Plan – Core Strategy
- Provide less development in exceptional circumstances where justified.
- Include detailed planning policies for the parish which do not conflict with the Herefordshire Local Plan – Core Strategy

11.5 **Neighbourhood Development Plans cannot:**

- Conflict with the policies of but rather sit within general conformity of Herefordshire Local Plan – Core Strategy
- Be used to prevent development
- Be prepared by a body other than a parish or town council in Herefordshire
- Include County Matters such as Minerals and Waste

11.6 Who can create a Neighbourhood Development Plan?

Within Herefordshire, only the parish or town council is the 'relevant body' who have the responsibility for producing a Neighbourhood Development Plan for their area. The parish/town can enlist help from others within the community but only the parish council can make a neighbourhood area application and submit the relevant draft documents to Herefordshire Council for consideration.

11.7 What might a Neighbourhood Development Plan include?

Neighbourhood Development Plans can contain a variety of issues and policies which are most relevant to a specific parish. Following this is a list of possible issues which could be covered. This is not meant to be an exhaustive list and parishes do not need to include every item. The plan should be responsive to the needs and aspirations of the relevant community.

- Identify sites for housing, including affordable housing
- Provision of a settlement boundary
- Provision for businesses to set up or expand in the parish
- Provision of cycle ways and footpaths
- Identify sites for community use, such as schools, village halls, health centre, leisure facilities
- Design guidance for your parish
- Protection and creation of open space, green amenity areas, nature reserves, allotments, play areas
- Protection of important local buildings and other historical assets
- Promoting of renewable energy schemes and projects
- Restrict the types of development or change of use, for example; non retail uses in town centres
- Provide sites for gypsies and travellers

11.8 Creating a Neighbourhood Development Plan (NDP)

Defining the Neighbourhood Area – Regulation 7
(Statutory 4 week consultation period)

- The Neighbourhood Development Plan will cover an area defined as the Neighbourhood Area. The council would encourage the area to follow the parish boundary; however part of the parish would be considered, if reasonably justified. It is also possible for neighbouring parishes to team up and create a joint plan, but it should be noted that areas/plans cannot overlap and there can only be one plan per Neighbourhood Area.
- An application can be found at: https://www.herefordshire.gov.uk/neighbourhood-planning

The application form should be accompanied by an ordnance survey map, illustrating the designated area and a statement explaining why the area is considered to be appropriate. (Reg 5)

- The Council will publicise the application online, along with site notices across the Neighbourhood area, informing interested parties how a representation can be made. (Reg 6)
- Following consideration of any representations received within the 4 weeks and consultation with the Ward Member, the decision on designating a Neighbourhood Area will be made at Assistant Director level.
- Following the decision, the Council will inform the parish council/s and publicise the Neighbourhood Area on the Council website and within the Neighbourhood Area. This will form the 'decision document' (Reg 7)
- If the Neighbourhood Area is refused, the Council will publish 'the decision document' outlining the reasons why, along with details of how to re-submit.

Write and publicise the draft Neighbourhood Development Plan – Regulation 14
(Statutory 6 week consultation period)

- It is up to the parish to decide the level of detail that will make up their Neighbourhood Development Plan. Views of the local community, interest groups and stakeholders should be sought, in order to form a well evidenced foundation for the plan. A consultation statement detailing how this has been achieved will be required for the final submission of the Neighbourhood Development Plan.
- The Ward Member is a valuable source of information with regard to Council policy and existing community issues, and therefore should be involved early in the process.
- The Council's Neighbourhood Planning team are there to provide guidance and advice throughout the plan making process to ensure the plan is in line with the regulations and legislative requirements and conforms to planning policies.
- Evidence and information from existing documents used to form the Local Plan-Core Strategy are available from the Council. Alternatively, the parish will need to provide any evidence more specific to their area.
- The draft plan should be published locally for a minimum period of 6 weeks in order for any representations to be made. Consultation must also be made with specified consultees. A checklist is available on the Neighbourhood Development Plan web page, to assist compliance with Reg 14. (It is advisable to send a copy of the draft plan to the Council Neighbourhood Development Plan team at this stage, in order to check for conformity with national planning policy and the Herefordshire Local Plan – Core Strategy, as well as any other relevant Development Plan Documents.
- Any amendments required to the plan should be made based on representations made during the consultation period.

Submission of the final plan – Regulation 16
(Statutory 6 week consultation period)

- The final plan should be submitted to Herefordshire Council Neighbourhood Planning team.

- In accordance with Reg 15, the plan should consist of:
    1. A map showing the area in which the Neighbourhood Development Plan covers.
    2. The proposed Neighbourhood Development Plan.
    3. A consultation statement detailing how the opinions of interested parties have been sought.
    4. A written statement explaining how the Neighbourhood Development Plan has met the basic conditions. This includes, having regard to national policy, general conformity with the Herefordshire Local Plan-Core Strategy, contribute to sustainable development, have regards to the desirability of preserving and enhancing listed buildings and conservation areas and compatible with any European obligations.
    5. Any required environmental assessments (Strategic Environmental Assessment and/or Habitat Regulation Assessment)

- The Neighbourhood Planning team will publish the plan for a minimum 6 week consultation period.

- Following conclusion of the consultation, the Neighbourhood Planning team will make a recommendation regarding progress of the plan. Final approval for the plan to move forward to examination stage will be given by the Director of Economy, Communities and Corporate or the Programme Director - Growth.

Independent Examination – Regulation 17

- The Council will organise and pay for an independent examination of the Neighbourhood Development Plan and supply the relevant documents to the examiner, including any details of any representations during the final consultation. Many examinations will be dealt with by written representation; however there may be some via hearing or public examination, depending on the circumstances.

- The examiner will recommend either:
    1. The plan move to a referendum
    2. Following a few minor amendments the plan move to a referendum
    3. The plan should be refused

- The examiner's report is not binding and consideration will be given to the recommendation within it. A decision statement will be produced by Director Economy, Communities and Corporate or the Programme Director – Growth, outlining the decision reasons, where it can be inspected and any modifications made to the plan. The report and Council decision will be published on the website and within the Neighbourhood Area.

Referendum – Regulation 18

- Once the plan is finalised and any amendments have been made, Herefordshire Council will arrange and pay for a referendum, including all those on the electoral roll within the designated Neighbourhood Development Plan area. This may also include those from neighbouring parishes if the examiner has deemed it to affect them directly also.

- If the referendum result rules in favour by 50% or more, then the Neighbourhood Development Plan will move on to the final stage in the process.

Adoption of the Neighbourhood Development Plan – Regulation 19/20

- Recommendation will be made to Herefordshire Council's Cabinet to adopt the agreed Neighbourhood Development Plan and this will form the basis of development and determine planning applications as part of the Local Plan-Core Strategy.

- Adopted plans will be published on the Council website and made available for viewing at local customer service centres and libraries.

- Copies of the decision to adopt will be sent to the parish/es and any person asking to be notified.

Neighbourhood Planning (General) Regulations 2012

11.9 Community Right to Build

The Community Right to Build enables community organisations to progress new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum.

Communities may wish to build new homes or new community amenities, and providing they can demonstrate overwhelming local support, the Community Right to Build will give communities the powers to deliver this directly.

All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community, for example to provide and maintain local facilities such as village halls

11.10 Neighbourhood Development Order

A Neighbourhood Development Order allows communities to grant planning permission for development they want to see go ahead in a neighbourhood. For example, it enables them to allow certain developments, such as extensions to houses, to be built without the need to apply for planning permission.

Herefordshire Council conform to a Service Level Agreement developed specifically to ensure that all parishes wishing to take an active role in the shaping of their area will receive sufficient advice and support throughout the process.

12. Monitoring and reviewing

Preparing this Statement of Community Involvement has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.

The Council will keep the adopted Statement of Community Involvement under review by:

- Monitoring the success of community involvement techniques by assessing the representations received during the planning process

- Any problems raised by consultees. Consultation surveys are accompanied by an equality monitoring questionnaire in order to ensure participants are given the opportunity to raise concerns relating to fair representation.
  Individual feedback is used to inform and improve all future engagement.

- Advice on best practice by consulting with relevant council departments, such as Communications and Equality Monitoring.

  The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

  For further information or clarification on any aspect of the Statement of Community Involvement please contact Info in
  Herefordshire on 01432 260500 or email ldf@herefordshire.gov.uk

  www.facebook.com/hfdscouncil
  www.twitter.com/HfdsCouncil
  www.flickr.com/photos/hfdscouncil

Appendices

Appendix 1 - Glossary of terms

Adoption - The final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.

Communities and Local Government (CLG) - The Government department with responsibility for planning and local government.

Core Strategy (CS) - A type of development plan document, which should set out the long-term spatial vision for the local planning authority area and the strategic policies and proposals to deliver that vision.

Development Management - Alternative name for development control. The act of determining planning applications (and similar) in conformity with the development plan and material considerations.

Development Management Standards of Service - The Council's detailed approach to involving people in the process of making decisions on planning applications. It goes beyond the principles and legal requirements as set out in Section 3 of the SCI.

Development Management policies - A set of criteria-based policies required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

Development Plan - The suite of development plan documents that collectively provide the planning framework used to assess development proposals for a given local planning authority area.

Development Plan Document (DPD) - Spatial planning documents that set out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. In two-tier areas it may include adopted district local plans, adopted county local plans for minerals & waste, core strategies and / or area action plans (where these have been prepared) and neighbourhood plans. All DPD's are subject to independent examination. There is a right for those making representations seeking change to be heard at an independent examination.

Elected Members - Locally elected community representatives that form part of the decision making body in a local authority.

General Consultation Bodies - These organisations are listed in the Town and Country Planning (Local Development) (England) Regulations 2012.

Independent Examination - The process by which a planning inspector may publicly examine a Development Plan Document.

Inspector's Report - This will be produced by the Planning Inspector following the Independent Examination.

Localism Act - The Localism Act devolves greater powers to local government and neighbourhoods and gives local communities more rights and powers over decisions about development. It also includes reforms to make the planning system more democratic and more effective.

Local Community - A generic term which includes all individuals (including the general public) and organisations external to the Council. It can also include statutory and other consultees.

Local Development Scheme (LDS) - Sets out the programme for the preparation of the development plan documents.

National Planning Policy Framework (NPPF) - A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance and Circulars. The NPPF is a material consideration in the preparation of planning documents and when considering planning applications.

Pre-application Community Engagement - The process by which a prospective developer will give local people an opportunity to help shape development proposals before they are formally submitted to the planning authority as a planning application.

Planning Inspectorate - An organisation which processes planning appeals and holds examinations into DPDs or Local Plans and the Community Infrastructure Levy (CIL).

Public Consultation - A process through which the public is informed about emerging plans or proposals put forward by a planning authority or by development promoter, and are invited to submit comments upon them.

Specific Consultation Bodies - These organisations are listed in Town and Country Planning (Local Development) (England) Regulations 2012.

Appendix 2 – Specific consultation bodies

Please refer to current Town and Country Planning (Local Planning) (England) Regulations

General consultation bodies

Other bodies representing the environmental interests of the county

Voluntary bodies, some or all of whose activities benefit any part of the authority's area

Bodies which represent the interests of different racial, ethnic or national groups in the authority's area

Bodies which represent the interests of different religious groups in the authority's area

Bodies which represent the interests of disabled persons in the authority's area

Bodies which represent the interests of persons carrying on business in the authority's area

Parish Councils

A comprehensive list of specific and other consultees will be maintained by Herefordshire Council planning department.

Appendix 3 - Guidance Notes on making a representation

Throughout the planning process, opportunities will be given in the form of consultation for all interested parties to be involved and make their views known.
At the start of a consultation period, a form will be made available for anyone wanting to make a representation. Dates of the consultation will be made clear and only representations received inside these dates, will be taken into consideration.
A completed form should include contact details and the comments on the form should relate directly to the aspect of the Development Plan Document as indicated on the form by the planning office.
Only names and/or organisations will be published on the Council website, as well as comments made on the form. However, other information will be shared with the Planning Inspector, who may want to contact those who have made a representation to discuss comments and concerns prior to concluding the formal examination.

All representations will be considered by the Planning Inspector as part of the examination of the plan. The purpose of the examination is to enable the inspector to decide whether the plan is 'sound'. For a plan to be sound, it must be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence

- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The above points should be considered when making a representation.

Appendix 4 - Public speaking procedure at meetings of the planning committee

Herefordshire Council is committed to public involvement in the planning process. As part of this commitment there is a scheme of public speaking for applications that are being determined at a meeting of the Planning Committee. There are already extensive consultation and neighbour notification procedures for applications, but the ability to speak at the committee meeting enables an even wider opportunity for the applicant/supporters, objectors and the Parish/Town Council, to put forward their views directly to the Members of the Committee, before the decision is made.

How does the scheme work?

This scheme only operates for planning applications that for various reasons are the subject of a report to the Planning Committee. In order to have the opportunity to speak you will have:

- Made an application being the applicant or agent, or
- Made your views known as the Parish/Town Council
- Made your views known as a member of the public on an application within the period specified for receipt of representations.

The right to speak applies equally to those who are objectors or supporters or their representatives.
If the application is to be considered by the Committee you will be notified in writing and advised of the procedure for registering your wish to speak. Time will be allowed for speaking after the Chairman of the meeting calls the item and officers have given their presentation. After speaking is completed Members will normally debate the merits of the application and make a decision. In the case of some applications, Members may decide to defer determination. In these instances only those who registered to speak at the first meeting will be permitted to do so when the deferred item is considered at a subsequent meeting.

What is the registration period?

The letter to you will set out the date and time of the meeting that will consider the application(s) you are interested in. In order to register your wish to speak you must contact

Committee Services no later than 48 hours before the start of the meeting by telephone, fax or e-mail. The telephone/fax number and e-mail address will be set out on the letter.
Please be prepared to give details of a telephone number and times when you can be contacted to the Committee Services Officer. Where more than one person registers to speak for or against a proposal, speakers will be encouraged to share the time allotted. Where no agreement is reached the Committee Services Officer will allot the time to the first person to register. If you have any special needs, please advise the Committee Services Officer on registration.

Where and when are meetings held?

Normally meetings are held at The Shire Hall, St Peter's Square Hereford HR1 2HX at the time stated on your letter. If an alternative venue is chosen then you will be given notice.

At the meeting

If you have registered to speak you are asked to arrive at the Council Chamber 30 minutes before the meeting starts. Committee Services Officers will be in attendance to advise on seating and to answer any other queries that concern you.

Order of speaking and time allotted

The order of speaking will be:
1. Parish/Town Council or appointed representative(s) - 3 minutes in total
2. Objectors - 3 minutes in total
3. Applicant/Agent/Supporters - 3 minutes in total

Please note that in each case there is just one 3 minute slot per category. Speakers are welcome to share a 3 minute slot. In exceptional circumstances the Chairman has discretion to allow a longer period for speaking.
Please ensure that your mobile phone is switched off at the meeting and note that the following are not permitted: Visual aids such as plans or photographs, the circulation of material at the meeting, the taking of photographs, the use of voice recording equipment

What can I say?

Your comments should be limited to relevant planning issues already raised in your representation such as:

- planning policies, including those in the relevant Development Plan; (These can be viewed on the Council's website – www.herefordshire.gov.uk or, at Hereford Customer Services, Franklin House, Commercial Road, Hereford, HR1 2BB)
- appearance and character of the development
- traffic generation, highway safety and parking
- overshadowing, overlooking and loss of privacy
- noise disturbance or other loss of amenities
- layout and density of buildings

You should avoid matters that cannot be considered by Committee such as:

- boundary disputes, covenants or other property rights
- personal remarks (i.e. the applicant's motives)

You may not ask questions of others at the meeting, nor, other than for clarification, will the Chairman ask you questions.

Once you have spoken you will take no further part in the meeting.

Important information

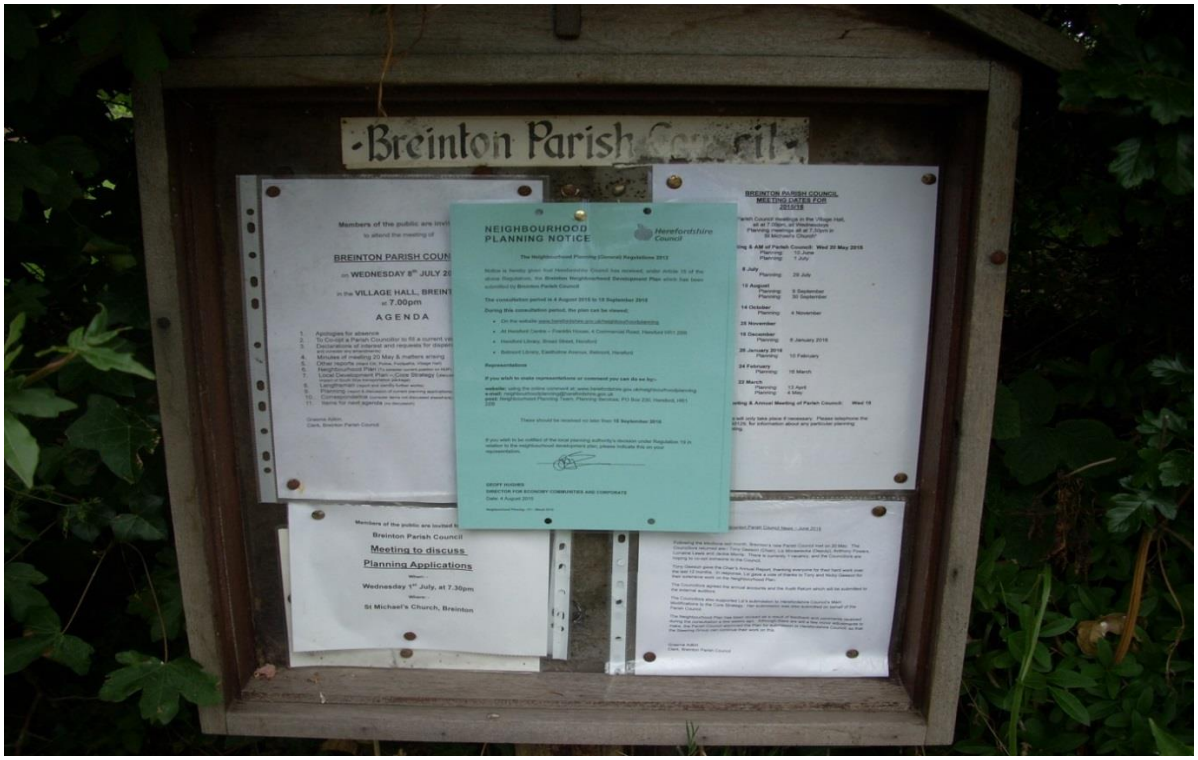
It is advisable to contact the planning application Case Officer a few days before the meeting to confirm the application is still to be considered. Applications are sometimes withdrawn at short notice. You do not have to attend a meeting since the points you have raised will be summarised in the report. The Committee Agenda is available for public inspection at least 5 working days before the meeting. You should note that the Committee does not always agree with the recommendation of the Case Officer.

Committee Services can be contacted on:
Telephone No: 01432 260239
E-mail address: Publicspeaking@herefordshire.gov.uk
Location of the Meeting The Shirehall, St Peter's Square, Hereford HR1 2HX

Appendix 5 – Planning notices

Planning application notice

Neighbourhood planning notice



Appendix 6 – Useful information

The National Planning Policy Framework sets out the government's planning policies for England and how these are to be applied.
www.National Planning Policy Framework

The Localism Act 2011, introduced in order to shift power away from central government and towards local authorities and neighbourhood communities in the planning decision making process.
www.Localism Act 2011

This guide outlines how planners can better understand the important role that planning can play in supporting the Government's commitment to tackling disadvantage by reviving the most deprived neighbourhoods, reducing social exclusion, and supporting society's most vulnerable groups
www.Diversity and Equality in Planning - A good practice guide

With the aim of an integrated and well-rounded approach, the preparation of the Statement of Community Involvement has been informed by a number of Council strategies.
These include: Herefordshire Council Corporate Plan 2013-2015, Economic Development Strategy for Herefordshire 2011-2016, Herefordshire and Shropshire Housing Strategy 2015-2016, Herefordshire County Council Local Transport Plan 2013/14-2014/15

Further information
www.Planning and Compulsory Purchase Act 2012
www.Planning Inspectorate
www.planningportal.gov.uk

Appendix 7 – Sources of help and advice

Forward Planning section
Blueschool House
Blueschool Street
HR1 2LX
Tel no 01432 383357
Email ldf@herefordshire.gov.uk

Neighbourhood Planning
Tel no 01432 260386
Email neighbourhoodplanning@herefordshire.gov.uk

The Royal Town Planning Institute
41 Botolph Lane, London,
EC3R 8DL
Tel 020 79299494
Email: online@rtpi.org.uk
Website: www.rtpi.org.uk

Important

In this booklet we explain what some words mean.

When the word is first mentioned, it is in **bold green** writing.
A box then shows what the word means.

These words and what they mean are also in a words list at the back of the booklet.

If any of these words are used later in the booklet, they are in normal green writing. If you see words in normal green writing, you can look up what they mean in the words list.

Contents

Document summary

1. Summary of planning documents

2. What is the Statement of Community Involvement for?

3. Who will be involved in the consultation?

4. When can you get involved?

5. Different ways to engage people to prevent exclusion

6. Communication tools

7. Role of elected members

8. Consultation on Development Plan Documents and Supplementary Planning Documents

9. Community Involvement in the planning application process

10. Neighbourhood Development Planning

11. Monitoring and reviewing

Appendices

Document Summary

This Statement of Community Involvement sets out how the Council will **engage** with the community in respect of planning matters.

Engage
This means giving people all the information they need, so they have a chance to have their say.

Information should be available from the earliest stages and during the planning process.

- The reason for **consultation** should be clear
- Methods should be right and well-managed
- Information should be available to all
- Council decisions should show people's views have been thought about
- People should be given the chance wherever possible to stay informed

An important part of the Statement of Community Involvement is to recognise those groups who are at risk of being left out and to show how the Council will make sure information is available to everyone.

Consultation
This means people are given an amount of time to have their say about something before any final decision is made.

1. Planning Documents

1.1 Local Development Documents

These are the Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents.
These Documents go together to form the **Local Plan** for the County.

Local Plan
This is a group of documents which sets out the amount and location of new development in the county over the next 15 years.

1.2 Local Development Scheme

This is a list of what documents will be included in the Local Plan and timetable for their production. It is regularly reviewed to keep it up to date.
The Local Development Scheme can be found on the Council's website at: www.herefordshire.gov.uk/local-plan

1.3 Statement of Community Involvement

This explains how and when people can be involved in the preparation of the Local Development Documents and decisions about planning applications.
The Statement of Community Involvement can be found on the Council's website at: www.herefordshire.gov.uk/local-plan

1.4 Development Plan Documents

These will form part of the development plan for the area and include:

- The Core Strategy, which sets out the long term vision for the county and the **policies** needed to deliver that vision.
- Development Plan policies on issues like housing, employment, and retail which will guide development in the County.
- Policies showing where land that will be used for individual uses like housing and employment is.
- A Map showing where in the county is affected.

Policies
These are the guidelines written by the council against which new development proposals and planning applications are judged.

1.5 Supplementary Planning Documents

These documents cover a range of issues and give extra detail to development plan document policies.

1.6 Neighbourhood Development Plans

Every parish has the opportunity to write one of these plans to help shape the way their area develops within the guidelines of the Local Plan.
A Guide on how to write a Neighbourhood Development Plan and details of the help that is available can be found on the website at:
www.herefordshire.gov.uk/neighbourhood-planning

1.7 Sustainability Appraisals

Sustainability Appraisals are to there to look at the social, economic and environmental impacts of all the Local Development Documents within the Local Plan.

1.8 Authority Monitoring Report

This report will look at the effectiveness of the policies within the Local Plan and show what needs to be reviewed or prepared in the future.
The Authority Monitoring Report also looks at the Council's performance in achieving the targets set in the Local Development Scheme.

1.9 **Planning Applications**

The council make sure that all valid planning applications are available for public viewing as early in the process as possible. This gives everyone the chance to have their say before the final decision is made.

2. What is the Statement of Community Involvement for?

- To identify who will be consulted on plan documents and planning applications and when they will have the chance to be involved in plan making and as part of decisions on planning applications.
- To set out useful ways people can be involved that are easy to understand and available to everyone during the planning process.
- To encourage early involvement in decision making between the community and all interested parties. This can help to settle any conflicts and can give a sense of ownership.
- Explain how the results of the consultations will be used and how those involved will be kept informed.

2.1 **Statutory** consultation requirements are set by the Government in the Town and Country Planning (Local Development) (England) Regulations 2012.

Statutory
Expected by law.

3. Who will be involved in the consultation?

3.1 There are certain organisations and bodies that the Council must ask for their opinion when preparing plan documents and deciding on planning applications.

3.2 The main groups to be contacted are:

- Central, Regional and Local Government organisations
- Bodies such as utility companies
- Community, voluntary, resident and interested groups
- Members of the public
- Parish/Town Councils
- Local businesses, developers and agents.

3.3 A complete list of those who must be contacted is available from the Forward Planning Department in Hereford.

3.4 The groups and organisations will change over time and the planning consultation contact list will be checked regularly to keep an up to date list of groups and organisations to contact.

4. When can you get involved?

4.1 People can be involved from early stages in plan making, including Development Plan Documents, Supplementary Planning Documents and as part of the decisions on planning applications.

4.2 Section 10 will have more information on how Communities can come together and play a part in how the area around them develops in the future by writing their own Neighbourhood Development Plan.

5. Different ways to engage people to prevent exclusion

Exclusion
People being left out and not having the chance to have their say.

5.1 Different ways of communication will suit different people. Using organisations that are there to provide a support network to specific groups of people is also important. With the use of good communication, everyone can find the information they need and will know how to get involved if they choose to. It is important when contact is made that the council invite feedback on what has been the most convenient and successful method of communication for the recipient, so this information can be used for future consultations.

5.2 The following table lists some pro-active approaches utilising links with groups and organisations used by the council.

Groups at risk of exclusion	Methods used
Minority Ethnic Groups	Links with the Council's Equality, Sustainable Communities Team, Integration & Partnership Team and social media.
Travellers/Gypsies	Links with the Herefordshire G & T strategy group, specific publications and national organisations/bodies supporting this specific group and social media.

Disabled People including those with numeracy, literacy disabilities	Links with the Council's Community Involvement Coordinator, organisations/bodies supporting this specific group, local access groups, and social media.
Older people	Contact local network groups supporting the elderly and social media.
Children and young people	Work with the Children's Wellbeing Directorate & Participation Officer, British Youth Council (BYC), School Councils, Youth Clubs and social media.
Those following different religions or with certain beliefs	Links with the Council's Equality, Integration & Partnership Team, Sustainable Communities Team and social media
Young single parents	Local community centres, post-natal groups, online forums and social media.
Homeless	Herefordshire Council Homelessness and Housing Advice Team.
People located in dispersed rural areas.	Use of the Council's website, community forums and groups, parish councilor and staff and social media.
Adults with Learning difficulties	Council's Adult Social Care team, organisations/bodies providing specific support for this group and social media.
Those who are too busy to respond	Ensure information is made easily accessible both on and offline.

* Other organisations representing these groups are included in the contact list kept by the planning office.

In all future consultations, the council will pay regard to broader policies, including: Human Rights Act 1998, Freedom of Information Act 2000, Data Protection Act 1998, Equality Act 2010, Disability Discrimination Act 2005 and Race Relations Act 2000.

6. Communication Tools

6.1 The council use a number of different communication tools. The ones that are used will vary depending on what will work best for the consultation.

This table shows the different types of communication used by the council

Method	Main Considerations
Council web site	Information can be provided quickly and seen by the public from their own home or office at a time which is convenient for them.
Email	Information can be given quickly at low cost.
Social media	Use of sites such as Facebook and Twitter keep users informed with regular updates for low cost.
Formal adverts in local press	There are requirements to publish notices advertising certain planning applications
Press releases	Bringing local issues into the broader local arena. Releases are sent out to all main county publications.
Documents available in hard copy	Information available for those who don't have online access.
Leaflet, newsletters and brochures	Can explain subject in simple language and invite comment. The Parish newsletters are a good communication link and should be used where appropriate.

Formal written letter	Letters are sent when there is no other means of communication or a person has requested to be contacted to by post.
Public exhibitions, meetings, presentations and workshops	Good chance to get information out and receive feedback from people face to face. Meetings can be based in key areas to reach local residents.
Notices displayed on a site	Direct and local information to those around a site and in local area.
Through partnership organisations and focus groups, existing forums/panels	Useful for finding out what certain groups think.
Councilor networks	Councillors play a very important role in community engagement. They are a recognised point of contact for the local community with regard to Council matters.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals
Parish and Town Council networks	They can provide important contact with local communities. Many have developed their own websites and social media pages and can be used to provide information relevant to parish residents.
Questionnaire/surveys	More detailed information and feedback can be collected.

7. Role of elected members

Herefordshire Council has 53 councillors who are elected to represent the residents of 53 wards. They have an important role to play by keeping their local communities informed, representing their views, encouraging and assisting them to get involved in the future planning and development of their area.

8. Consultation on Development Plan Documents and Supplementary Planning Documents

8.1 There are organisations and bodies that the council must contact as part of a consultation. The Council also has a duty to to involve the public at an early stage in the preparation of Local Development Documents.

8.2 **Development Plan Documents**

Development Plan Documents are produced to set out the local authority's policies and proposals for development and use of land and buildings in the area. There are stages of consultation that must take place, as well as **independent examination.**

Independent Examination
The document is read by an inspector who does not work for the council, the inspector will decide whether the plan is sound and can be adopted.

The stages of preparation are:

- First consultation (6 weeks) – to add to **evidence base** and prepare **issues and options.** People will be invited to give their feedback.

Evidence base
The background work collected to help make a decision.

Issues and options
Problems that may come up and choices available.

- Pre-submission draft consultation (6 weeks) – People will be asked to give their feedback on the **preferred options**.

Preferred options
All the feedback will be looked at after the consultation. The council will then decide which the best choices are taking all the responses into account.

- It may be that developers or individuals that give new options not known about. In this case, another consultation on these options will take place.
- The final document goes to the Secretary of State. People will be contacted to let them know when this has happened.
- The final document is examined by an Independent Planning Inspector.
- The Inspector will issue a report including any changes that must be made to the document.
- **Adoption** and publication of the final document.

Adoption

The document becomes part of the Local Plan.

The Council may make a reasonable charge for a hard copy of a document. Specially modified versions can be made available in large print, audio cassette, Braille or languages other than English for those that require it at no cost.

8.3 Supplementary Planning Documents

Supplementary Planning Documents are there to give more detail to development plan document policies and do not require independent examination.

The stages of preparation are:

- First consultation (6 weeks) – to add to evidence base and prepare issues and options. People will be invited to give their feedback.
- Adoption and publication of the final document.

The council will keep a record of the feedback during a consultation and all this information will be published.
A summary of the consultation will also be available and will be part of the final evidence base during the preparation of Planning Documents.

9. Community involvement in the planning application process

9.1 Herefordshire Council is responsible for the processing and decision making of planning applications. This work which is done by the development management team and can include the following types of application:

- House extensions
- Large housing and employment development
- Minerals and waste

9.2 How can I find out about planning applications in Herefordshire?

- A weekly list of applications received is available to view on the council website. www.herefordshire.gov.uk
  If you do not have access at home, you can use the online services in libraries and customer service centres.
- Site notices
- Press notices in newspapers
- City, town and parish councils are told about all applications in their area.

How can I comment on a planning application?

Once you become aware of a planning application the complete details of the proposal can be viewed on the Council's website.

If you wish to comment on any application within the given timescale then you can:-

Use the online comment form on the website

E-mail us to: planning_enquiries@herefordshire.gov.uk

Write to us at: Planning Services, PO Box 230, Hereford, HR1 2ZB

(Oral/verbal or anonymous comments cannot be taken into account)

We recommend that when you make a comment that these relate to relevant planning matters

9.8 Relevant planning matters include:

- Planning policy
- The design and visual impact
- The impact on privacy/daylight/sunlight
- Environmental factors - noise, smell, pollution
- The economic benefits
- Highway issues - access, traffic, parking
- Impact on the landscape and ecology (nature conservation)
- Impact on the historic environment, heritage assets and their setting.

.9 **Matters which are not normally relevant:**

- Loss of a view
- Impact on property value
- Land ownership/property covenant
- Effect on trade/competition
- Personal circumstances of the applicant (except in exceptional circumstances)
- The number of representations

The Council itself does not undertake any form of public/community consultation at pre-application stage but if the development proposed is considered to be significant, it would strongly encourage the applicant to involve the community.

10. Neighbourhood Development Planning

Communities now have the opportunity to come together and shape the development of the area in which they live.
Parishes do not have to prepare a Neighbourhood Development Plan, however there are a number of benefits to having one.

10.1 Neighbourhood Development Plans can:

- Decide where and what type of development should happen within a parish
- Promote more development than provided for within the Herefordshire Local Plan – Core Strategy
- Provide less development in certain circumstances where justified.
- Include detailed planning policies for the parish which do not work against the Herefordshire Local Plan – Core Strategy

10.2 Neighbourhood Development Plans cannot:

- Work against the policies within the Herefordshire Local Plan – Core Strategy, but should sit within general agreement of them.
- Be used to prevent development
- Be prepared by a body other than a parish or town council in Herefordshire
- Include County Matters such as Minerals and Waste

10.3 Who can create a Neighbourhood Development Plan?

In Herefordshire, only the parish or town council is the 'relevant body' who have the responsibility for producing a Neighbourhood Development Plan for their area. The parish/town can enlist help from others within the community but only the parish council can make a neighbourhood area application and submit the relevant draft documents to Herefordshire Council for consideration.

10.4 What might a Neighbourhood Development Plan include?

Neighbourhood Development Plans can contain a variety of issues and policies which are most relevant to a specific parish. Below is a list of possible issues which could be covered. Other items could be added to this list and parishes do not need to include every item.

- Identify sites for housing, including affordable housing
- Provision of a settlement boundary
- Provision for businesses to set up or expand in the parish
- Provision of cycle ways and footpaths
- Identify sites for community use, such as schools, village halls, health centre, leisure facilities
- Design guidance for your parish
- Protection and creation of open space, green amenity areas, nature reserves, allotments, play areas
- Protection of important local buildings and other historical assets
- Promoting of renewable energy schemes and projects
- Restrict the types of development or change of use, for example; non retail uses in town centres
- Provide sites for gypsies and travellers

10.5 Creating a Neighbourhood Development Plan (NDP)

The following stages need to be followed:

- Define the Neighbourhood Area
  (4 week consultation period)
- Write and publicise the draft Neighbourhood Development Plan
  (6 week consultation period)

- Submission of the final plan
  (6 week consultation period)

- Independent Examination

- **Referendum**

> **Referendum**
> A chance for all parish members and people in surrounding area to vote yes/no as to whether a plan should be adopted. If more than half of voters say yes, then it will be.

- Adoption of the Neighbourhood Development Plan

  (**Neighbourhood Planning (General) Regulations 2012)**

10.6 Community Right to Build

The Community Right to Build enables community organisations to progress new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum.

Communities may wish to build new homes or new community amenities, and providing they can prove overwhelming local support, the Community Right to Build will give communities the powers to deliver this directly.

All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community, for example to provide and maintain local facilities such as village halls.

10.7 Neighbourhood Development Order

A Neighbourhood Development Order allows communities to grant planning permission for development they want to see go ahead in a neighbourhood. For example, it enables them to allow certain developments, such as extensions to houses, to be built without the need to apply for planning permission.

Herefordshire Council conform to a Service Level Agreement developed specifically to ensure that all parishes wishing to take an active role in the shaping of their area will receive sufficient advice and support throughout the process.

11. Monitoring and reviewing

Preparing this Statement of Community Involvement has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.

11.1 The Council will keep the adopted Statement of Community Involvement under review by:

- Monitoring the success of community involvement techniques by reviewing the quantity of representations received and where they came from.

- Including an equality monitoring questionnaire as part of the survey to ensure participants are given the opportunity to raise any concerns about fair treatment. Individual feedback is used to inform and improve all future engagement.

- Advice on best practice including consulting with relevant council departments, such as Communications and Equality Monitoring.

The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

11.2 The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

For further information or clarification on any aspect of the Statement of Community Involvement please contact Info in Herefordshire on 01432 260500 or email ldf@herefordshire.gov.uk

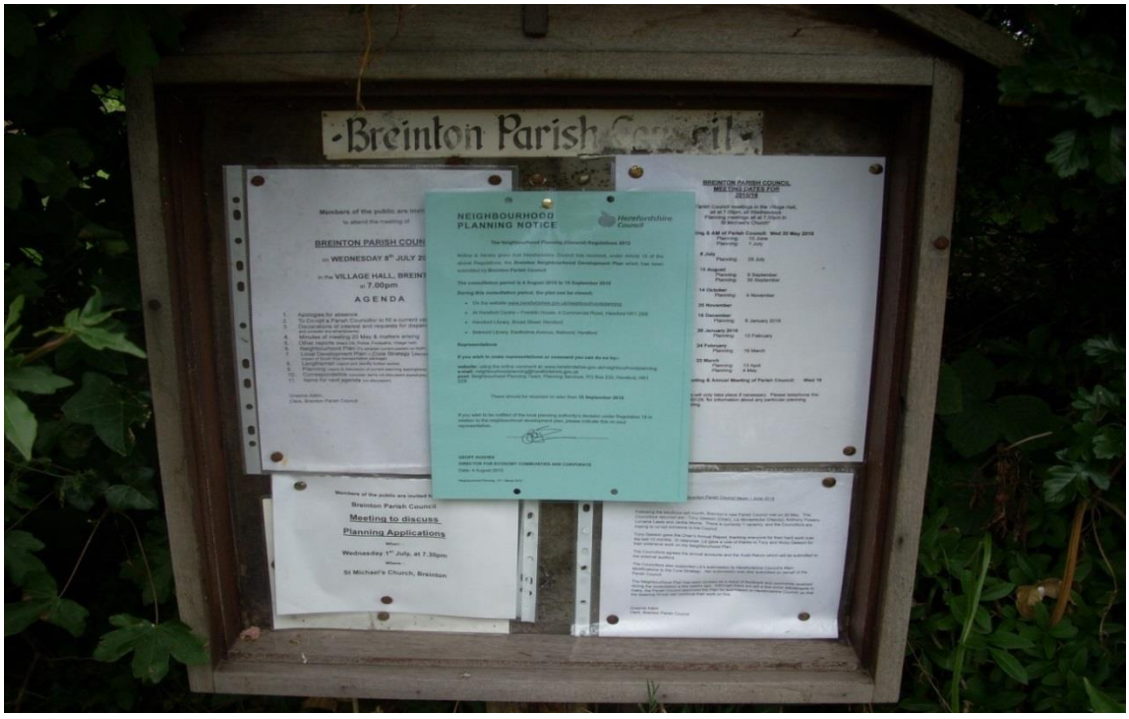
: http://www.facebook.com/hfdscouncil
: http://twitter.com/HfdsCouncil
: http://www.flickr.com/photos/hfdscouncil

Appendices

Appendix 1 – Planning notices

Planning application notice

Neighbourhood planning notice



Appendix 2 – Useful information

For more detailed information relating to regulations and procedures, please refer to the full-length version of the Statement of Community Involvement on the Herefordshire Council website.
www.herefordshire.gov.uk

The National Planning Policy Framework sets out the government's planning policies for England and how these are to be applied.
www.National Planning Policy Framework

The Localism Act 2011, introduced in order to shift power away from central government and towards local authorities and neighbourhood communities in the planning decision making process.
www.Localism Act 2011

This guide outlines how planners can better understand the important role that planning can play in supporting the Government's commitment to tackling disadvantage by reviving the most deprived neighbourhoods, reducing social exclusion, and supporting society's most vulnerable groups
www.Diversity and Equality in Planning - A good practice guide

With the aim of an integrated and well-rounded approach, the preparation of the Statement of Community Involvement has been informed by a number of Council strategies.
These include: Herefordshire Council Corporate Plan 2013-2015, Economic Development Strategy for Herefordshire 2011-2016, Herefordshire and Shropshire Housing Strategy 2015-2016, Herefordshire County Council Local Transport Plan 2013/14-2014/15

Further information

www.Planning and Compulsory Purchase Act 2012
www.Planning Inspectorate
www.planningportal.gov.uk

Appendix 3 – Sources of help and advice

Forward Planning section
Blueschool House
Blueschool Street
HR1 2LX
Tel no 01432 383357
Email ldf@herefordshire.gov.uk

Neighbourhood Planning
Tel no 01432 260386
Email neighbourhoodplanning@herefordshire.gov.uk

The Royal Town Planning Institute
41 Botolph Lane, London,
EC3R 8DL
Tel 020 79299494
Email: online@rtpi.org.uk
Website: www.rtpi.org.uk

Following consideration of all responses given during the SCI consultation 10 February – 23 March 2016, a list of recommended alterations to the draft document can be found below, along with the reasons behind the changes in grey.

- The heading 'Executive Summary' should be changed to 'Document Summary' – *As the term 'Executive' can be deemed to be exclusive.*

- The use of acronyms should be reviewed and kept to a minimum in order to make the document as comprehensive as possible – *Therefore making the document more inclusive and easier to understand.*

- Additional paragraph should be added emphasising the use of Parish communication wherever possible, including their own social media, websites and newsletters – *The use of online media other than Herefordshire Council's own has been highlighted and the fact that so many Parish Councils now have sites and media feeds that can be utilised.*

- It should be made clear that all have the opportunity to register their interest with the planning department in order to stay informed. All media should include details of how to do this – *This will make it easier for those wanting to receive communication in the future.*

- The label 'Harder to hear' groups should no longer be used, as it is possible to classify most sections of society (other than those pro-actively engaged in the planning process) under this heading. Instead, the council's pledge to utilise a variety of methods to communicate and engage with the broadest cross-section of the county population should be emphasised – *All social groups should feel assured that the Council will endeavour to use the most appropriate means to involve them in the planning process.*

- It should be made clear that press releases will be sent to all major county publications. Public planning notices for all major applications will continue to be sent to the Hereford Times – *In order to keep the public informed.*

- The Woodland Trust will be included as a general consultee – *To ensure they are given the opportunity to respond on environmental matters.*

- Section 10 Town and Country Planning Development Management Procedure Order now 2015 not 2010 – *Due to amendments to legislation.*

- Parish Councils should be added to the list of general consultation bodies – *Therefore keeping parish representatives fully informed and able to communicate accurate information to members of the parish as well as hopefully encouraging response to consultation.*

- A review of the planning section of the council website – *In order to make it as user-friendly as possible.*

- 'Impact on the historic environment, heritage assets and their setting' will be added as an additional bullet point to the Relevant Planning Matters list in section 10.8 – *To cover the historic aspect as well as nature conservation.*

- An 'easy read' version of the document will be made available.

SCI GOSC comments

Para/Page	Comment	Response
10.12	Insert criteria rather than “in the constitution”	Amend section to include wording with a direct reference to the relevant section of the constitution as follows ‘The above is a summary with the precise wording set out in the Constitution (currently set out in paragraph 4.8.4.2)’
11 (p53)	Amend “large” to “larger”	Areas with adopted Neighbourhood Development Plans will also be entitled to a ‘larger’ share of any Community Infrastructure Levy to put towards infrastructure projects in the area.
P64	Include reference to local member speaking	Change wording to ‘Parish/Town council members or appointed representative(S) – 3 minutes total’?
2.6	Question use of term minimum	Change wording to ‘Statutory’
7.1	Decision based on “all relevant” evidence	Change wording to reflect recommendation
	Engagement should be tailored by area, depending on existing communication network	To be included in the overview of engagement methods Wording to be added to highlight this issue in para 8.3.
5.4	Question of whether para reflects current financial stats	Remove para 5.4
10.7	Notification of neighbouring pcs	Wording altered to say that ‘Neighbouring Parishes are consulted on applications where it is considered they will be impacted.’
	Confusing email address in ‘How to Comment’ box	Remove hyperlink/underline
10.16	Expand on the word ‘encourage’ in line 3 of shaded box.	Change wording to reflect recommendation
11.4	Can provide less development – where justified	Add the bullet ‘Can provide less development in exceptional circumstances, where justified’
11.5	Expand wording on first bullet	Add the words ‘needs to sit within general conformity of’
11.7	Second sentence typo	Take out ‘in the next column’

Neighbourhood Development Plan (NDP) Regulations 14	Neighbourhood Development Plan (NDP) team “will” rather than “can” provide advice. Danger of steering group assumption that the Herefordshire council NDP team need not be involved for guidance.	Alter wording to read ‘The Neighbourhood Development team are there to provide support and advice throughout the plan making process’
NDP Reg 17	Examiners report decision rests with Herefordshire council not parish council	Take out ‘with the parish council’
Glossary	Development Plan Documents entry should say cannot be prepared where NDPs exist	Definition of Development Plan Documents reflects national guidance. Plans can and will overlap and such circumstances are set out in sentence beginning ‘In two-tier areas…’
Specific consultees/ general consultees	Should refer to planning regulations rather than list in order to avoid information becoming out of date as Acts are amended. Ensure it is clear that town and parish councils are on this list	For ‘Specific consultation bodies’ refer to Town and Country Planning (Local Planning) Regulations Para 4.2 makes reference to Town and Parish Councils being one of the main groups to be targeted for engagement
Strengthen section 12	Monitoring etc to tighten up wording. Why how views will be taken into account	Wording to be amended on bullet point 2 – ‘Consultation surveys are accompanied by an equality monitoring questionnaire in order to ensure participants are given the opportunity to raise concerns relating to fair representation. Individual feedback is used to inform and improve all future engagement.‘ Wording to be added on bullet point 3 – ‘by consulting with relevant council departments, such as Communications and Equality Monitoring.’

General points:	That work on the Constitution which included consideration of the role of the Planning Committee should be taken account of to ensure the Statement of Community Involvement was consistent with the Constitution.	Close attention will be paid to any changes to the constitution in this respect and changes made to the Statement of Community Involvement accordingly
	That there should be a broader consideration of methods of communication and the clarity of the message.	Full consideration will be given when devising methods of communication in terms of what is appropriate for any particular geographic area or social group with specific requirements. For example an area where parish residents have far less access to information circulated online, more utilisation of offline methods.

Herefordshire Council

Now you have read the Statement of Community Involvement (SCI):

1. Were the contents of the SCI:

	Yes	No
Clear	☐	☐
Informative	☐	☐

If no, please explain: ……

……..

……..

2. Do you feel confident that all potentially interested parties will be kept informed during the preparation of planning documents?

Yes ☐

No ☐

If no, please explain: ……

……..

……..

3. Do you think the methods of consultation are effective?

Yes ☐

No ☐

If no, please specify what we could do more to make the consultation effective?:

……..

……..

……..

In order to reach the widest audience, Herefordshire Council is committed to providing information electronically whenever possible, i.e. Email, Website & Social Media. Site notices will continue to be used and hard copies of relevant literature will be circulated to libraries and information centres.

Are you happy to receive information in this way?

Yes ☐

No ☐

Any further comments: ……

……

……

……

……

If you would like a response to your comments, please provide your name and email address:……

……

Please return your questionnaire to:

Susi Gilson
Herefordshire Council
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Statement of Community Involvement

Summary of Responses

April 2016

Herefordshire Council

The Herefordshire Council Statement of Community Involvement (SCI) sets out how the Council undertakes engagement with its communities and other stakeholders on planning matters. The original SCI was adopted by the Council in 2007 but as a result of various changes to national planning policy and guidance, including revisions to elements of the planning process, together with a need to utilise modern approaches for engaging with our communities it is now necessary for the document to be revised.

In March 2012, the National Planning Policy Framework (NPPF) was published and set out the Government's planning policies for England and how they were expected to be applied. The idea behind the new policy framework being to introduce a more user-friendly, streamlined mechanism with which to bring plans to fruition

The NPPF replaced over a thousand pages of policy with a much more succinct and uncomplicated structure to follow.

Publication of the NPPF, along with the publication of the Localism Act 2011, means that emphasis is now firmly placed on early engagement and collaboration with neighbourhoods, local organisations and businesses, making planning inclusive of people and communities who want to be involved and a dispersal of power from central Government to local authorities.

The revised SCI was published for a 6 week public consultation on 10 February 2016. The existing Local Development Framework database was utilised in order to reach as many potentially interested parties as possible. Many of the contacts had been consulted with and had made representations during the preparation of the Local Plan – Core Strategy.

Approximately 900 contacts were written to initially with an invitation to offer feedback on the new document. Included in this list were ward members, parish council members, specified consultees (The Town and Country Planning (Local Planning) (England) Regulations 2012) and key organisations representing groups at risk of exclusion. A reminder was also sent out mid-way through the consultation period to all those contacts.

In addition to making direct contact with those stakeholders already on the Council's database, the Council also:

- Made hard copies of the draft document, along with copies of the consultation questionnaire, available for inspection at all information centres and libraries across the county.
- Issued media to all main publications in the county and the consultation featured in Hereford Times and Ledbury Reporter online.
- Used Herefordshire Council web newsreel and regular social media articles on Facebook and Twitter to raise awareness and remind the public of deadlines.

In response to the consultation 48 responses were received. Among the organisations responding were, the Woodland Trust, Severn Trent Water, Place Partnership (on behalf of Herefordshire Police and Fire & Rescue Service), Natural England, Network Rail, Historic England and Gloucestershire County Council. A full summary of the representations received can be found overleaf.

Careful consideration of the consultation responses will be undertaken and, where appropriate, changes recommended to the Cabinet and Council for inclusion prior to the adoption of the revised SCI.

Total responders during consultation period 10 February – 23 March 2016: 48

Contributors include:
Woodland Trust
Severn Trent Water
Place Partnership on behalf of Herefordshire Police and Fire & Rescue Service
Natural England
Network Rail
Historic England

Now you have read the Statement of Community Involvement (SCI):

1. Were the contents of the SCI:

	Yes	No
Clear	27	9
Informative	28	7

If no, please explain:

My objections are three fold: a) the title 'Executive Summary' is an implicit insult to all who are not executives, the majority of Herefordians, b) the summary is much more of a guide to what is in the document than a summary, and c) to read over 30 pages as an alternative and still not have all information to hand makes the consultation process a mockery. Please provide a 3 page summary of key matters residents need to know.
Far too many words and pages. No real summary, Most people will not have the time to read it all.
But too verbose - too much explaining rather than bare facts. 38 pages!!! How many people have time or inclination to read and comment? By making it so big you are self-selecting the more able.
The document needs to be rewritten in plain, jargon-free English. It is much too long and is tortuous to read (other, perhaps, than for those suffering from insomnia). Also, it uses too many acronyms.
Whilst the information is informative, there's a lot of it. In communicating with hard to reach groups it may help to have a shortened version as an introduction - in these terms the Exec summary isn't quite what I mean.
Shrouded in confusion
The document is 39 pages long, full of acronyms and to many members of the public is baffling. It does not actually state what methods of communications in regard to planning are recommended to be used going forward.

We moved to Herefordshire last year & as a family have many years involvement in local government across many disciplines & at many levels. We were horrified to discover that Herefordshire Council does not routinely notify neighbours of planning applications, even when these could have considerable impact upon nearby properties. This is certainly the only place we have lived where such notifications were not routine and, while it may not be obligatory for a planning authority to notify neighbours, we have it on the authority of a senior planning professional that it is considered good practice to notify neighbours & that very few LPAs do not do so. We are very surprised that Herefordshire Council is content NOT to follow good practice when surely it should be the aspiration of all authorities to do so. We were told that planning applications are published in the local press, online & advertised on site. Many people do not regularly have a local newspaper, a number of people do not have internet access (& many certainly do not have reliable access unless they have gone with BT's recently installed Superfast broadband), certainly not many older people. Even if one does look online (which we have done occasionally & will now do diligently), in an area like this, with so many little lanes, often without name plates or even sometimes with multiple names, it is not easy to know whether a planning application is relevant or close to one's property. Indeed, we only discovered a recent planning application adjoining the rear of our property by chance when out for a walk one afternoon hence a number of other adversely affected residents may be unaware of it & so miss the opportunity to comment. We also have to say that we feel the Council's planning area of its website is not particularly easy to negotiate, certainly it is one of the most unclear we have used, and it would take a quite determined lay person to access the information they are seeking (eg there is no way to search a weekly list by parish that we can find, only search all the applications for 7 days or all for a parish over a considerable period of time). Planning is, in our view, the most important function of the Council and, probably, the one which has the potential for the greatest affect on the lives of residents; this failure to notify neighbours, in our view, limits the opportunities for residents to take part in the democratic process and could lead to residents unnecessarily suffering loss of amenity & enjoyment of their properties. We understand that local government budgets are being squeezed by central government but, in our view, it is unacceptable to limit access to democratic rights & use budget cuts as an excuse for this, the planning budget & associated costs should NEVER be cut, it is too important.
Document too long, too wordy and in a language the person in the street will find laborious to wade through. A two page summary document cross referenced with the relevant paragraphs in the main document would go a long way to achieving better and constructive consultation. But do Herefordshire Council want people to understand what goes on?
It is not clear. The use of numerous similar acronyms such as LDD, LDS, DPD etc is not appropriate for the general public. Each should be spelt out. It does not make it

clear the Core Strategy is in the Local Plan. The structure of the documents would be better illustrated as a graphic as in other Herefordshire documents.

2. Do you feel confident that all potentially interested parties will be kept informed during the preparation of planning documents?

Yes	15
No	20
Not sure	1

If no, please explain:

Most won't read 30 pages
Not all of Herefordshire's residents are actively involved with their parish councils. It is recognised a lot are professionals that work outside the county, working long hours on weekdays which means they would not benefit from roadshows in the market towns. Social media is perhaps the best avenue for these people but the quantity of material that is being advertised on here is not enough. Not all residents will actively follow the council social media sites either. Parish councils and the market towns that have their own social media sites should be encouraged to promote the message also. There should also be a way of registering your email address to stay informed - If this exists already, it is not clear at all. It is clear you can register your email for weekly planning applications but not about policy changes.
Whilst the document has fine sounding aspirations, as someone who is keenly involved in local development interests I had not heard about the SCI so I am certain the vast majority of Herefordshire citizens have no idea it exists either. In theory the SCI covers all of this, but I'm sorry to say it is not well communicated so far.
I hope so , and expect it
Not much timescale given
Not sure but the plans for community involvement look comprehensive.
There is too great a reliance on internet based methods of communication and the availability of documents at Council offices, which are often not accessible easily for people without a car - plus the documents are very lengthy and may require more than one visit to adequately read and comment on. It tends to exclude those elderly people who don't drive and don't use the internet, poorer people who don't have access to a car or can't afford a computer and broadband, and young people who

may be in the same situation.
Because on past history the Council try to hide/bury or confuse the electorate when they want little resistance to plans and make it extremely difficult for people to get to nitty gritty
Because you will rely on A4 size Notices affixed at or near potential development site (instead of notifying neighbours by letter, chances will be missed for comment unless the Notice is next to a footway. cf the monstrous Gladman Proposal for Leadon Way development of 321 HOUSES which practically everyone missed as there is no footway adjoining the road/field concerned, and though Refused by HCC has been through a Planning Inquiry, results awaited.
The Council are not truly transparent
The document/process does not recognise the significance of neighbours needing to be notified directly of planning applications in their immediate neighbourhood. The nature of street/lane layout in some areas does not provide, in some cases, for people even living next door to a site, to be aware of a planning application before it is too late to comment. Whilst the cost of writing to neighbours is a factor, there is huge potential to miss an important aspect of consultation. Notices placed in 'prominent places' do not catch everyone's eye and allows applications to slip through unchallenged and without any meaningful neighbourhood consultation. Busy people still care about what their neighbours are up to but do not get to read parish noticeboards or even, if some cases, get to walk down streets where a notice is posted (or even notice them!), nor can they regularly peruse council websites etc just in case there might be an application relevant to them. If you really don't want to write to neighbours, maybe a solution would be to have a standardised printed slip/alert put through letter boxes in the nearest few houses when the officer is out posting notices etc., or alternatively for people to be able to subscribe to email alerts that they can filter, much in the same way as recruitment alerts work - but you have to tell people that this facility exists in the first place! I only knew about this consultation because I am a council employee; I wouldn't have known about it as a member of the public - there is too much tokenistic reliance on 'just' putting stuff on the web and we don't all 'do' facebook etc for professional reasons as it is the devil's own work.
Item 6.1 basically advises engaging with most people is difficult expect those that are middle aged and 'not too busy to respond'. 6.1 As a result of previous experiences in engaging with different groups on planning matters, it is understood that the following members of any community can present more of a challenge when trying to ensure effective and fully inclusive consultation: • Minority ethnic groups • Those for whom English is a second language • Gypsies and travellers • Disabled people • Older people • Children and young people • Those following different religions or with certain beliefs • Low income groups/unemployed • Young single parents • Homeless

• People located in dispersed rural areas • Individuals with learning difficulties • People who are too busy to respond
I am a Ross resident and I never know what planning applications have been submitted as Herefordshire Council do not advertise them in The Ross Gazette, and I, like many in Ross, do not buy the Hereford Times. Therefore you are not reaching a mass audience.
To a point
I am concerned that I will continue to not be aware of planning applications in the Ross-on-Wye area. I use to find out what was going on by looking in the Ross Gazette. However, Herefordshire Council stopped placing planning notices in the paper a few years back. After complaining to the Ross Gazette about this, I understand you place them in the Hereford Times. I, like many, do not read this over priced county newspaper. I think it is extremely disappointing that the Council tries to hide planning applications from Ross-on-Wye residents by not placing it in the local Ross paper. Your website is too complicated to understand and navigate. The notices need to be back in the Ross Gazette!
Sections 8 and 9 The Woodland Trust would like to be included as a ‘Specific consultation body’ (General Consultation Bodies) in Appendix 2 for all Local Plan consultations including DPDs and SPDs.
The standard planning application process needs to ensure all developers and applicants consult with parish councils which have a neighbourhood development plan before they have gone to the expense of putting together a full planning application. Early consultation means feedback from the consultation is more easily incorporated into the plans of the developer or applicant, and as highlighted by clause 2.5, para 3 of the statement of community involvement, consultation will "help to resolve any initial conflicts". Timing is therefore a critical consideration, and it is not sufficient for the statement of community involvement just to encourage consultation (for example in the executive summary, para. 3, clause 1.10 planning applications and clause 2.5 para. 3), it needs to define explicitly what consultation with the community or parish council means, when it should occur in the process (i.e. early), and require developers and applicants to have demonstrated consultation has taken place, particularly where parish councils have put in place a neighbourhood development plan. This way, all potentially interested parties will be kept informed at the appropriate time during the preparation of planning documents.
Herefordshire Council Cabinet record of decision making behind closed doors.
Question 2 Do you feel confident that all interested parties will be informed during the preparation of planning documents ? ANSWER - NO The Governments

‘Localism’ agenda introduced the concept of Neighbourhood Development Plans as a democratic mechanism for creating a more enlightened environment for progressive development. The plans, researched through thorough consultation, would characterise the aspirations of residents and outline a ‘strategy’ of how to assess and utilise each new investment in meeting the overall objectives of an NDP without rankour and unnecessary delay. This HCC consultation seems, therefore, to be rightly aimed at encouraging parishes to produce NDPs as the medium for facilitating the future sustainable development of Herefordshire communities. The Statement of Community Involvement falls short of suggesting that the Local Authority should work in partnership with the Parish Council to facilitate the delivery of the Neighbourhood Development Plan. This is unfortunate as a more structured partnership arrangement between parish councils and the local authority would be a key ingredient in achieving this and would reflect the Governments intentions to secure more progressive local democracy. (See Pyons Group Parish Council Draft NDP – Part 8 ‘Working Together’).
One of the most controversial area s of planning is the issues related to sites for Gypsies and Travellers. Herefordshire has a significant minority which showed up in the 2011 census as not far out of the top 10% in the Country. Yet Herefordshire as an administration has not provided a single pitch to meet the needs of this group and has reduced considerably the pitches provided by the previous administration (Hereford and Worcester). The County has recently commissioned an assessment of the accommodation needs of this minority group under duties arising out of the Housing Act 2007, yet it has not been possible to find a single individual who contributed to this survey. Furthermore little attempt was made to indicate to this community what this exercise was about or what its implications were.
But it does rely on the methods being used, on which we are less confident.

3. <u>Do you think the methods of consultation are effective?</u>

Yes	12
No	22
Not sure	1

If no, please specify what we could do more to make the consultation effective?

Guide and ease citizens into reading thanks that are increasingly specific. Please remember most citizens are not paid to read many pages of planning stuff, Herefordshire Councillors and Officers are in competition for people's attention.
Councillor and Parish engagement is necessary but assumes interested parties have an active involvement. Not convinced by roadshows. Not everybody buys the

Herefordshire Times.
Timescale
I have no disagreement with the methods described in the document, very comprehensive, I just feel, on the evidence so far, that this will still pass too many people by without being aware of its importance to them. Too much of the communication process relies on electronic contact, which although of course cheaper and effective for those with IT capability, in Hereford in particular, as the SCI makes very clear, we have a higher than perhaps average percentage of people who will just not see the information at all. I'm afraid unless at least one piece of physical communication - letter, leaflet - is made to every household then it will not get to enough people. I know this is expensive, but I feel certain this is the only way to ensure that everyone has at least a chance to know about the SCI and its importance to them and their community.
Are the home owners consulted ? Or do they have to pay attention all the time to papers and yellow notices , which can be easily removed or placed in awkward places . Home owners should be consulted door to door and given a place of meeting for developments larger than 3 house sites ! A great deal of upset is caused by larger developments and are rail roasted through without real impact consideration.
There is considerable reference to items appearing on HC website, which is good, however you need something to draw people to the website in the first place, or they will not find the information. Emails with links to the website would do this.
Because they are too complicated and too comprehensive. But I do like this one - brief and to the point.
Again not sure - only experience will tell. It's good that the council are not totally relying on electronic media.
Yes in general, and you do list a wide range of consultation methods. In reality most people only engage with the planning process when a planning application comes up that they want to object to.
Councillors and officer should attend meetings and discussion groups of electorate with open minds not just go through the motions.
There is no way for local Councils and Residents to prevent powerful developers riding roughshod over local opinion, local policy and a benign future for Herefordshire communities. This is not a process for social harmony nor the best possible results since bullies can beat the system. The enormous number of pages in this document show how turgid and heavy and difficult planning process has

become!
Not well published, called in at Franklin House and no one there had a clue!
It would be impossible to control so many communications methods. Can the council ask each householder as part of council tax services how they would like notifications of planning within their local area, whether it is by parish/ward/postcode. Then either e-mail or written which the option as is the case for it to be sent in another format for those with disabilities.
I am a Ross resident and I never know what planning applications have been submitted as Herefordshire Council do not advertise them in The Ross Gazette, and I, like many in Ross, do not buy the Hereford Times. Therefore you are not reaching a mass audience.
Planning applications should be advertised in the Ross Gazette as the majority of Ross-on-Wye planning applications are getting missed by a large number of people who are not online, on socia media or read the Hereford Times.
Advertised it in local paper. Herefordshire Council covers other areas apart from Hereford itself. Advertising in just the Hereford Times is not reaching a vast majority of people.
Paragraph 10.2 In order to improve consultation on planning applications, the Woodland Trust would like this SCI to commit to consulting the Woodland Trust on any planning applications that destroy, degrade or threaten the irreplaceable habitat of ancient woodland. The National Policy Planning Framework clearly states: "…planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland…" (DCLG, March 2012, para 118). The Woodland Trust therefore needs to be informed of these development cases. Other Local Authority SCIs have incorporated this provision to consult the Woodland Trust on ancient woodland planning application cases, such as Swindon Borough Council SCI (March 2013), South Staffordshire District Council SCI (Oct 2013) and Worcestershire County Council (SCI Update 2014). We also draw your attention to (a) details of the location of ancient woodland are available through the county Ancient Woodland Inventory (Natural England) and ancient trees can be identified by the Ancient Tree Hunt data (http://www.ancient-tree-hunt.org.uk/). And (b) we also draw your attention to Natural England and the Forestry Commission's standing advice for Ancient woodland and veteran trees: protecting them from development - https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences. Paragraph 10.16 We would like to see planning applications that affect ancient woodland – destroy, degrade or otherwise threaten the habitat – added into the category of 'significant' applications for the reasons outlined in point number 2 above. The National Policy Planning

Framework clearly states: “…planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland…" (DCLG, March 2012, para 118). The Woodland Trust therefore needs to be informed of these development cases.
Please see comments above, the most obvious improvement is written notification to all neighbouring properties which might be affected, that is not only those on either side but opposite, to the rear etc. One cannot put a price on democracy hence we feel the comments on cost are spurious.
Early consultation with communities/ parish councils that have a neighbourhood development plan is critical to making the consultation process effective (see Q2 above). Minor problems can be resolved at a pre-application stage with a consequent saving of time and expense. The parish council/ community will be able to ensure the application is in line with the aspirations of their neighbourhood development plan and early consultation will generate a real sense of community involvement. The requirement for early consultation, which means early enough for planning applications to be changed without undue expense, needs to be written explicitly into the statement of community involvement to include: timing, definition of consultation, and requirement for all applicants/ developers to demonstrate reasonable engagement with the community and parish council. For example, it is not sufficient simply to 'go through the motions' of early consultation with the parish council, the applicant/ developer will need to show an active engagement and willingness to consider the views of the parish council.
See comments on 1.
Question 3 Do you think the methods of consultation are effective? ANSWER - NO Where the elected parish council has taken responsibility, as the local accountable body, for implementing the approved NDP on behalf of residents, there is in place an effective means of delivering the changes planned. The parish council, however, must have an active and influential engagement in the planning approval process, rather than it just being another third party to be consulted by the local authority after the planning application has been made. For this process to be seen by residents as effective, the parish council should be informed by any developer of its intentions, before planning permission is sought. The purpose being to ensure that the nature of the development complies with the aspirations of the Neighbourhood Development Plan and that progress to approval is not unnecessarily delayed. To emphasise this argument and to explain the strength of feeling on this subject, with regard to the Pyons Group of Parishes, the following is pertinent: It is proposed that new planning applications will continue to be adjudicated solely by Hereford County Council, even when an NDP is in place. Based on recent and traumatic experiences of substantial

planning decisions eventually going against the draft NDP, the total will of residents and the views of elected members, it should be no surprise that there is little trust in the local authority acting for the benefit of residents. Under the circumstances the developer must be ‘advised’ by the local authority as part of the application process, to first discuss and, where possible, agree with the parish council, the suitability of the application to the NDP.
If the interests of minorities are being affected, there should be a serious attempt to engage with and consult with these minorities directly and not rely on those who have are professionally involved with them or organisations which have no local knowledge(see list in paragraph 6.2). It is recognised that this is a time consuming and not straightforward exercise but proper consultation (and not a pretence of consultation), requires it. For instance with regard to engagement with the Travelling minority, the work done for the Regional plan was considerably better than for the LDF.

In order to reach the widest audience, Herefordshire Council is committed to providing information electronically whenever possible, i.e. Email, Website & Social Media. Site notices will continue to be used and hard copies of relevant literature will be circulated to libraries and information centres.

Are you happy to receive information in this way?

Yes	28
No	7

Any further comments:

With Permitted Development Rights driving a coach and horses through your Local Plan and central government controlling more and more of our planning process there seems very little point in engaging with local government at all. But thanks for the invitation.
No thank you... you don't listen. Butter Market a fine example of energy and effort wasted. I wont waste any more of my time on such matters again.
What's the point when the council don't listen to the electorate.
As long as it is graduated, summary first and then progressively more and more detail available.
Susi in section 10 the GDP is now 2015 , not 2010.

It does represent a cost efficient approach but I remain to be convinced by its effectivity. Frequency of repeat notices and the extent of how far the message has been spread should be assessed rather than assume this works. If people were able to register an interest on a database for all future communications you would be able to ask how they found out
Utilise Parish Councils - they are developing their own websites, so can drive traffic through them to the main HC website. Provide Parish Councils with links to put on their websites to the HC website - for generic things and also for relevant matters to their parish
But response questionnaire need to be easy to complete so that amenity groups etc can comment easily. Focus groups and clubs are self-appointed individuals who have no elected right to be accorded special attention. I am told most consultees are negatively critical of proposals. Should they be accorded more attention? Result of consultations should be clear and numeric; showing how a decision is arrived at and whether consultation has changed the intended action. There should always be the question - do nothing? A legal requirement I believe (Brent Council case 2014?) Otherwise we all get fed up and fail to input.
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We are supportive of the principle of meaningful and early engagement of the general community by the public, community and other organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement.
Whilst I'm happy to receive information this way, I know a lot of people don't have access. Some have access via Library computers but others rely on hard copy availability.
Place Partnership Ltd (PPL) is the new company that manages the combined estates of Warwickshire Police (WP), West Mercia Police (WMP) and Hereford and Worcester Fire and Rescue Service (HWFRS), along with those of Worcestershire County Council, Worcester City Council and Redditch Borough Council. It is wholly owned, funded and run by the aforementioned public bodies. As part of the above, WP, WMP and HWFRS now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations through PPL to all local planning authorities and other parties in relation to planning applications and planning policy. For the

avoidance of doubt however, the two police forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams. Having read through the Revised SCI, WP/WMP/HWFRS consider that the processes set out for policy and development management are clear and provide a good basis for ensuring community involvement and consultee involvement in the planning process. The main concern from an emergency services perspective is that the key consultee bodies (WMP and HWFRS) need to be made aware of new planning documents and planning applications consulted on by the Council. The best way for this to be done would be for both bodies to be recognised as 'specific consultation bodies' in the Statement of Community Involvement. The Town and Country Planning (Local Planning) (England) Regulations 2012 Section 2 specifically states that local policing bodies are relevant authorities and that relevant authorities should also be included as specific consultation bodies. Whilst the Regulations do not specifically refer to the Fire and Rescue Services, it would be sensible for HWFRS to have the same specific consultation body status as the police, particularly as both will now be represented in the consultation process by Place Partnership Ltd.
This is convenient for me. I am very pleased to see that site notices will continue to be used as this is often the only way to find out about a local planning application.
Thank you for your email. I just wanted to point out that our Central Library and Visitors Information Centre are both currently closed .....and have been for a fair time, (which I feel is a complete disaster for our city - I don't feel the makeshift 'library' at our town hall does justice) so it would not be possible for people not on email to be able to see hard copy.
The narrative refers to the importance of parish council responses etc and there is a statement that parish councils will be consulted about planning documents that affect their area and on specific planning applications. This mirrors current practice and is to be welcomed. However, in the list of bodies to be consulted I cannot find a specific reference to parish councils
Thank you for giving Severn Trent Water the opportunity to comment on the above. However I hope the following statement reassures you of our obligations. **Position Statement** As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in

further detail with the local planning authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.
Only knew about it through my work as a council employee - haven't seen this in the public domain.
This will vary between every person but for me personally I like to see generic information on social media and the website but items items of particular interest and importance directly e-mailed. A hard site notice is useful for the general public.
I am not on social media or online. I got my daughter to fill this out for me.
Your website needs to be easier to understand and navigate
Advertise relevant notices in the local paper. A lot of people are not online, or visit the library regularly.
Personally we would but then we understand the systems & have the internet access etc to support this method. Many people find planning a very complex system & are more likely to give up or not bother if they have to search hard for information or even whether there are any applications relevant to them (see above). This can give a false idea that people have no interest or do not care when that is probably far from the case.
After reading the SCI information, Herefordshire Council has clear and effective direction and has set reasonable targets to meet. There are excellent open lines of communication. The point made about parish councillors being well briefed is key to communicating to local communities about any concerns or issues they may have.
I accept that this is the easiest way to communicate these days but there needs to be review process. The introduction of on line presentation of planning applications seems to have been undertaken without much consideration of the consequences. Where minorities are concerned who do not meet with general approval. the presentation of objections on line has serious implications. Although actual racist comments seem to be effectively filtered out, the very fact of the number of objections creates a sort of herd response which is seriously upsetting to the individuals and minority groups concerned and may be prejudicial to the outcome. Planning applications are supposed to be assessed on the basis of their conformity or otherwise to the Local Plan and should not be turned into popularity contests.
Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts.

The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

Network Rail would draw the council's attention to the following (which applies to England only):

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Publicity for applications for planning permission within 10 metres of relevant railway land

16.—(1) This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.

(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.

(5) In paragraph (2) "requisite notice" means a notice in the appropriate form as set out in Schedule 3 or in a form substantially to the same effect.

Developer Contributions

The Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.

Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- A requirement for development contributions to deliver improvements to the rail network where appropriate.
- A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.
- A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.

<u>Level Crossings</u>

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing. We request that a policy is provided confirming that:

- Herefordshire Council has a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:
    - *Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010 requires that… "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval".*

- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

<u>Planning Applications</u>

We would appreciate Herefordshire Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

Historic England notes that Section 10.8 (p.21) refers to 'Relevant Planning Matters' and some suggestions, although not conclusive, are set out in a list. The list includes landscape and ecology (nature conservation), amongst others, but does not include reference to the historic environment. For completeness, it is recommended that an additional bullet point is added as follows (or with similar alternative wording):

- *Impact on the historic environment, heritage assets and their setting.*

Alternatively, the landscape and ecology bullet point could be deleted from the document. Whichever way, it is considered that a balanced overview should be provided through the list since the historic environment, along with nature conservation, falls within the 'environment' golden thread of the National Planning Policy Framework.

Historic England welcomes the reference to the organisation in Appendix 2 of the document. We will be pleased to assist you with advice and support on planning matters whenever possible.

The Parish Council considered the consultation document and was of the view that although it was pleasing that Herefordshire Council had asked for comments it was saddened to note that in many instances in the past, there was no clear evidence that notice had been taken of comments made, under the circumstances The Parish Council declines to complete the survey and the Clerk was asked to inform Herefordshire Council of the Parish Councils comments and thoughts.
This statement and question appears to be designed to produce the required answer. The statement should be ‘except for site notices and hard copies in libraries communications will only be electronic’. This policy will exclude many elderly and most vulnerable people. It serves only the fully capable/engaged people, which is not appropriate. Furthermore, this is contrary to the commitments made for engagement on planning issues.

How did you find out about the consultation?

Email	30
Letter	1
Hereford Times newspaper	
Ledbury Reporter	
Herefordshire Council website	2
Social media	2
Other	5

- Family member
- Friend
- During planning app issue/a talk about NDP
- Lingen Community website

Herefordshire Council

Meeting:	**Cabinet**
Meeting date:	**1 December 2016**
Title of report:	**Youth justice plan 2016/17**
Report by:	**Cabinet member young people and children's wellbeing**

Classification

Open

Key decision

This is not an executive decision

Wards affected

Countywide

Purpose

To approve the Youth Justice Plan 2016/17

Recommendation(s)

THAT: the Youth Justice Plan as appended is approved.

Alternative options

1 There are no alternative options as a Youth Justice Plan is required to be produced on an annual basis.

Reasons for recommendations

2 The Youth Justice Plan (the plan) forms part of the council's budget and policy framework and is therefore reserved to council to approve. Cabinet considered this at their meeting of 30 November 2016 and recommended the plan to Council for approval.

3 The plan is prepared on an annual basis on behalf of Herefordshire, Shropshire, Telford and Wrekin and Worcestershire County councils. The basic plan preparation is undertaken by the West Mercia Youth Offending Service according to the deadlines and from the Youth Justice Board for England and Wales (YJB).

Further information on the subject of this report is available from
Keith Barham (YOS) (01905) 732200 or Jo Davidson (Director for Children's Wellbeing) on (01432) 260039

4 The plan sets out how youth justice services across West Mercia are structured and resourced and identifies key actions to address identified risks to service delivery and improvement

5 Under section 40 of the Crime and Disorder Act 1998 each council has a duty to produce a plan setting out how youth justice services in their area are provided and funded and how the youth offending service for the area is funded and composed, the plan is submitted to the YJB.

6 The plan for 2016/17 was prepared in July 2016 in line with the guidance issued by the YJB. .

Key considerations

7 The youth offending service is subject to three national indicators. Performance against the indicators is outlined in the plan and actions identified to address risks to performance improvement. The Herefordshire specific information is set out on pages 28-32 of the plan.

8 The first time entrant (FTE) indicator which is expressed as the number of first time entrants to the youth justice system per 100,000 youth population was 566 for Herefordshire in 2015, representing a reduction of 2% from 2014 where the FTE rate was 578. Herefordshire was the only area in West Mercia to experience a reduction in first time entrants between 2014 and 2015. The general trend has been downward since 2009 when the Herefordshire rate was 1119 per 100,000 youth population. The Herefordshire rate is higher than the average rate for West Mercia, 506 and the average rate for England, 369. This is in part due to better detection rates than in other areas.

9 The second indicator is the use of custody indicator, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for the year 2015/16 was 0.12. This is an improvement in performance from 2014/15 when the rate was 0.25, this compares favourable against the national rate of 0.37.

10 The third indicator is re-offending. There are two measures both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency rate, is the average number of re-offences per offender who re-offends in the cohort. The second is the percentage of the young people in the cohort who have re-offended. Due to the way that the Ministry of Justice measure this indicator there is a time delay in publishing the results. The most recent data that could be included in the plan was for the cohort identified in the period July 2013 to June 2014, whose reoffending was tracked for a twelve month period until June 2015.

11 The frequency measure for Herefordshire for the cohort identified for the period July 2013 to June 2014 is 3.19 and this shows improved performance from the previous year when the rate was 3.43. The rate is better than for West Mercia, 3.24 and slighltly worse than for England, 3.14.

12 The percentage of young people who have re-offended in Herefordshire for cohort identified in the period July 2013 to June 2014 is 44%. This is signicantly higher than

for the previous year at 29%. When the two measures are taken together it can be seen that although there is a higher propotion of the cohort re-offending they are re-offending less frequently. The performance is worse than for West Mercia, 33.4% and for England 37.7%.

13 The service implemented a tool during 15/16, which tracks re-offending of current cases in real time, allowing for the review of interventions at the earliest point where re-offending occurs. The management board intends to have a focus on re-offending during 16/17 and has commissioned a report to form the basis of a themed meeting to identify further actions.

14 The plan outlines key actions to improve service provision in 2016/17 under four main priorities:-

(i) Improving performance and developing practice

- Implementation of a new case management system
- Implementation of the new national assessment framework, AssetPlus
- Reviewing and revising the quality assurance framework
- Developing the curriculum of the junior attendance centres
- Revising the management of risk processes
- Evaluating a youth bureau approach for out of court disposal decision making

(ii) Understanding our young people

- Analysis to determine the reasons behind the rising rate of first time entrants to the youth justice system
- Build on the work undertaken in 15/16 to capture the voice of the service user and to ensure service users views are better represented at the service's management board
- To further build on and develop the needs assessment and evidence base

(iii) Improved joint working and Integration

- Re-establish the looked after children reference group
- Agree a multi-agency protocol to reduce offending by and the criminalisation of looked after children
- Developing a new protocol with providers of probation services to ensure that the approach to the transition from youth to adult criminal justice services is informed by best practice and takes account of the recommendations of a thematic inspection by HMI Probation
- Supporting West Mercia Police in their roll out of decision making forums for looked after children

(iv) Governance and Communication

- Transfer the hosting arrangement for the service to the Office of the West Mercia Police and Crime Commissioner
- Agree and implement a revised service structure

Community impact

15 The principal aim of the youth justice system is the prevention of offending and re-offending by children and young people. The plan sets out an action plan to address the significant risks identified to future service delivery and improvement.

16 The plan supports the Children and Young Peoples Plan 2015 - 2018, by planning actions to improve the outcomes for children and young people who are in the youth justice system and working to minimise the risks associated with any harm they may pose to others and any harm posed to them.

17 The plan directly contributes to the reducing re-offending priority in the Herefordshire Community Safety Strategic Plan 2014/17.

18 The plan supports priority 2 of the Health and Wellbeing Strategy, in working to reduce offending, anti-social behaviour and re-offending by young people.

Equality duty

19 The plan will support the Council in its overall duty to promote equality. In particular the plan makes proposals to improve the outcomes of children and young people who are conflict with the law, by ensuring that their diversity factors are assessed and assisting them in accessing services that meet their needs.

Financial implications

20 The 2016/17 financial contribution to the YOS by the council is £197k. This contribution represents a 15% saving from the 15/16 contribution.

Legal implications

21 This is a Key Decision to be taken by Cabinet in line with the Part 3, Section 3 of the council's constitution.

22 All Local Authorities have a statutory duty, as set out under Section 40 of the Crime and Disorder Act 1998, to formalise and implement for each year a Youth Justice Plan following consultation with the relenvat persons (Police, Probation and Health) as set out in Section 38(2) of the Act. The plan must set out how youth justice serices in the local authority area are to be provided and funded; and how the youth offending team established by the local authority are compsed, funded, how they are to operated and what funcitons they are to carry out. Plans must be submitted to the Youth Justice Board fo England and Wales in a form and by a date set by the Secretary of State.

23 The plan appended to this report, when submitted to the Youth Justice Board, will meet the this statutory duty.

Risk management

24 The risks are identified in the plan, together with the actions to mitigate them.

25 The hosting of West Mercia YOS was transferred to the Office of the West Mercia Police and Crime Commissioner on 1 April 2016. A new service structure will be implemented in the second half of 2016/17.

Further information on the subject of this report is available from
Keith Barham (YOS) (01905) 732200 or Jo Davidson (Director for Children's Wellbeing) on (01432) 260039

Consultees

26 Through their management board representatives Herefordshire Council, Shropshire Council, Telford and Wrekin Council, Worcestershire County Council, West Mercia Police, the National Probation Service and the Office of the West Mercia PCC have been consulted and their reprensentative's agreed the plan in August 2016.

Appendices

Appendix A - West Mercia Youth Justice Plan 2016/17

Background papers

- None identified.

Further information on the subject of this report is available from
Keith Barham (YOS) (01905) 732200 or Jo Davidson (Director for Children's Wellbeing) on (01432) 260039

WEST MERCIA YOUTH JUSTICE PARTNERSHIP

YOUTH JUSTICE PLAN

2016/17

Herefordshire Council · NHS · Shropshire Council · John Campion Police and Crime Commissioner West Mercia · Telford & Wrekin Council · West Mercia Police · National Probation Service · worcestershire county council

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1.0 INTRODUCTION

Introduction from the Karen Bradshaw, Chair of West Mercia Youth Justice Service Management Board and Director of Children Services, Shropshire Council

West Mercia Youth Justice Service (WMYJS) is partnership between the Local Authorities, National Probation Service, West Mercia Police, NHS organisations across West Mercia and the Office for the West Mercia Police and Crime Commissioner. The service is accountable to the WMYJS Management Board, comprised of senior officers from each partner agency. The service was established on the 1st October 2012 replacing the previous Shropshire, Telford and Wrekin Youth Offending Service and the Worcestershire and Herefordshire Youth Offending Service following a review of how youth justice services were provided across the West Mercia area. A second phase of the review, completed in 2015/16, has resulted in the decision for the service to be hosted by the Office for the West Mercia Police and Crime Commissioner from 1st April 2016.

As we enter 2016/17 the partnership faces a number of challenges which include a significant reduction in funding from central government, along with reductions from partner agencies and the intention to implement a major re-structure of the service during the first six months of the year. This is combined with change programmes to introduce a new case management and information system and implement a new assessment and planning framework over the same period. The partnership is additionally awaiting the publication of the Ministry of Justice's national review of youth justice, led by Charlie Taylor, which is likely to signal far reaching changes in youth justice policy and delivery.

During 2015/16 WMYJS has, in particular, concentrated on improving the quality of assessments and plans following the findings of the Short Quality Screening of the service undertaken by HMI Probation in early 2015. Monthly audits have demonstrated a sustained improvement in the quality of assessment and planning throughout 2015/16. There is, however, a mixed picture in relation to performance against the national performance indicators. Performance in respect of the rate of young people receiving a custodial sentence has improved with the rate deceasing from 0.22 sentences per 1000 youth population in 14/15 to 0.14 in 15/16, this rate is significantly below national rate of 0.37. Although good progress has been achieved in reducing the number of young people receiving custodial sentences, the other two indicators, first time entrants to the youth justice system (FTEs) and re-offending have shown a slight deterioration, the FTE rate has risen from 431 per 100,000 youth population to 506 between 2014 and 2015, and the proportion of young people re-offending has increased from 30.7% for the July 2012 to June 2013 cohort to 34.7% for the July 2013 to June 2014 cohort, although this below the national rate which is at 37.7%. More detail on the national performance indicators is provided in section 2.7.

Although the FTE rate is to a large extent outside of the direct control of the youth justice service the service will be working with the Police during 16/17 to identify the main factors driving not just the increase but also the differences in the rates between the local authority areas in West Mercia. The service is piloting a bureau approach to out of court disposal decision making in Shropshire, and at the time of writing it is too early to ascertain whether this is having a positive effect on diverting young people from formal justice system sanctions, where it is appropriate to do so, but the management board look forward to receiving the evaluation of the pilot which is due at the end of the calendar year.

The re-offending rate is volatile and varies year on year in a range between 30% and 34% with no real overall trend either upward or downward. The service implemented a tool during 15/16, which tracks re-offending of current cases in real time, allowing for the review of interventions at the earliest point where re-offending occurs. The management board intends to have a focus on re-offending during 16/17 and has commissioned a report to form the basis of a themed meeting to identify further actions.

The management board welcomed the work undertaken by the service during 15/16 to capture the voice of the service user, this included a revised service user feedback process, the implementation of a new compliments, comments and complaints process and the use of the ViewPoint survey. Some summary feedback is given in section 2.6, but the headline statistic from the ViewPoint survey was that 88% of young people said that the work with the service had made them less likely to offend. Further work is required in 16/17 to ensure that voice of the service user is better represented at the management board. Some comments from service users or their carers are provided in speech bubbles throughout the body of this report.

The service and management board do not work in isolation in reducing offending by children and young people and improving the outcomes for children and young people who have entered or at risk of entering the youth justice system. The board is committed to promoting more integrated and joint work between the service and other agencies at the local area level, in particular with social care services, especially in relation to looked after children who are over represented in the youth justice system. In 16/17 the looked after children reference group of the board will be re-established. It is planned to agree a multi-agency protocol to reduce the offending by and the criminalisation of looked after children. Work is also planned with the National Probation Service to improve the arrangements for young people transitioning from youth to adult criminal justice services. Other key relevant plans are the Children and Young People's Plans, Community Safety Strategies and the Health and Wellbeing Plans for each area and the Safer West Mercia Plan. The management board recognise the need to make strategic alliances with other relevant boards and governance bodies.

Karen Bradshaw – Chair of West Mercia Youth Justice Service Management Board

2. REVIEW OF 2015/16

2.1 Changes in Service Delivery Arrangements

Following a review of service delivery arrangements undertaken during 15/16 the four Local Authorities and partner agencies agreed to transfer the hosting arrangements for the WMYJS to the Office for the West Mercia Police and Crime Commissioner from the 1st April 2016. The review agreed a new structure for WMYJS which is to be implemented during the first 6 months of 2016/17. A diagram of the new WMYJS structure is included in section 3 of this plan.

I felt my child was safe when they were with YOS (parent of service user)

2.2 Review of Key Developments 2015/16

The YOS Management Board agreed four main overarching priorities for 2015/16. The following were achieved during 2015/16.

(i) Priority 1 - Improving Performance and Developing Practice

- Monthly auditing of assessments and plans undertaken independently to teams line management was implemented which resulted in a increase in compliance to the service's quality standards
- The Junior Attendance Centre serving Worcestershire and Herefordshire was re-establishing following being closed since December 2014
- A short screening tool was developed to indentify young people who are either at risk of becoming victims of child sexual exploitation (CSE) or potential perpetrators of CSE.
- Piloting a bureau approach to pre-court decision making in Shropshire
- The development of a new service Operations Manual which includes comprehensive recording guidance.
- The merger of ICT systems to bring the whole service onto a single ICT platform

(ii) Priority 2 - Understanding our Young People

- Tracking tools for re-offending, education, training and employment and victim work were developed and implemented.
- Through a newly established participation development group new service user feedback processes were put in place including end of intervention feedback questionnaires, the “Tell Us” comments, compliments and complaints process and a “Think Participation” resource was developed for practitioners.
- Further development of the annual WMYJS needs assessment

I stopped offending. Kept drinking to a minimum. I think before I do things now. (service user)

(iii) Priority 3 - Improved Joint Working and Integration

- Continued focus on joint issues between WMYJS and social care and Police for looked after children, in particular through the work of the Management Board sub group and participation in the Police LAC decision making process pilot in Shropshire.
- Piloting joint WMYJS and Children Social Care workshops in one authority area
- Agreement of a multi-agency protocol to ensure young people charged and denied bail are transferred to local authority accommodation

(iv) Priority 4 - Governance and Communication

- Completion of the West Mercia review of youth justices services with decisions to transfer the hosting of the YOS to the Office of Police and Crime Commissioner from 1st April 2016, and a agreed new structure to be implemented during 2016/17
- Joint management team and management board workshop based around the learning points from a discretionary serious case review
- Introduction of practice presentations at management board meetings
- Confirmation of a health (CCG) representative for the YJS management board.

2.3 Innovative Practice

WMYJS has been working with West Mercia Police in the Shropshire area to pilot an approach to decision making for LAC, particularly those in children homes where the offending has occurred in the context of the placement. The process is due to rolled out across the Police strategic alliance area of Warwickshire and West Mercia during 2016/17. Although not innovative in itself WMYS has been piloting a bureau approach to pre-court decision making in Shropshire which compliments the work of the LAC forum.

2.4 Thematic Inspections

During 2015/16 the WMYJS Management Board has considered the findings from the following thematic inspections; A Inspection to Assess the Effectiveness of the Reporting, Monitoring and Learning from the Youth Justice Boards Community Safeguarding and Public Protection Incident (CSPPI) Procedures and Transition Arrangements: A Follow Up Inspection. Processes are to be put in place to address the youth justice partnership and service specific recommendations in the CSPPI report and it has been agreed to develop a new local transition protocol with NPS which will take into account the recommendations of the transitions report.

2.5 Youth Offending in West Mercia

More detailed information on offending types, offenders by age and gender and numbers and offenders by proportion of youth population for each local authority area are contained in appendices 1 to 4 of this plan.

- In West Mercia there has been a 67% reduction in the number of young people committing offences over the past ten years from 3995 young people offending in 2005 to 1310 in 2015.

Case Study - Reparation Project

WMYJS were approached by a parish council and asked to renovate a bus shelter.

Following a risk assessment, four young people worked on the preparation phase

Meanwhile other young people made flower boxes at the workshop in Telford

This then all came together in a renovated bus shelter with uniform paintwork, varnished benches and a freshly painted interior.

The local community have been thrilled, are looking after the flower boxes and the Parish Council were very pleased with the work done. They have agreed to circulate this success to other parishes to increase the potential work available to young people in future.

- The majority (82.4%) of young people entering the youth justice system for the first time in 2015 were aged 14 or over
- Nearly a quarter (24%) of first time entrants to the youth justice system during 2015 were female
- The four most prevalent offence types are violence against the person, theft and handling, criminal damage and drug related offences.
- Just over a third of young people (36.3%) receiving outcomes in 2015 that required YOS interventions were children in care
- Whilst there are some variations across the local authority areas the four most prevalent assessed areas of risk and need are thinking and behaviour, family and personal relationships, lifestyle and mental health and wellbeing.
- Young people from outside of West Mercia have a significant impact on the levels of youth crime in West Mercia. Out of area young people were responsible for 15.2% of all offending resulting in a substantive outcome in 2015.
- In 2015 just under half (49%) of young people receiving outcomes that require YOS interventions have mental health or emotional well being issues.

2.6 Views of Young People

The following data is taken from a ViewPoint survey of 76 young people who were subject to court orders managed by West Mercia YJS undertaken during the last six months of 2015/16.

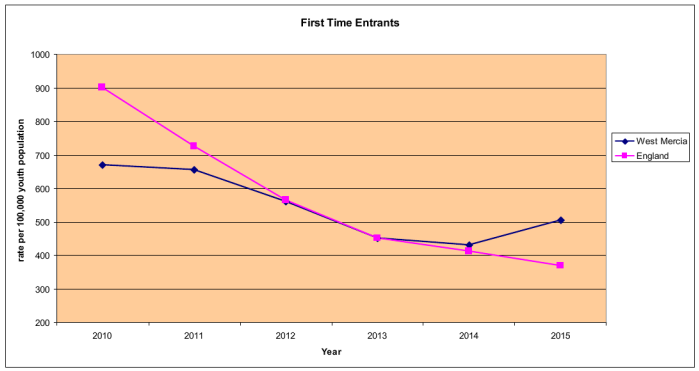
- 88% said that the work with the WMYJS has made them less likely to offend
- 97% said that the service given to them by the WMYJS was good most or all of the time
- 92% said they had enough say what went into their intervention plan
- 44% said they needed help with school, training or getting a job, of those needing help 90% said they received the help needed
- 29% said they needed help to cut down drug use and of those needing help 80% said they received the help needed.
- 19% said they needed help with relationships or things about their family, of those needing help 85% said they received the help needed.
- 19% said they needed help to deal with strange or upsetting thoughts, of those needing help 85% said they received the help needed
- 46% said they needed help to understand how to stop offending, of those needing help 97% said they received the help needed

2.7 Performance Review

Youth Justice Partnerships are subject to three national indicators;

- First Time Entrants (FTE) to the Youth Justice System
- Use of Custody
- Re-Offending

(i) First Time Entrants to the Youth Justice System (FTE)



The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Youth Conditional Caution or Conviction). A lower figure denotes good performance.

The rate of FTEs across West Mercia for 2015 was 506, which is an deterioration on the performance for 2014 when the FTE rate was 431. The rate in West Mercia for 2015 is higher than the national rate of 369.

The percentage reduction in the rate of FTEs in West Mercia over the period 2010 to 2015 has been 26%.

Case Study – The Pilot Youth Bureau

This is a pilot scheme that aims to assess all young people coming to police notice, issuing the fairest and most effective decision and where necessary, intervention to reduce the likelihood of further offending.

The Youth Bureau involves a Police decision maker, WMYOS staff, a panel member (a trained and vetted member of the community) and other professionals where relevant.

The young person and their parents/carers then attend to receive the decision and implement any intervention straight away.

This pilot is due to report in autumn 2016

Case one – Sexting - A sixteen year old school boy with no previous offending history who forwarded an indecent image to a friend and like many other young people, he had not realised that he had committed an offence until he was dealt with by Police.

He was extremely remorseful and naïve. Prior to the bureau being in place, he may well have received a caution direct from police. This would have also attracted sex offender registration. The ongoing restrictions would then have affected his future employment prospects.

WMYJS were able to offer an enhanced community resolution along with a package of intervention around safe internet use and appropriate internet safety interventions.

There have been no further allegations about this young person.

Case two – Racial Harassment - This relates to a fifteen year old Shropshire school girl who racially abused the victim. There had been some minor contact with police previously.

On this occasion she was assessed by WMYJS and it was clear that there were vulnerability issues. These impacted on her ability and consequently her understanding of the impact of her behaviour.

As a result of the Bureau an enhanced community resolution has been able to be issues supported by an intervention programme delivered by WMYJS to address self esteem, impact of her behaviour on others and referral to Child and Adolescent Mental Health Services for assessment and support.

Had this young person been dealt with by the police alone it is likely that she would have received a youth caution, no further support and the identified issues would have continued, potentially leading to further harm to the community

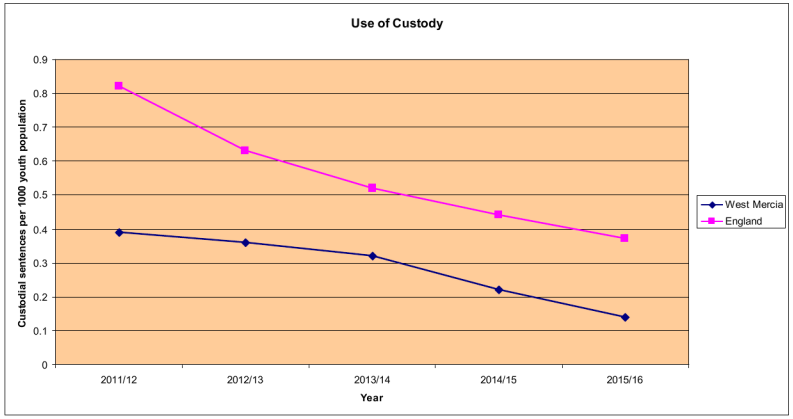
There have been no further allegations about this young person.

Within West Mercia there are differing FTE rates between the four Local Authority areas, with the highest being 641 and the lowest 386. Some initial analysis undertaken in 2014 demonstrated that the highest rate was in part, a result of higher detection rates and a lower proportional use of the informal disposal of Community Resolution. Further analysis is required to ascertain the reasons behind the rise in the FTE rate experienced during 2015

I haven´t offended again since being with YOS. I have learnt about victim awareness and having to put yourself in someone else´s shoes. (service user)

The first time entrant rate is to a great extent outside of the control of the WMYJS, however WMYJS, jointly with West Mercia Police are piloting a bureau approach to out of court decision making in Shropshire which aims to divert low level offenders from formal justice sanctions through the use of restorative processes.

(ii) Use of Custody



The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year old population. West Mercia has, historically, had a low rate of custodial sentences. A lower figure denotes good performance.

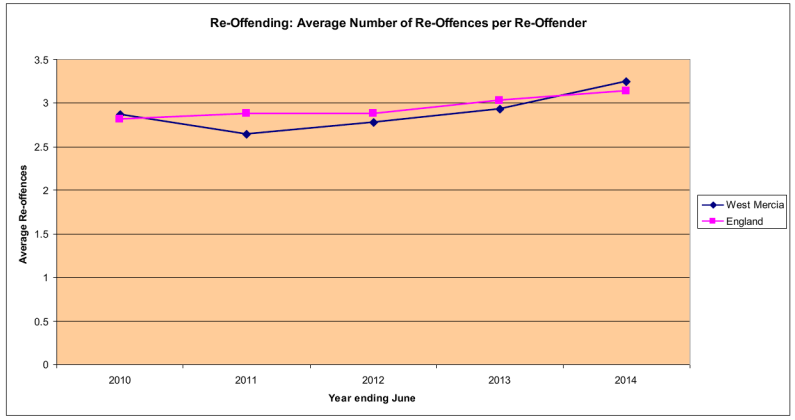
For 2015/16 the use of custody rate for West Mercia was 0.14 against the rate for England of 0.37, West Mercia performance is, therefore, significantly better than the national performance. The West Mercia rate for 15/16 has improved from 14/15 when it was 0.22.

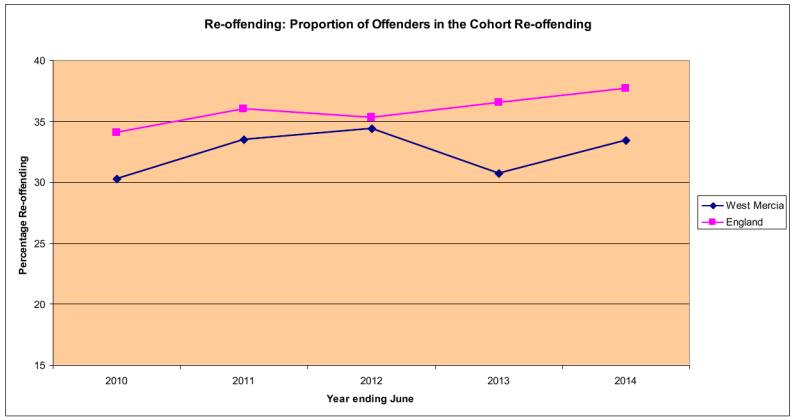
Over the four year period of 2011/12 to 2015/16 the rate has reduced from 0.39 to 0.14, a reduction of -64% which compares favourably to the reduction of -55% for England over the same period

The actual fall in custodial sentences was from 46 in 2011/12 to 16 in 2015/16, a reduction of 65%.

(iii) Re-Offending

There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per re-offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. The most recent data for the re-offending measure is for the cohort identified in the year ending July 2013 to June 2014. In both measures a lower figure denotes good performance.





For the year ending June 2014 the frequency measure performance for West Mercia was 3.25, compared to national performance 3.14.

A comparison over the five year period of the years ending June 2010 and the year ending June 2014, shows a 13% increase in the rate from 2.87 to 3.25, over the same period the rate for England has risen by 12%.

The binary measure performance for the year ending June 2014 for West Mercia is 33.4% compared with national performance of 37.7%.

A comparison over the five year period for the year ending June 2010 to the year ending June 2014, show that this measure is volatile varying year on year in a range between 30% and 34%. The national rate also shows a year on year variation over the same period but within the range of 34% and 38%.

It should be noted that the cohort size is falling, from 1975 young people in the June 2010 cohort compared to 811 young people in the June 2014 cohort. The number of re-offences has also decreased over the same period from 1718 to 882 a decrease of -49%.

In 2015/16 the YOS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs. Early

information from the tracker tool has identified that only a small proportion of young people re-offend leading to a further conviction whilst subject to a YOS intervention, between September and December 2015 only 3.6% of young people subject to YOS interventions were reconvicted of a further offence.

3. RESOURCES AND STRUCTURE

3.1 Income

I felt treated as a person and not a criminal (service user)

The Youth Offending Service has a complex budget structure comprising of partner agency cash, seconded staff and in kind contributions and the Youth Justice (YOT) Grant from the Youth Justice Board for England and Wales. The table below outlines the agreed contributions for 2016/17.

Agency	Staffing costs Secondees (£)	Payments in kind – revenue (£)	Other delegated funds (£)	Total (£)
Local Authorities[1]			1,228,499	1,228,499
Police Service	237,892		63,000	300,892
National Probation Service	126,066		115,066	241,132
Health Service	129,860		51,894	181,754
Police and Crime Commissioner			180,293	180,293
YJB Youth Justice (YOT) Grant			1,140,721	1,140,721
Total	493,818		2,779,473	3,273,291

In addition to the YJB Youth Justice Grant outlined in the table there is a further grant for the running of the Junior Attendance Centres of £50,318.

[1] Where YOTs cover more than one local authority area YJB Youth Justice Plan guidance requires the totality of local authority contributions to be described as a single figure.

3.2 The YJB Youth Justice (YOT) Grant

The YJB Youth Justice (YOT) Grant is provided for the provision of youth justice services with an aim of achieving the following outcomes; reducing re-offending, reducing first time entrants, reducing the use of custody, effective public protection and effective safeguarding. The grant will form part of the overall pooled partnership budget for WMYOS, which is used to deliver and support youth justice services across West Mercia. The outline draft budget for 2016/17 is provided below, the expenditure against the Youth Justice Grant is included in this budget.

> I've also done work around my victim and have met him face to face this made me feel like I could get my own apology across and I faced up to my actions (service user)

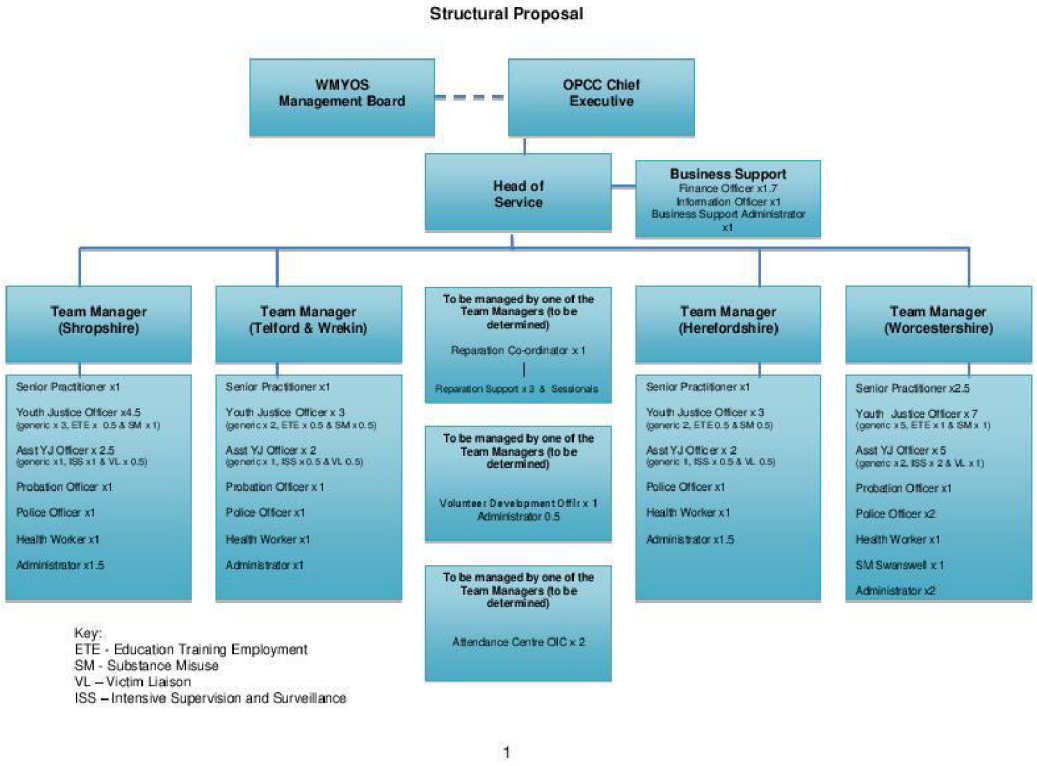
This draft budget has been profiled on the service structure at 31st March 2016, and will be re-profiled mid year to take account of service re-structure.

Category	Budget (£)
Salary and Wages	**2,410,276**
Travel and Expenses	**122,880**
Training and Development	**23,680**
Accommodation	**197,356**
Voluntary Associations	**0**
Commissioning	**82,730**
ICT	**86,530**
Other	**35,150**

West Mercia YJS is due to implement AssetPlus, the new national assessment tool for YOTs in June 2016, this will also coincide with the implementation of the ChildView information system. It has been agreed that the implementation costs of these two systems are to be met from reserves.

3.3 WMYJS Structure and Staffing

The West Mercia Youth Offending Service currently comprises five multi-agency service delivery teams, aligned to the Local Authority areas (two teams in Worcestershire) to deliver the majority of services supported by a central services team. In the first six months of 2016/17 a revised structure is being implemented which will comprise four area teams aligned to the Local Authority areas. A structural diagram of the new structure is given below.



The YOS is compliant with the minimum staffing requirements outlined in the Crime and Disorder Act 1998, as can be seen from the structural diagram above. There are four HCPC registered Social Workers within the staffing group.

3.4 Staff and Volunteers by agency, gender and ethnicity

My attitude has improved towards my dad, I have calmed down a little bit. (service user)

The tables below show staff and volunteers by agency, gender and ethnicity. This data is at 31st March 2016.

PAID STAFF BY AGENCY							
Agency	Local Authorities	National Probation Service	Police	NHS Trusts	Voluntary Sector	Agency	Total
No of Staff	69	1	5	1	4	2	82

PAID STAFF BY GENDER AND ETHNICITY						
GENDER		**ETHNICITY**				
Male	Female	White	Mixed/Multiple Ethnic Groups	Asian/Asian British	Black/African/Caribbean/ Black British	Other Ethnic Group
28	54	78		3	1	

VOLUNTEERS BY GENDER AND ETHNICITY						
GENDER		**ETHNICITY**				
Male	Female	White	Mixed/Multiple Ethnic Groups	Asian/Asian British	Black/African/Caribbean/ Black British	Other Ethnic Group
37	57	89	2	2	1	

3.5 Staff and Volunteers Trained in Restorative Justice

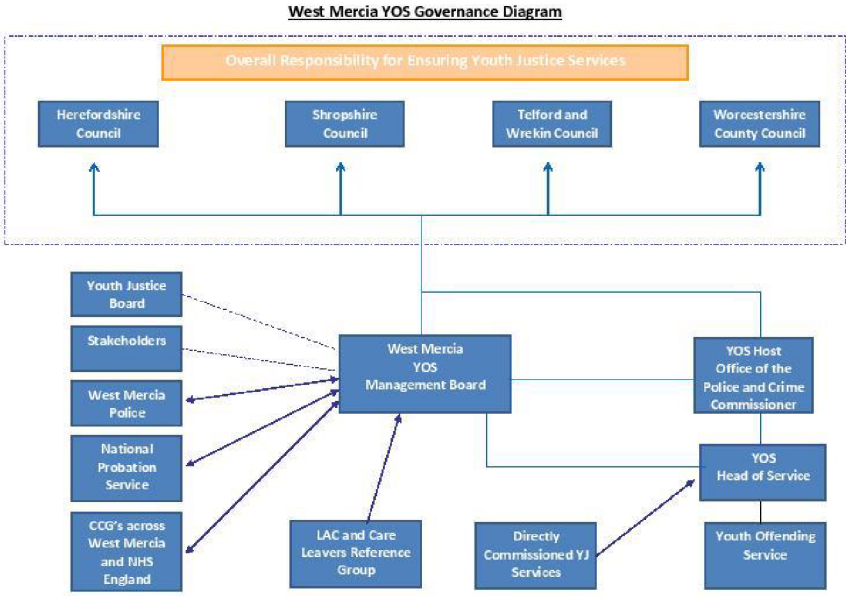
At 31st March 2016 there are 63 staff and 32 panel members trained in Restorative Justice (RJ) conferencing, 8 staff are trained in managing complex cases and 5 managers have training in RJ supervision and management. There are 4 members of staff who are trainers in RJ, and 18 staff have received specific training in victim liaison and contact.

4. GOVERNANCE AND PARTNERSHIPS

4.1 Governance

WMYJS is managed on behalf of the Local Authorities and the WMYJS partnership by the Office for the Police and Crime Commissioner West Mercia (OPCC). Day to day management of the Head of Service is provided by jointly the Chief Executive of the OPCC and the Chair of the Management Board (DCS Shropshire). The Youth Offending Service is accountable to the WMYJS Management Board and the Management Board is accountable to each of the Local Authorities for the commissioning and delivery of youth justice services.

The partnership Youth Justice Plan is approved by the Management Board and approved by each of the four top tier Councils. The diagram below outlines the governance arrangements of West Mercia Youth Justice Service.



The Youth Justice Service Management Board is currently chaired by the Director of Children Services for Shropshire Council. The Membership of the Board at 1st April 2016 is outlined in the table below:

I can now express my feelings better, make better decisions. I'm going to college. (service user)

Agency	Representative	Role
Worcestershire County Council	Simon White	Director of Children Services
Shropshire Council	Karen Bradshaw	Director of Children Services
Telford and Wrekin Council	Clive Jones	Director of Children, Family and Adult Services
Herefordshire Council	Jo Davidson	Director of Childrens Wellbeing
National Probation Service	Tom Currie	Head of West Mercia
West Mercia Police	Amanda Blakeman	Assistant Chief Constable
West Mercia Clinical Commissioning Groups	Vacant at 1st April 2016	
Office for the West Mercia Police and Crime Commissioner	Andy Champness	Chief Executive

The Board has adopted the following purpose and underlying principles:

Purpose

- To focus collaborative multi-agency effort on work to improve outcomes for Young Offenders by offering an exemplary service, with timely interventions and strong links and partnership across all local services including Children's Services, criminal justice and community safety sectors.
- To set strategic direction for the Youth Offending Service across West Mercia and agree and review local youth justice planning
- To provide support and challenge to the West Mercia YJS on operational performance.

Underpinning Principles

- To demonstrate effective leadership, support and challenge to the West Mercia YJS.
- To ensure that WMYJS is compliant with relevant national standards, including Youth Justice Board and local arrangements, and deals with exceptions/risks appropriately
- To ensure available resources are used efficiently to run an effective service.
- To ensure that Local Authorities jointly and singly manage the arrangements with the host agency.
- To provide the necessary governance to effectively steer the delivery of the service

The Management Board meets every two months and monitors the performance and quality of the service through regular reporting. Where necessary the Management Board will monitor compliance with the YJB Grant conditions through exception reports. There is an agreed process of reporting community safeguarding and public protection incident reviews into the Management Board and the Board monitors the progress of critical learning review action plans as a standard agenda item

I have learnt new skills, such as painting, cutting trees etc whilst out with my reparation worker (service user)

The Management Board ensures that, where relevant, commissioning across partner agencies take account of the needs of young people in or at risk of entering the youth justice system, and where appropriate explore joint commissioning arrangements.

4.2 Priorities for 2016/17

The Management Board agreed four main priorities for 2015/16 and has decided to continue these for 2016/17

1. Improving Performance and Developing Practice
2. Understanding our Young People
3. Improved Joint Working and Integration
4. Governance and Communication

1. Improving Performance and Developing Practice

As a response to various service audits and the SQS inspection of the service published in May 2015 the service implemented a new quality assurance and performance framework during 2015/16, resulting in an increase in compliance against locally defined standards that were applied to the assessment and planning process. In 2016/17 WMYJS will be implementing both a new information system, ChildView and the new national assessment framework, AssetPlus. These developments will require the implementation of a revised quality assurance and performance framework during 16/17. The Worcestershire and Herefordshire Junior Attendance Centre was re-opened in 2015/16, further work is required in 2016/17 to identify a permanent officer in charge and develop the curriculum of both centres in West Mercia. At the end of 2015/16 WMYJS implemented a pilot bureau approach to out of court disposal decision making. This pilot is due to end in Q2 2016/17, when it will be evaluated and potentially rolled out across West Mercia. Following the implementation of the new assessment process the service will need to review the current risk management processes.

2. Understanding our Young People

As noted in the performance section of this plan there was a rise in the first time entrant rate in West Mercia in 2015 and this is contrary to the national trend. Work will be undertaken to try and understand the reasons behind this. Previous work to identify drivers behind the differing rates across West Mercia identified detection rates and out of court disposal decision making to be significant factors, so this will inform the start point for further analysis. A service participation group was established in 2015/16, leading on service user engagement. The group revised the service user feedback process, and implemented a comments, compliments and complaints scheme. The work needs to be built on during 2016/17, to ensure that positive use is made of the feedback and ensure the voice of service users is heard by WMYJS management board. A needs assessment developed in 15/16 will be built on to inform service planning for 2017/18.

3. Improved Joint Working and Integration

Promoting greater integrated and joint working between WMYJS and other services remains a key priority. The LAC group will be revitalised in order to continue to look at joint issues between Children's Social Care and WMYJS in relation to children in care. WMYJS will take a lead in agreeing a multi-agency protocol to reduce the need to criminalise looked after children. A revised case transfer protocol between the YOS and the providers of probation services will be developed taking account the thematic inspection on transitions published by HMI Probation during 15/16 and to ensure that the approach to transition is informed by the T2A principles, and work the young person following transition builds on the work undertaken by WMYJS. During 15/16 a decision making forum for looked after children was piloted by West Mercia Police in Shropshire, supported by and involving the WMYJS. WMYJS will continue to support this initiative as it is rolled out across the Police strategic alliance area.

Case Study – Restorative Justice Conference

Restorative justice involves the bringing together of the victim and the offender in order to repair the harm that has been caused. WMYOS has trained its entire front line staff in the use of restorative justice techniques, in order that this can be used wherever possible.

The most benefit can often be gained from a restorative justice conference. These are only held if the victim wants this form of intervention to happen. It is a right under the victim charter for these to be available in all areas of the country from youth justice services.

Following preparation of both the victim and offender, then a meeting is held that enables the victim to explain how they have been affected by the offenders actions. Many victims find this to be helpful in many ways.

17 year old Robert was involved in the robbery of a mobile phone, in Cambridge, where Robert was living at the time of the offence. The victim was a Japanese national who was working with one of the university colleges to assist them with biology studies.

Robert went to court and received a court order for 12 months. From the beginning of the WMYJS involvement Robert was willing to engage with the victim for restorative justice purposes.

During the time period between court and the restorative justice conference taking place, Robert had his own mobile phone stolen. This increased his understanding of how his victim could be feeling.

The restorative justice conference took place in a mutually agreed venue in Cambridge. The conference was far reaching for both the victim and Robert. The victim explained the effect of the robbery, losing his contacts, impacting on his relationship and hindering his work. He was frightened by the robbery, not going out on his own.

The conference was a success with the victim able to understand that he was not deliberately targeted, that is was not a racial attack and was not going to be repeated. He has been able to go out on his own since.

For Robert the lasting outcome has been that this appears to have made Robert stop and think about the impact of his behaviour on others when he is able to identify an obvious victim.

4. Governance and Communication

During 2015/16 the Management Board completed the service review and agreed to transfer the service to the Office of the West Mercia Police and Crime Commissioner with effect from 1st April 2016. Due to the financial pressures faced by the service a review of the service structure has commenced with the aim of the Management Board agreeing a new service structure in the first quarter of 2016/17 with implementation to take place during the first half of 16/17.

4.3 Safeguarding

Safeguarding remains a key area of focus for the service. WMYJS has a key role in safeguarding young people, in terms of assessing and reducing the risk of harm to the young people either from their own behaviour or the actions of others and reducing the risk of harm they may pose to others.

There are specific actions under each of the four main priorities which address safeguarding within service delivery, these include the AssetPlus implementation, review of the risk management processes and the work to reduce the need to criminalise looked after children. WMYJS will continue to undertake critical learning reviews when safeguarding or public protection incidents occur, and apply any learning to future service delivery. The YJS is reviewing safeguarding policy and developing more of a focus on domestic abuse, and peer domestic abuse.

4.4 Partnerships

The Youth Justice Service only has one outsourced service, the provision of Appropriate Adults for young people in Police custody. The service is provided by a local voluntary sector organisation YSS.

WMYJS is a member of the four Safeguarding Children Boards and several of the board's sub groups and the Children's Trusts or equivalent partnerships. The YOS is represented on the Crime and Disorder reduction partnerships at the unitary or top tier authority level. The YOS is an active member of the West Mercia Criminal Justice Board and the MAPPA Senior Management Board.

WMYJS is represented on the strategic planning groups of Troubled Families programmes across three areas and has been contributing to all four programmes mostly the exchange of data and information, and directly contributing to delivery where relevant.

WMYJS is represented on the Channel Panels across West Mercia established as part of the Prevent strategy. YOS staff have undertaken WRAP training in most areas. Further work is required to ensure that the YOS is able to respond in delivering appropriate programmes of intervention to young people who are at risk of extremism.

The National Police Chiefs Council (NPCC) has a children and young peoples strategy which has four priority areas; Children in Care, Detention, Custody and Criminalisation, Stop and Search and Engagement. Locally Warwickshire and West Mercia Police have established a Children and Young Peoples Board to take forward a local plan based on the national priorities above, and WMYJS are participants within this. A joint protocol regarding the PACE transfer of young people charged and denied police bail between the Police, WMYJS and Local Authorities has been agreed. WMYJS is currently leading the work on developing a multi-agency protocol to reduce the criminalisation of children in care.

5. RISKS TO FUTURE DELIVERY – THE ANNUAL ACTION PLAN

Risk to Future Delivery	Action	Key Priority	Owner	Timescale (by end of quarter)
Priority 1 – Improving Performance and Developing Practice				
Intervention plans not sufficiently addressing assessed risks leading to increased risk of re-offending, increased risks of harm to others or increased risks of harm to self.	Staff Training – AssetPlus and ChildView	1	AP Lead and ICT Lead	Q1
	Implementation of AssetPlus assessment framework	1	AP Lead	Q1
YOIS does not support the new assessment framework	Upgrade Client/Management Information system to ChildView	1	ICT Lead	Q1
JACs not meeting the national specifications	Further development of the JAC programme	1	AC Lead	Q3
QA and Performance Framework not designed to support new APIS framework	Revised QA process and tools to be developed	1	QA Lead	Q3
Inconsistent risk planning processes/ current processes may not support new APIS framework.	Review of the service's management of risk processes	1	QA Lead	Q3
Out of court decision making inconsistent across West Mercia leading to differential FTE rates	Evaluate the Shropshire Bureau pilot – service wide implementation plan if successful	1	HoS	Q3
	Put in place revised OoCD joint decision protocol with West Mercia Police	1	HoS	Q4
Priority 2 – Understanding Our Young People				
Insufficient understanding of reasons for the increasing rate of FTEs	Analysis of the drivers behind rising rate of FTEs	2	Performance Lead	Q3
	Devise and implement a FTE tracking tool	2	Performance Lead	Q3
Service development not informed by user feedback	Bulid on service user feedback framework implemented in 2015/16	2	Participation Lead	Q3
	Service user views to be built into Management Board performance reporting framework	2	Participation Lead	Q2

Risk to Future Delivery	Action	Key Priority	Owner	Timescale (by end of quarter)
Future planning not informed by relevant data and information	Further development of the annual assessment	2	Performance Lead	Q4
Priority 3 – Improved Joint Working and Integration				
Disproportionate criminalisation of LAC affecting FTE and re-offending rates	Agreement of multi-agency protocol to reduce criminalisation of LAC	3	HOS	Q3
	YOS to support roll out of the LAC decision making forums	3	AMs	Q3
	Re-establish YOS LAC reference group	3	HOS	Q2
Unplanned transition between youth and adult services leading to increased risks of re-offending	Revise the YOS/Probation transfer protocol to ensure it complies with recommendations of the HMI Probation thematic inspections	3	HOS	Q2
	Implement the use of the Y2A portal for case transfer	3	ICT Lead	Q3
Lack of joint working with other agencies and services leading fragmented planning and case management	YOS to develop better and more co-ordinated planning with Children's Social Care at a local level	3	AMs	Q2 – Q4 (on going)
	Review and where necessary revise working protocols with Children's Social Care and CAMHS	3	HOS	Q4
Priority 4 – Governance and Communication				
Cost of current structure exceeds service income, does not make best use of resources and provide flexibility of use of resources across the service	Agree a revised service structure	4	MB	Q1
	Implementation of new structure	4	HOS/OPCC	Q2 – Q3
Leadership team unable to change culture of service and implement successfully new ways of working	Leadership team development and management of change training programme	4	HOS	Q3
Leases coming to an end	Development of an accommodation strategy for the YOS	4	OPCC	Q3
A disconnect between the management board and management team	Joint management board and management team workshop when new structure in place	4	CMB/ HOS	Q3
New structure not recognised as a new approach to service delivery.	Service to be rebranded and a Youth Justice Service.	4	HOS	Q3

6 MANAGEMENT BOARD APPROVAL

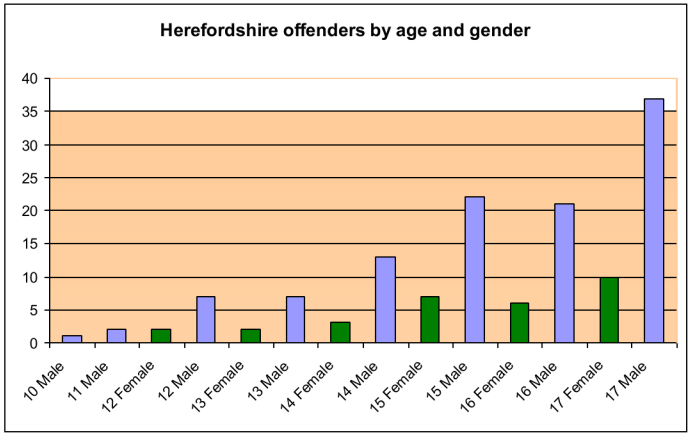
The plan was agreed at the Management Board meeting held on 18th August 2016.

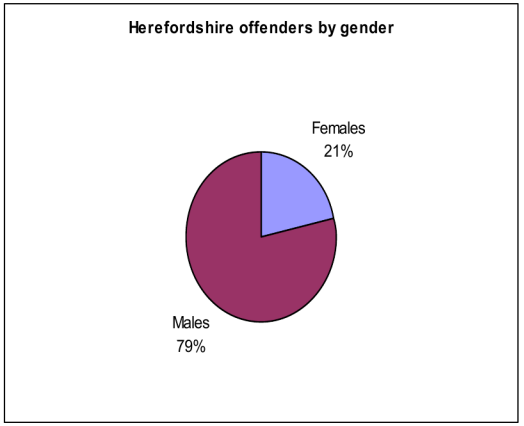
Agency	Agency	Signature
Catherine Driscoll	Worcestershire County Council	[redacted]
Karen Bradshaw	Shropshire Council	
Clive Jones	Telford and Wrekin Council	
Jo Davidson	Herefordshire Council	
Tom Currie	National Probation Service	
Amanda Blakeman	West Mercia Police	
Andy Champness	Office of the West Mercia Police and Crime Commissioner	

APPENDIX 1 - AREA PROFILE – HEREFORDSHIRE

Youth Offending Population – all Young People

There are 16,261 young people aged 10 to 17 in Herefordshire. In 2015/16 there were 176 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Herefordshire young people. A total of 140 individual young people accounted for these 176 outcomes, 0.86% of the youth population.

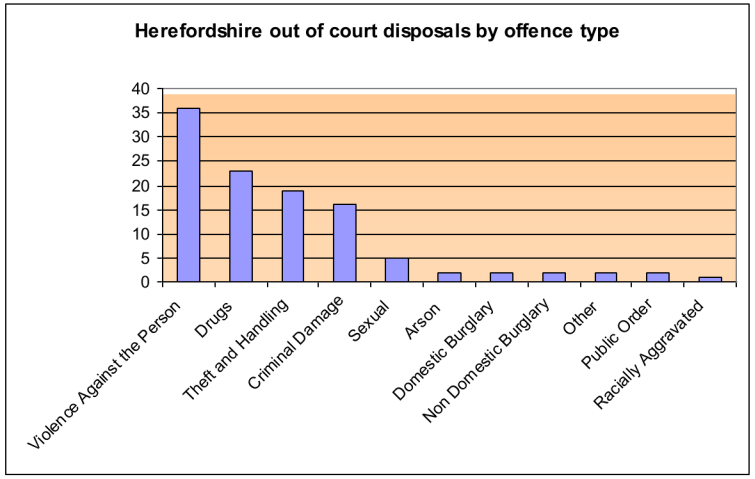




Of the 140 young people entering or in the youth justice system in 2015/16, 79% were male. The majority, 73%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 17 years.

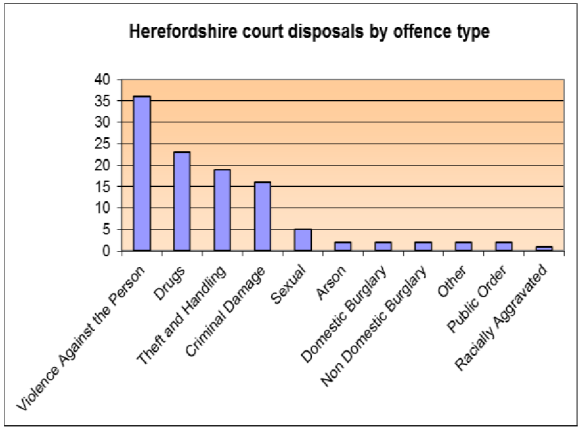
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2016/17 there were a total of 110 pre-court disposals made on 102 Herefordshire young people, 107 of these were Youth Cautions and 2 Youth Conditional Cautions. The YOS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2014/15 intervention programmes were provided for 9 pre-court disposals.



The most frequently occurring primary offences for out of court disposals were violence against the person, 28% drug offences, 24% followed by theft and handling, 16% and criminal damage, 10%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2015/16 a total of 50 Herefordshire young people accounted for 66 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 35 of the 66 court outcomes.

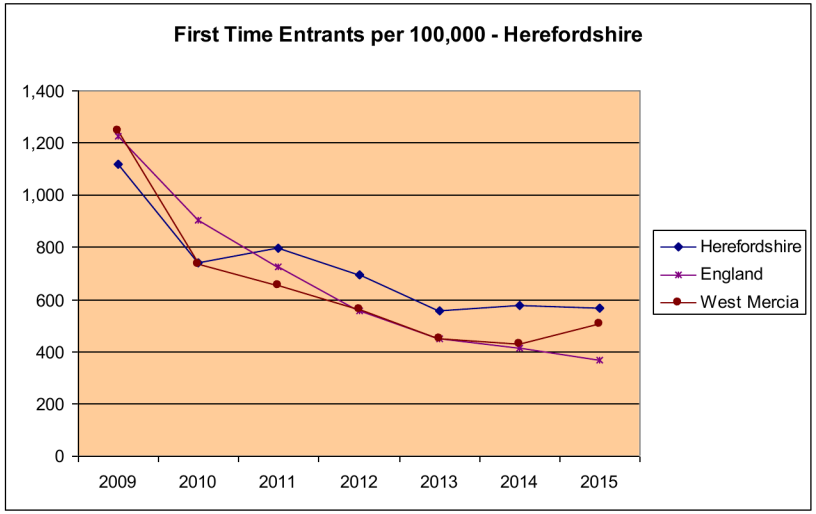
The majority, 93% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 50% of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was violence against the person, accounting for 33% of all offences. Drug offences were the next frequently occurring offence, 21%, followed by theft and handling, 17% and criminal damage 15%. These four categories of offences accounted for 86% of all offences charged to court.

Performance Against the National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Conditional Caution or Conviction). Good performance is indicted by a lower rate.



In 2015 there were 566 first time entrants per 100,000 youth population in Herefordshire, representing a reduction of -49% since 2009. This compares with a reduction for England of -69% and for West Mercia of -67% over the same period. The actual number of first time entrants in the 2015 is 92, compared to 217 in 2009 and 95 in 2014. The rate of 566 in 2015 is an improvement in performance on 2014 when the rate was 578. All other areas in West Mercia experienced an increase in the rate in 2015 compared with 2014. The West Mercia rate increased from 431 to 506 between 2014 and 2015.

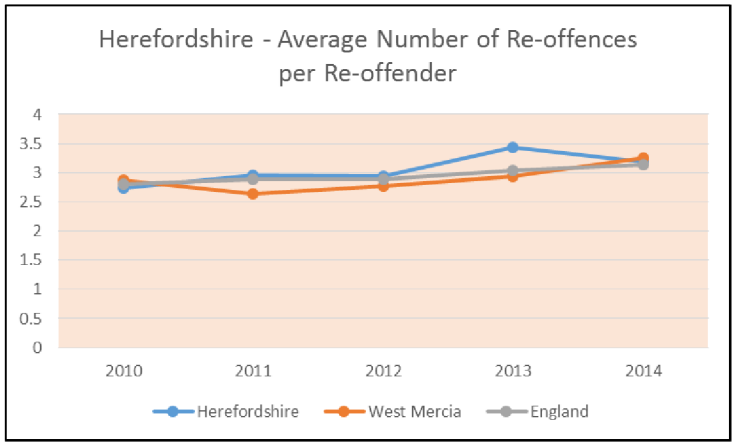
At 566 Herefordshire has the second highest rate of FTEs across West Mercia, the range in rates across the West Mercia authorities is 386 to 641. Some analysis into reasons for the high rate in Herefordshire was undertaken in 14/15, and it found that in part it is due to a higher detection rate and a lower proportional use of informal disposals.

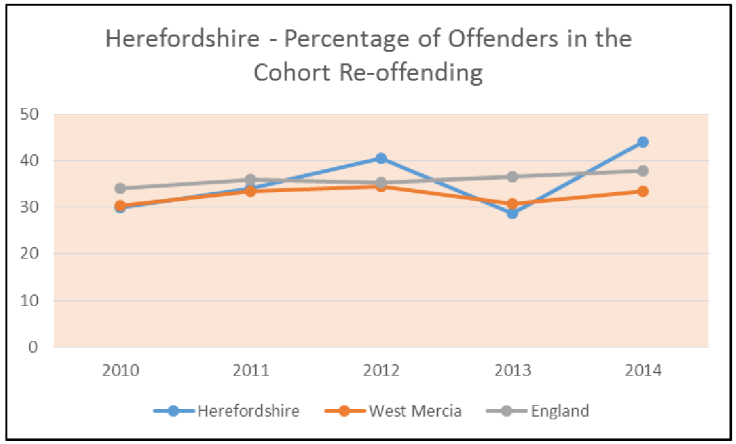
(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Herefordshire has, historically, had a low rate of custodial sentences.

There were 2 custodial sentences during 2015/16, equating to a rate of 0.12 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2014/15 where there were 4 custodial sentences equating to a rate of 0.25. The 2015/16 rate of 0.12% compares to a West Mercia rate of 0.14 and a national rate of 0.37.

(iii) Re-Offending





There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending June 2014 (July 2013 to June 2014).

The frequency measure performance for Herefordshire for the year ending June 2014 is 3.19, compared to the West Mercia performance of 3.25 and national performance of 3.14. Herefordshire is, therefore, performing slightly less well than for England but better than for West Mercia as a whole. The performance is an improvement from the year ending June 2013 when the frequency rate was 3.43.

For the year ending June 2014 the binary measure for Herefordshire is 44.1 compared with a West Mercia performance of 33.4% and a national performance of 37.7%. For the year ending June 2014, therefore, there were a greater proportion of the cohort re-offending than for West Mercia, but they were, on average, re-offending with less frequency. It should also be noted, that the overall cohort sizes are decreasing year on year. In the year June 2010 there were 323 offenders in the cohort and 266 re-offences compared to a cohort size of 143 with 201 re-offences in 2014. The number of actual re-offences has therefore decreased by -25% between 2010 and 2014.

In 2015/16 the YOS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

Links to Other Plans

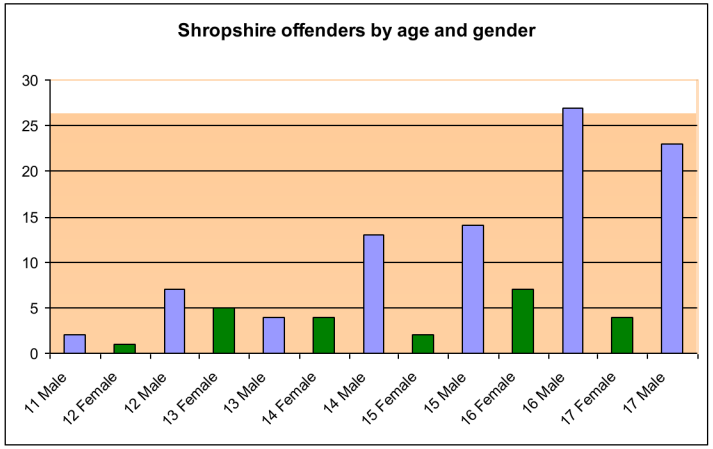
The Children, Young People's Plan 2015 - 2018 has a section on "Managing Challenges to Young Peoples Social Inclusion". Within this section the reduction of first time entrants to the youth justice system, reducing the rates of re-offending and repeat anti-social behaviour and ensuring the education, employment and training and accommodation needs of young offenders are addressed and met are priorities. Key planning priorities include developing the evidence base for effective intervention programmes to tackle crime and anti-social behaviour, ensuring capacity for accommodation for remands and PACE beds and developing pathways to meet the additional needs of young people who are in the youth justice system.

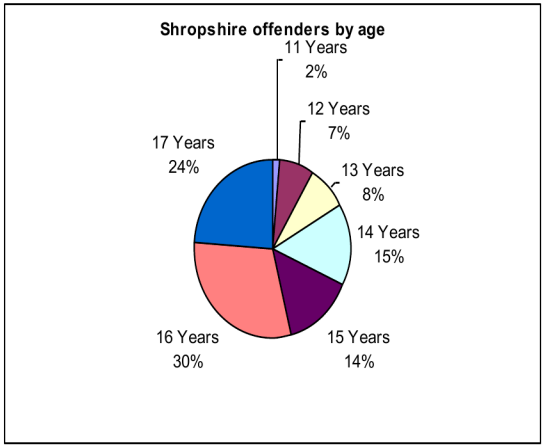
The Community Safety Strategic Plan for 2014 -2017, contains the priority to reduce offending and re-offending and bring offenders to account, under which success measures are reducing first time entrants to the youth justice system and re-offending by young people. Another priority in the plan is reducing the harm caused by alcohol and drugs, this has a particular link across as 40% of young people receiving YOS interventions have assessed substance misuse needs.

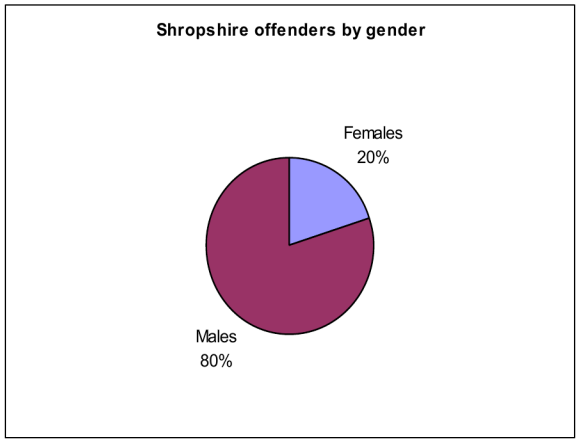
APPENDIX 2 - AREA PROFILE – SHROPSHIRE

Youth Offending Population – all Young People

There are 28,008 young people aged 10 to 17 in Shropshire. In 2015/16 there were 140 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Shropshire young people. A total of 113 individual young people accounted for these 140 outcomes, 0.40% of the youth population.



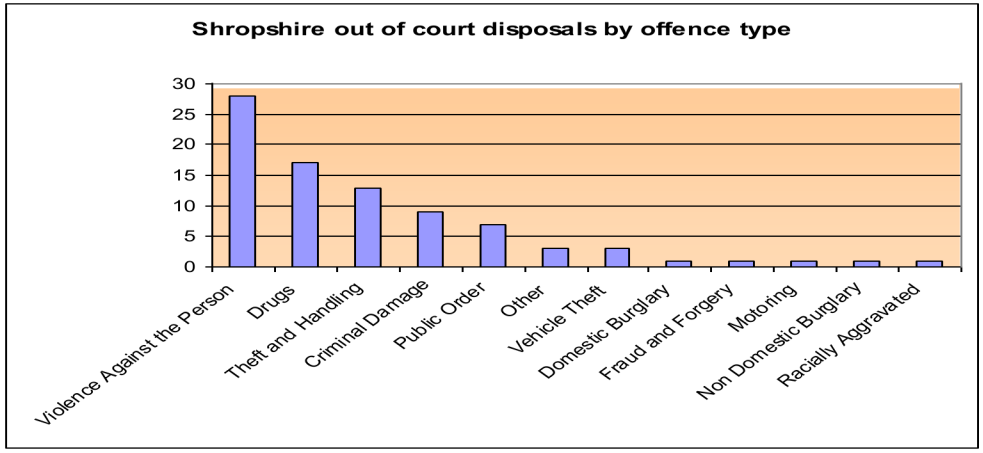




Of the 113 young people entering or in the youth justice system in 2015/16, 90% were male. The majority, 69%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 16 years.

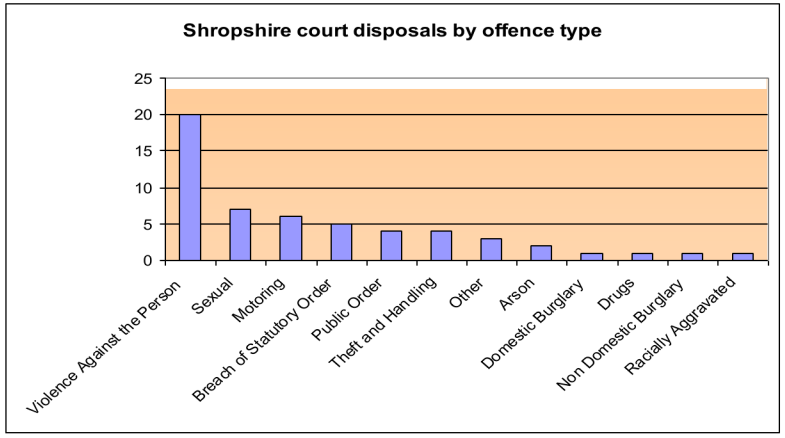
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2015/16 there were a total of 85 pre-court disposals made on Shropshire young people, 79 of these were Youth Cautions and 6 Youth Conditional Cautions. The YOS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2015/16 intervention programmes were provided for 29 pre-court disposals.



The most frequently occurring primary offences for out of court disposals were violence against the person, 33%, followed by drug offences, 20%, theft and handling, 15%, and criminal damage 11%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2015/16 a total of 43 Shropshire young people accounted for 55 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 40 of the 55 court outcomes.

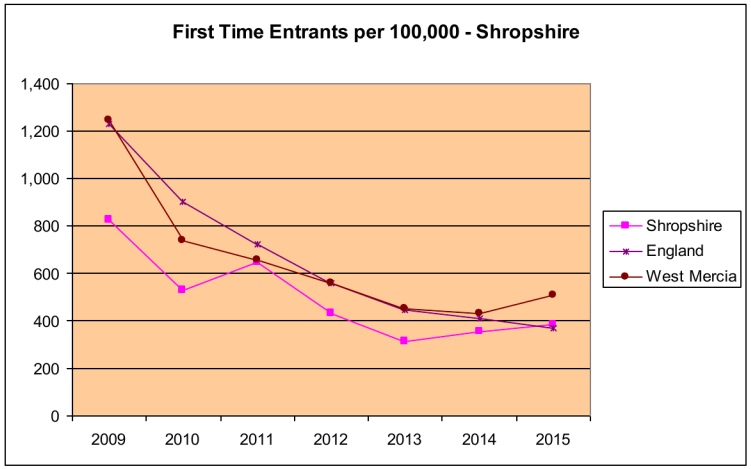
The majority, 78% of young people receiving court sentences were aged 15 to 17, with 16 year olds accounting for 38% of young people receiving a court sentence.

The most frequently occurring offence for court sentences was violence against the person, accounting for 36% of all outcomes. Sexual offences were the next frequently occurring offence, 13%, motoring offences 11%, and breach of a statutory order, 9%.

Performance Against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicted by a lower rate



In the 2015 there were 386 first time entrants per 100,000 youth population in Shropshire, representing a reduction of -53% since 2009. This compares with a reduction for England of -69% and for West Mercia of -67% over the same period. The actual number of first time entrants in 2015 is 108, compared to 255 in 2009.

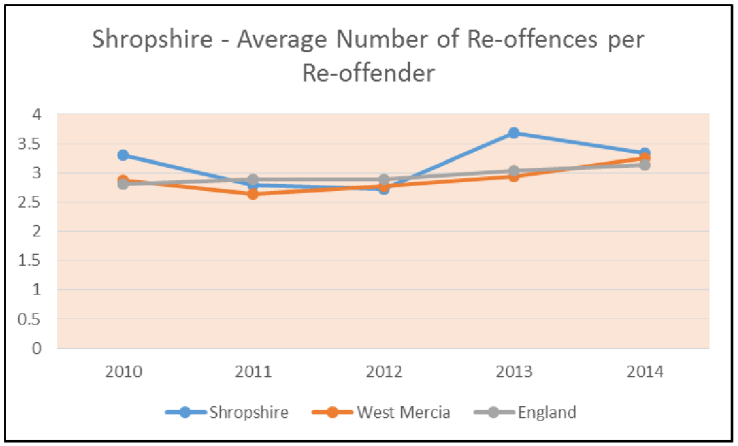
At 386 Shropshire has the lowest rate of FTEs across West Mercia, the next lowest rate being 510 and the highest 641. The Shropshire rate is slightly higher than the national rate, 369 but significantly lower than West Mercia, 506. Along with two other West Mercia authority areas Shropshire experienced a rise in the rate from 2014, from 352 to 386, a rise from 100 to 108 actual first time entrants. The YOS in partnership with the Police are piloting a bureau approach to out of court disposal decision making in Shropshire until September 2016.

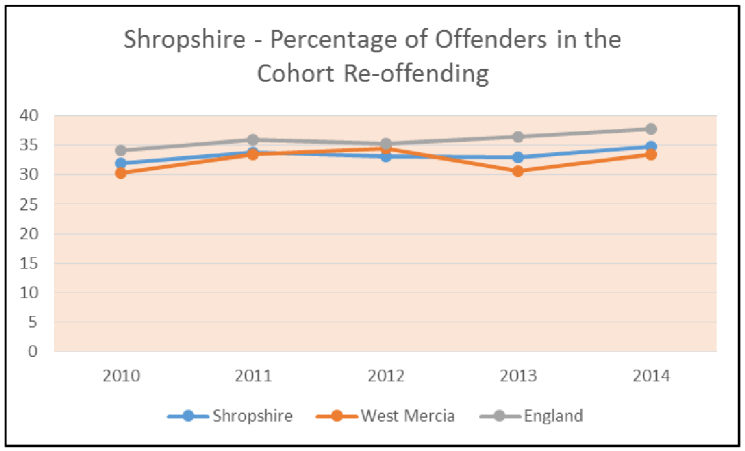
(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Shropshire has, historically, had a low rate of custodial sentences.

There were 3 custodial sentences during 2015/16, equating to a rate of 0.11 custodial sentences per 1000 youth population this represents an decrease in custodial sentences from 2014/15 where there were 6 custodial sentences equating to a rate of 0.21. The 2015/16 rate of 0.11% compares to a West Mercia rate of 0.14 and a national rate of 0.37.

(iii) Re-Offending





There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending June 2014 (July 2013 to June 2014).

The frequency measure performance for Shropshire for the year ending June 2014 is 3.33, compared to the West Mercia performance of 3.25 and national performance of 3.14. Shropshire is, therefore, performing less well than for West Mercia but slightly better than for England.

For the year ending June 2014 the binary measure for Shropshire is 34.7% which is higher than the West Mercia performance of 33.4% but is significantly better than the national performance of 37.7%. It should also be noted, however, that the overall cohort sizes are decreasing year on year. In the year ending June 2010 there were 353 offenders in the cohort and 373 re-offences compared to a cohort size of 173 with 200 re-offences in 2014. The number of actual re-offences has therefore decreased by -46% between 2010 and 2014.

In 2015/16 the YOS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

Links to Other Plans

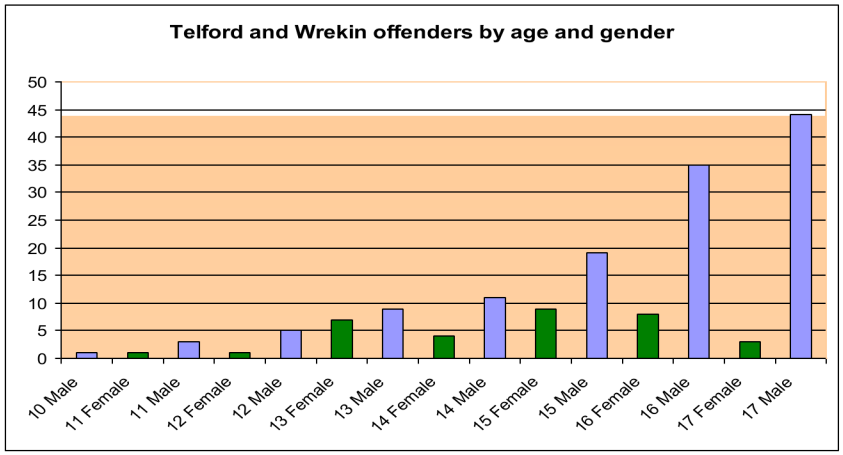
The Children, Young People and Families Plan 2014 has a key outcome area of ensuring the emotional wellbeing of young people by focusing on prevention and early intervention. Within this outcome area reducing the involvement of young people in the criminal justice system and addressing mental health and substance misuse issues are specifically referenced. Within the population of young people receiving YOS interventions in West Mercia 47% have mental health issues and 40% substance misuse issues. A key area of focus for the Children's Trust is transition planning and arrangements, and within this a key outcome is reducing the number of young people who are NEET. This will make a contribution to reducing the risks associated with offending behaviour as 38% of 16 and 17 year olds receiving YOS interventions are receiving less than 16 hours ETE.

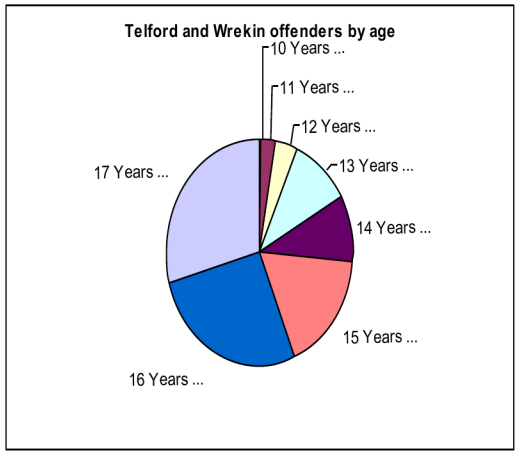
There are direct links between the Youth Justice Plan and the priorities in Crime Reduction, Community Safety and Drug and Alcohol Strategy 2014 – 17. In particular priority one, reducing serious harm, and the sub priorities reducing offending and re-offending and alcohol and drug misuse. The YOS directly contributes to these two sub priorities in the direct work undertaken to reduce re-offending and in the delivery of substance misuse interventions to young people who are in the youth justice system, 40% of young people in the youth justice system have substance misuse issues. One of the key strands under reducing re-offending is increasing compliance, and the YOS is established a process of compliance reviewing during 2015/16

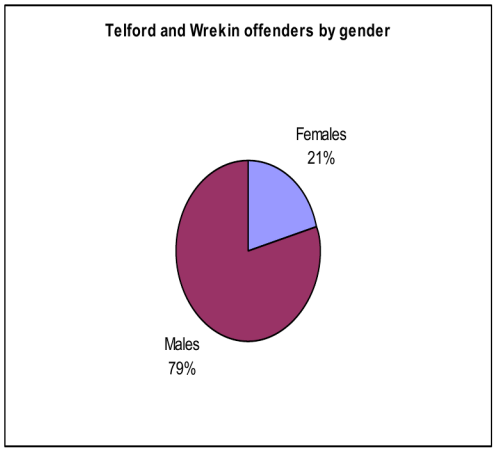
APPENDIX 3 - AREA PROFILE – TELFORD AND WREKIN

Youth Offending Population – all Young People

There are 16,532 young people aged 10 to 17 in Telford and Wrekin. In 2015/16 there were 201 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Telford and Wrekin young people. A total of 160 individual young people accounted for these 201 outcomes, 0.97% of the youth population.



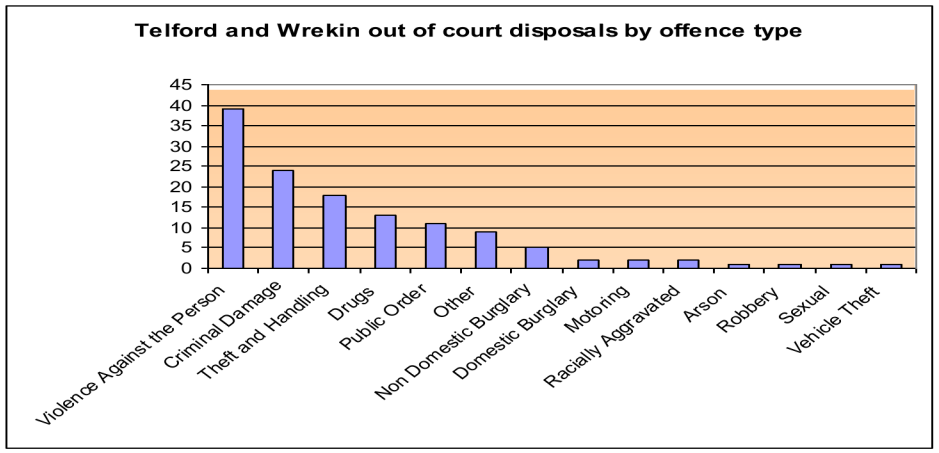




Of the 160 young people entering or in the youth justice system in 2015/16, 79% were male. The majority, 74%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and young females 16 years.

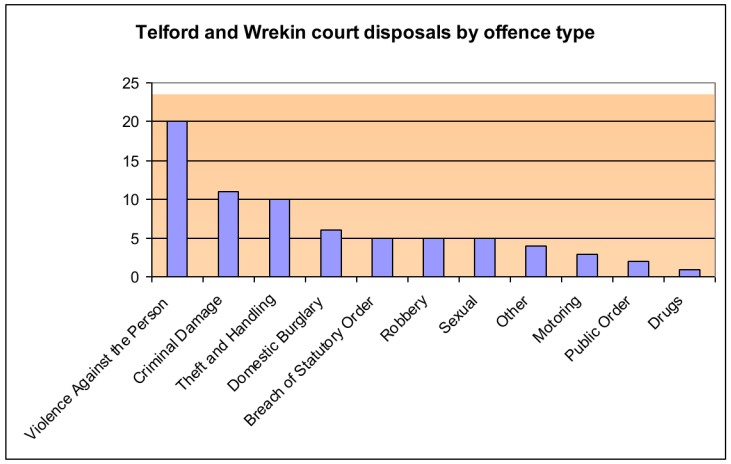
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2015/16 there were a total of 129 pre-court disposals made on Telford and Wrekin young people, 127 of these were Youth Cautions and 2 Youth Conditional Cautions. The YOS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2015/16 intervention programmes were provided for 46 pre-court disposals.



The most frequently occurring primary offence for out of court disposals was violence against the person, 30%, followed by criminal damage, 19%, theft and handling, 14%, and drug related offences 10%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2015/16 a total of 60 Telford and Wrekin young people accounted for 66 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 56 of the 66 court outcomes.

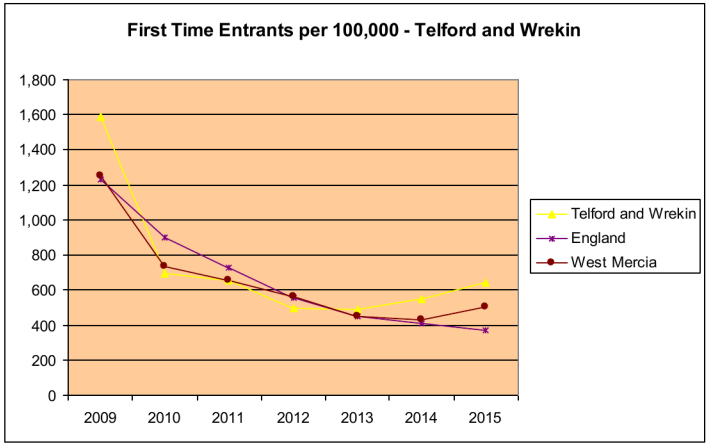
The majority, 83% of young people receiving court sentences were aged 15 to 17, with 16 and 17 year olds accounting for 64% of court outcomes.

The most frequently occurring offence for court sentences was violence against the person, accounting for 28% of all outcomes. Criminal damage was the next most frequently occurring offence, 15%, followed by theft and handling, 14% and burglary 8%. These four categories of offences accounted for 65% of all sentencing outcomes.

Performance Against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicted by a lower rate.



In 2015 there were 641 first time entrants per 100,000 youth population in Telford and Wrekin, representing a reduction of -60% since 2009. This compares with a reduction for England of -69% and for West Mercia of -67% over the same period. The actual number of first time entrants in 2015 is 106, compared to 288 in 2009.

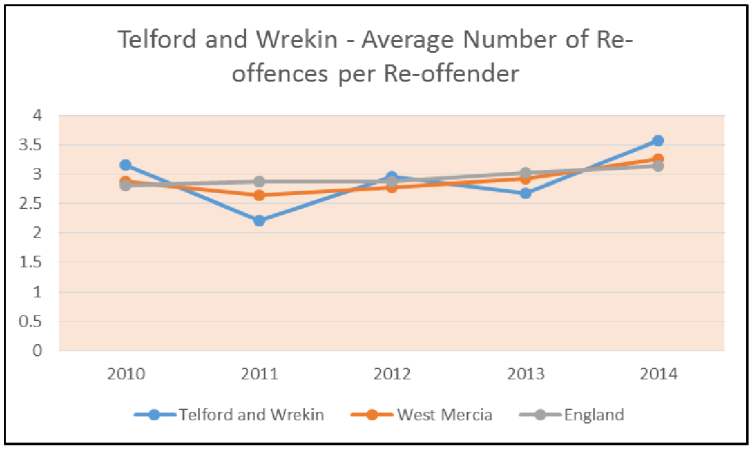
At 641 Telford and Wrekin has the second highest rate of FTEs across West Mercia, the range of rates across West Mercia being 389 to 610. Along with two other West Mercia authority areas, the rate in Telford and Wrekin increased between 2014 and 2015 from 550 to 641. Further analysis is required to establish the reason for the increased rates

(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Telford and Wrekin has, historically, had a low rate of custodial sentences.

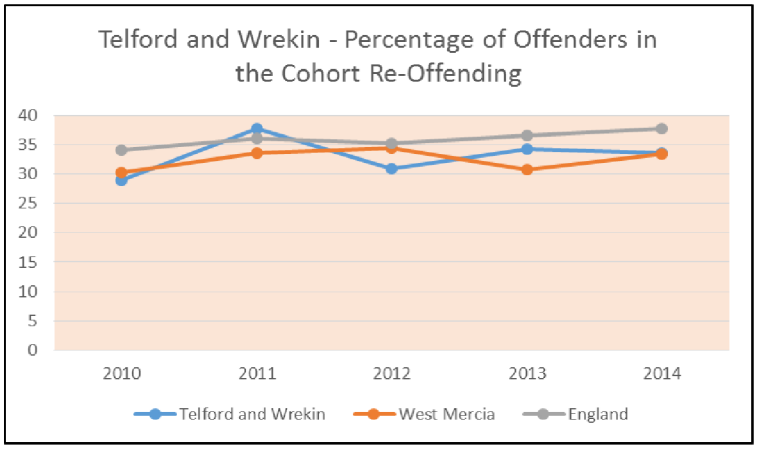
There was 1 custodial sentence during 2015/16, equating to a rate of 0.06 custodial sentences per 1000 youth population this represents a increase in custodial sentences from 2014/15 where there were 0 custodial sentences equating to a rate of 0.00. The 2015/16 rate of 0.06 compares to a West Mercia rate of 0.14 and a national rate of 0.37.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending June 2014 (July 2013 to June 2014).

The frequency measure performance for Telford and Wrekin for the year ending June 2014 is 3.57, compared to the West Mercia performance of 3.25 and national performance of 3.14.



For the year ending June 2014 the binary measure for Telford and Wrekin is 33.6% compared with a West Mercia performance of 33.4% and a national performance of 37.7%, Telford and Wrekin is therefore performing in line with West Mercia and better than England. The 2014 performance is slightly improved from 2013 where the performance was 34.2. It should be noted the overall cohort sizes are decreasing year on year. In the year ending June 2010 there were 370 offenders in the cohort and 337 re-offences compared to a cohort size of 140 with 168 re-offences in 2014. The number of actual re-offences have therefore decreased by -50% between 2010 and 2014.

In 2015/16 the YOS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

Links to Other Plans

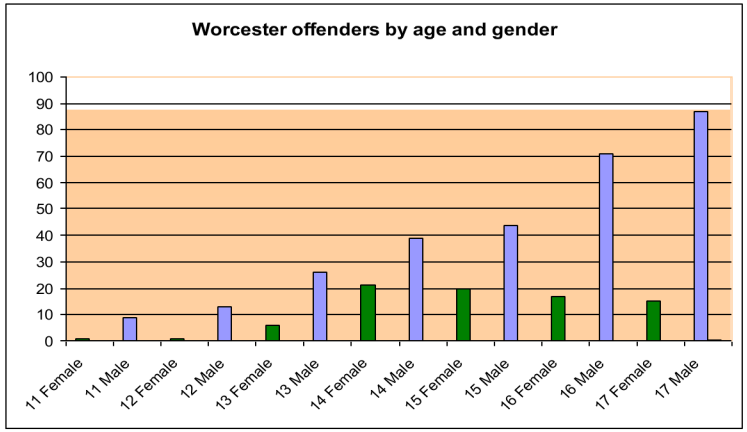
Two of the targeted areas for improved outcomes in the Children, Young People and Families Plan 2013 – 2016 that are relevant to this plan are Live Well and Work Well. Within Live Well reduced offending and re-offending is outcome measure. In Work Well the reduction of young people who are NEET is an outcome measure. NEET 16 to 18 year olds are over represented on the youth offending population with 41% of 16 and 17 year olds YOS clients in West Mercia receiving less than 16 hours ETE. There is an outcome measure to reduce the number of children in care entering the youth justice system for the first time and for those in the system reducing re-offending.

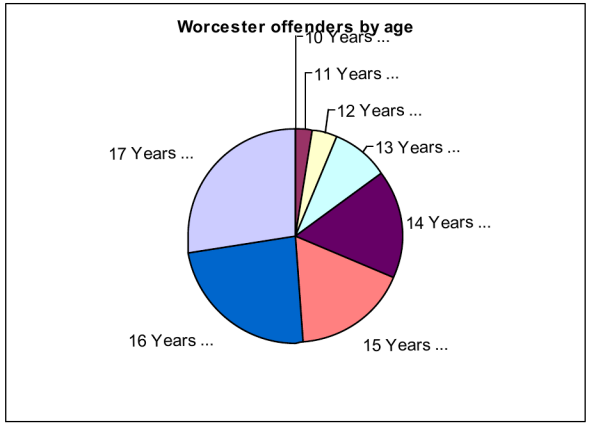
Two of the year three priorities in the Community Safety Plan 2013 -16 are; identify and tackle harm associated with all offending types and reduce the impact of anti-social behaviour has on people, places and communities. Under the first of these priorities is the reduction of offending and re-offending and tackling child sexual exploitation.

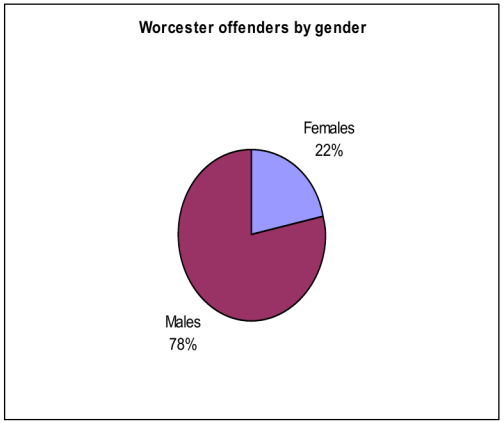
APPENDIX 4 - AREA PROFILE – WORCESTERSHIRE

Youth Offending Population – all Young People

There are 50,980 young people aged 10 to 17 in Worcestershire. In 2015/16 there were 493 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Worcestershire young people. A total of 370 individual young people accounted for these 493 outcomes, 0.73% of the youth population.



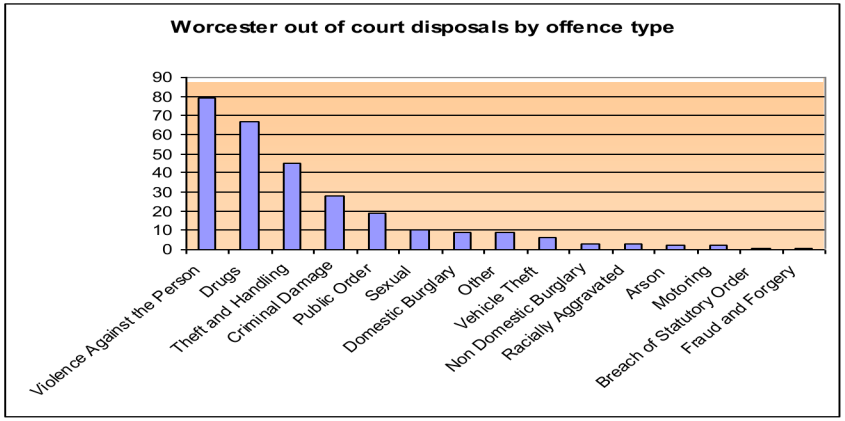




Of the 370 young people entering or in the youth justice system in 2015/16, 78% were male. The majority, 69%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and young females 16 years.

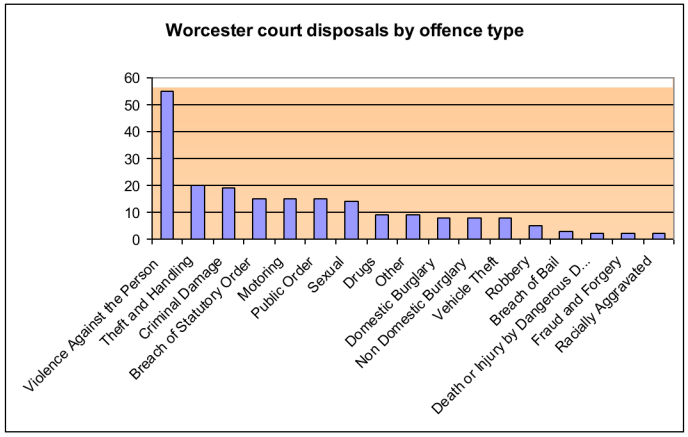
Youth Offending Population – Young People Subject to Out of Court Disposals

During 2015/16 there were a total of 284 pre-court disposals made on Worcestershire young people, 273 of these were Youth Cautions and 11 Youth Conditional Cautions. The YOS is required to assess all young people made subject to second or subsequent Youth Cautions and all Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2015/16 intervention programmes were provided for 70 pre-court disposals.



The most frequently occurring primary offence for out of court disposals were violence against the person, 28%, followed by drug related offences, 24%, theft and handling, 16% and criminal damage 10%.

Youth Offending Population – Young People Subject to Court Outcomes



In 2016/17 a total of 150 Worcestershire young people accounted for 209 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 161 of the 209 court outcomes.

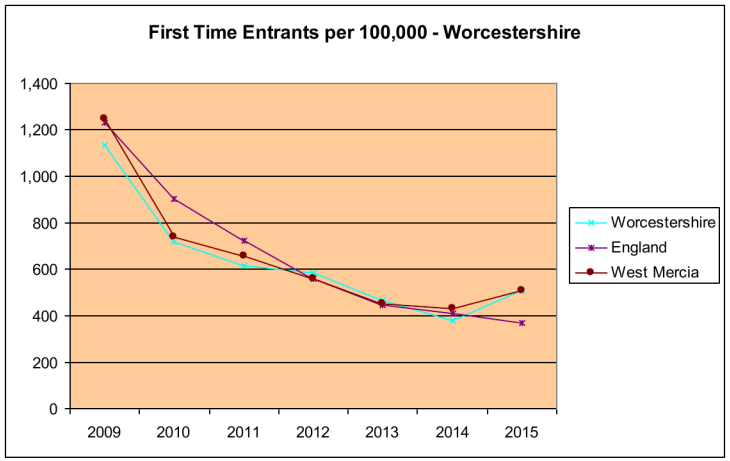
The majority, 84% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 38% of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was violence against the person, accounting for 26% of all outcomes. Theft and handling was the next frequently occurring offence, 10%, followed by criminal damage, 9%.

Performance Against National Indicators

(i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (a Youth Caution, Conditional Caution or Conviction). Good performance is indicted by a lower rate.



In 2015 there were 510 first time entrants per 100,000 youth population in Worcestershire, representing a reduction of -55% since 2009. This compares with a reduction for England of -69% and for West Mercia of -67% over the same period. The actual number of first time entrants in 2015 is 260, compared to 639 in 2009.

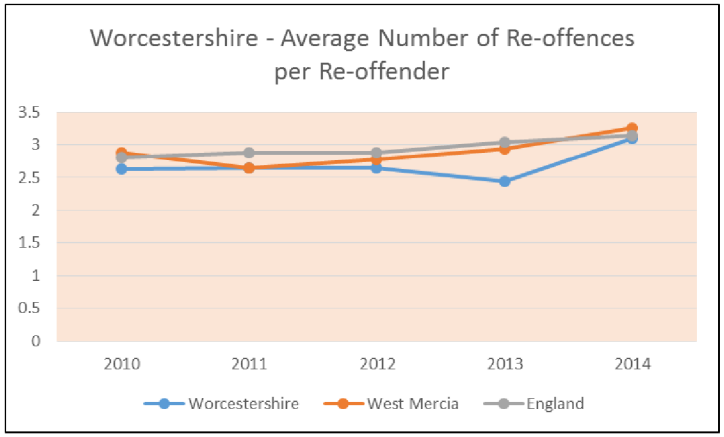
At 510 Worcestershire has the second lowest rate of FTEs across West Mercia, with the highest rate at 641 and lowest at 389. Along with two other West Mercia authority areas, the rate in Worcestershire has increased between 2014 and 2015 from 370 to 510. Further analysis is required to establish the reason for the increased rates

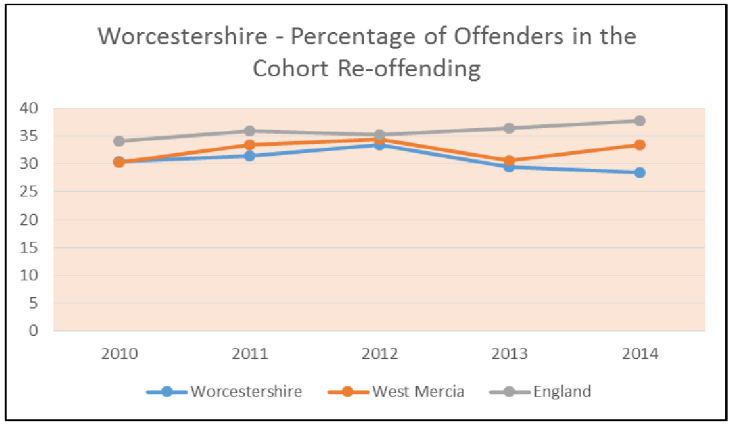
(ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Worcestershire has, historically, had a low rate of custodial sentences.

There were 10 custodial sentences during 2015/16, equating to a rate of 0.20 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2014/15 where there were 11 custodial sentences equating to a rate of 0.22. The 2015/16 rate of 0.20% compares to the West Mercia rate of 0.14 and a national rate of 0.37.

(iii) Re-Offending





There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender who re-offends in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending June 2014 (July 2013 to June 2014).

The frequency measure performance for Worcestershire for the year ending June 2014 is 3.10, compared to the West Mercia performance of 3.25 and national performance of 3.14. Worcestershire has, therefore, slightly better performance than for West Mercia and England.

For the year ending June 2014 the binary measure for Worcestershire is 28.5% compared with a West Mercia performance of 33.4 and a national performance of 37.7%. This represents an improved performance from 2013 when it was 29.4%. It should also be noted that the overall cohort sizes are decreasing year on year. In the year ending June 2010 there were 929 offenders in the cohort and 742 re-offences compared to a cohort size of 355 with 313 re-offences in 2014. The number of actual re-offences has therefore decreased by -58% between 2010 and 2014.

In 2015/16 the YOS implemented a re-offending tracker tool, which provides re-offending information in real time allowing for review of the interventions at the earliest point where re-offending occurs.

Links to Other Plans

Worcestershire's Children and Young People's Plan 2014 – 17 has two linked priorities to the youth justice plan; children and young people have a healthy lifestyle and children and young people are helped at an early stage. In terms of the healthy lifestyle priority, key areas of focus are reducing the harm caused by drugs and alcohol and improving the emotional health including access to mental health support. Within the group of young people receiving YOS interventions in West Mercia, 33% have substance misuse issues and 40% mental and emotional health issues. Under the priority that children and young people are helped at an early stage the main focus is the early help strategy. It is through the early help strategy that those young people who are at risk of entering the youth justice system for the first time are targeted for intervention.

The Worcestershire Community Safety Board's Community Safety Agreement 2015 – 16 has three directly relevant strategic priorities; reducing re-offending, harm reduction which includes safeguarding and alcohol and drug misuse. The YOS will directly contribute to these priorities through work to reduce youth re-offending, ensuring that young people are protected from harm and in the direct delivery of substance misuse interventions to young people in the youth justice system.

Herefordshire Council

Meeting:	**Council**
Meeting date:	**16 December 2016**
Title of report:	**Council constitution**
Report by:	**Chairman, audit and governance committee**

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To adopt a revised constitution including designation of certain posts as statutory officers.

Recommendation(s)

THAT:

(a) the revised constitution at appendix 1 be adopted for implementation with effect from annual council in May 2017 other than the following:

- **governance services manager be designated statutory scrutiny officer to be implemented with effect from 1 January 2017**
- **chief finance officer be designated section 151 officer to be implemented once recruitment to the new post is complete**
- **delegation to audit and governance committee for approval of the council's finance and contract procedure rules to be implemented with effect from 1 January 2017; and**

(b) authority be delegated to the solicitor to the council to make technical amendments (grammatical, formatting, and consistency) necessary to finalise the constitution for publication

Alternative options

1 To reject the proposed amendments and retain the current constitution unamended:

this is not recommended because the amendments have been proposed in order to either:

a) Improve clarity;
b) Ensure compliance with current legislative requirements; or
c) Improve the efficiency and effectiveness of the council's governance arrangements

2 To propose alternative or additional amendments; it is open to Council to propose that consideration be given to alternative or additional amendments. However additional time may be required in order for the audit and governance committee to assess the impacts of any such proposals and to consult with the wider member body as necessary.

Reasons for recommendations

3 The proposed amendments to the constitution reflect the design principles agreed by the audit and governance committee and ensure that the council's governance will remain robust, compliant with legislative requirements, and transparent.

4 Designation of posts as statutory scrutiny officer and section 151 officer is reserved to full Council.

Key considerations

5 Following a meeting of group leaders in October 2014, a cross-party members' working group, reporting to the audit and governance committee was convened to initiate consideration of how governance arrangements could be improved. Membership of the group includes representatives of all political groups and of those involved in executive, overview and scrutiny and audit and governance functions plus one member not involved with those functions. The working group was tasked with ensuring effective engagement with the wider membership working through the political groups.

6 In the run up to the elections in May 2015 the working group focused on identification of the key issues that any review of governance needed to address and the strengths, weakness, opportunities and threats were identified as outlined in the report to audit and governance committee in July 2015.

7 The working group developed a set of design principles for a refreshed constitution which were approved by audit and governance committee in November 2015 which sought to ensure that:

- Members and officers perform effectively in clearly defined functions and roles
- Member engagement and participation is maximised, including the involvement of all members in the development of key policies
- Decision making is informed, transparent and efficient
- The council welcomes public engagement and makes accountability real

8 During the past year the working group has continued to meet regularly and, having regard to the outcome of consultation with members, identified a number of recommended changes to the constitution. The recommendations of the working group were considered and agreed by the audit and governance committee on 28 November. The revised constitution is attached at appendix 1 and the changes are summarised at appendix 2; all members of the council have been given access, via the council's intranet, to a version of the current constitution showing all tracked changes. Many of

the changes seek to remove duplication or to clarify existing arrangements; however some are more fundamental and these are outlined below:

a) Public participation to be strengthened through consistent application of the provision for public questions at public meetings of audit and governance committee, cabinet, employment panel, health and wellbeing board, and overview and scrutiny committees, and through the development of a public guide to participation included in part 5 of the constitution;
b) New guide to roles of members;
c) Overview and scrutiny committees to be restructured to provide for three committees, but with a greater degree of specialism, and the provisions for overview and scrutiny task and finish groups clarified to maximise engagement across the whole member body;
d) Smaller committee sizes to facilitate more effective member engagement;
e) Call-in to apply to all executive decisions, and to be extended to all members of the council with a requirement for seven signatories and the call in period extended to four days;
f) Formation of a single planning and regulatory committee which in plenary session will fulfil the functions of the existing planning committee and will also form the pool from which licensing sub-committee can be drawn with a member of planning and regulatory committee taking on the role of standing chairman of the licensing sub-committee;
g) Removal of the requirement for annual reports from committees at Council given the availability online of all meeting papers and the ability to ask questions of committee chairmen;
h) Member questions to be limited to one at any meeting given the opportunities existing for members to raise matters in other ways;
i) Officer decisions with a financial implication of less than £50k to have no requirement to be formally documented;
j) Removal of the petition scheme which is no longer a statutory requirement, but retention of the ability for petitions containing a certain number of signatories registered to vote in the county to be debated at full Council;
k) Political groups to be consultees on key decisions;
l) Delegate approval of finance and contracts procedure rules to the audit and governance committee and employee code confirmed as head of paid service function.

9 To provide sufficient time to enable all members and officers to be given training on the provisions of the new constitution, and for the independent remuneration panel to review the council's scheme of allowances in light of the changes and make recommendations to full Council accordingly, it is proposed that the implementation date be annual council 2017.

10 The governance improvement working group will continue to inform the development of supporting guides, procedures and training necessary prior to implementation of the revised constitution, and will provide a report on the outcome of their work to the audit and governance committee in April 2017. Any accompanying guides and procedures will be developed having regard to the same design principles that informed the development of the revised constitution. By way of example, both the working group and audit and governance committee gave consideration to the question of timing of public meetings in order to maximise both public engagement and to facilitate involvement of elected members in full time employment. It was agreed that the constitution should retain maximum flexibility on this issue with the determination of timing of meetings being at the chairman's discretion; however guidance to chairmen could be provided to ensure that in exercising that discretion regard was had to the

approved design principles.

11 When approving the design principles the audit and governance committee noted that a number of other actions would assist in meeting the principles and an update on those actions is provided at appendix 4 for information.

12 The reason for the recommendation in (b) is to enable live links, cross referencing, formatting and grammatical errors to take place once the revised constitution has been adopted.

13 Some elements of the constitution have yet to be reviewed and the audit and governance committee have agreed that these remaining elements will be progressed as outlined below:

- Finance and contracts procedure rules – section 151 officer and head of law and governance to lead a review, scheduled for consideration by audit and governance committee in January 2017, subject to Council approval of the delegation detailed in recommendation (a) above
- Councillor code of conduct – monitoring officer to lead a review in consultation with the standards working group, and parish councils, for consideration by audit and governance committee on 8 May 2017 and adoption at annual council
- Employee code of conduct – head of human resources and organisational development to lead a review, in consultation with employee representative bodies, for approval by the chief executive, following consultation with the employment panel, by May 2017
- Member and officer relations; gifts and hospitality, and member use of resources codes – monitoring officer to lead a review in consultation with the standards working group, for consideration by audit and governance committee on 8 May 2017 and adoption at annual council

14 It is a Council function to designate certain posts to fulfil specific statutory functions. During the review it was proposed that the statutory scrutiny officer function should not rest with a director if officer decisions were to be subject to call in and it is therefore proposed that the governance services manager post be designated to fulfil this function. Additionally, the employment panel, at its meeting on 6 December appointed to the permanent new post of chief finance officer (replacing the previous director of resources post) and have recommended to Council that this post be designated as the council's section 151 officer once the new appointee takes up post.

Community impact

15 The constitution sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The format and content of the revised constitution should help make these arrangements clearer to understand, and show how the public can effectively engage with them.

Equality duty

16 Legislation requires that the council must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by law;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

17 The recommended changes to the constitution seek to ensure that, in its decision-making and its operations, the council fully complies with the public sector equality duty.

Financial implications

18 None arising from the recommendations. The council already makes provision within its existing budgets to enable publication of the constitution on its website and to ensure that members and officers have the training necessary to ensure awareness and understanding of the requirements within the constitution.

Legal implications

19 The council must prepare and keep up to date a constitution in accordance with s37 of the Local Government Act 2000. The minimum requirements for the content are set out in The Local Government Act 2000 (constitutions) (England) Direction 2000 which have been complied with when preparing the amendments. A checklist has been produced to demonstrate how the draft constitution complies with these minimum requirements, and is attached at appendix 5.

Risk management

20 If the council's constitution is not accurate, up to date and understood then there is a risk that governance arrangements are not clear and robust leaving the council open to judicial review, contractual challenge or financial risk. The proposed amendments and adoption of the revised constitution seek to mitigate that risk. In addition the audit and governance committee will continue to maintain oversight of the constitution, once adopted, and should any further amendments be necessary will make recommendations to full Council accordingly.

Consultees

21 The governance improvement working group has consulted with all members by way of questionnaires, through focus sessions held with members listed below and a seminar open to all members.

- Planning and regulatory committee members
- Overview and scrutiny committee members
- Cabinet members
- Audit and governance committee members

22 The outcome of the consultations is summarised at appendix 3

Appendices

Appendix 1 – revised draft constitution (excluding those elements to be addressed in phase 2)

Appendix 2 – summary of amendments

Appendix 3 - summary of consultation

Appendix 4 – design principles (actions update)

Appendix 5 – The Local Government Act 2000 (Constitutions) (England) Direction 2000 checklist

Background papers

None identified

Herefordshire Council

Constitution

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PART 1

INTRODUCTION AND SUMMARY

Introduction and summary

1.1 Our constitution

1.1.1 Herefordshire Council, which is a unitary authority operating executive arrangements through a leader and cabinet, has agreed this constitution which sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the council to choose.

The constitution is divided into different parts which set out the basic rules governing the council's business as well as some of the detailed rules.

1.1.2 Article 1 of the constitution commits the council to providing clear community leadership and operating in a way which is transparent, efficient and accountable and upholds the values of the council. The remaining articles and parts of the constitution explain the rights of the public and how the key parts of the council operate:

a Part 2 explains how key parts of the council work;
b Part 3 says who does what;
c Part 4 contains detailed rules about how particular things operate;
d Part 5 provides more details and guidance about how councillors and council staff work together and how the public can participate;
e Part 6 sets out the allowances that councillors are paid;
f Part 7 explains the cabinet and scrutiny committee roles and the council's management structure; and
g Part 8 is a glossary explaining meanings of particular words and phrases used in the constitution.

1.2 How the council operates

1.2.1 The council comprises 53 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community of Herefordshire, but they have a special duty to their constituents, including those who did not vote for them.

1.2.2 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The monitoring officer trains and advises on the code of conduct, including in relation to parish councils.

1.2.3 All councillors meet together as full Council. Meetings of full Council are normally open to the public and the councillors decide the council's overall policies and set the revenue budget and capital programme each year. At its annual meeting, full Council appoints one councillor to be the leader of the council.

1.3 How decisions are made

1.3.1 Most day to day service decisions are taken by the staff of the council and in particular by their managers. Elected councillors sitting as the full Council will decide an overall framework of policies governing how services are to be provided.

1.3.2 The leader of the council approves the scheme of delegation of executive functions. The council's cabinet of councillors will make recommendations to the council about the policy framework and will itself take decisions that ensure services are provided within that framework.

1.3.3 For most "key" decisions to be made by the cabinet or by cabinet members the council is required to publish in advance information about the matter to be decided; who will be making the decision, the date or timescale for the decision, and the place where the decision will be made.

1.3.4 The cabinet can only make decisions which are in line with the council's overall budget and policy framework. If it wishes to make a decision which is contrary to the budget and policy framework, this must be referred to full Council to decide.

1.3.5 Full Council will appoint committees with power to carry out its non-executive and other functions (e.g. planning and licensing). Non-executive functions are those which the cabinet does not have the power to carry out.

1.3.6 The cabinet is held to account by the overview and scrutiny committees appointed by full Council.

1.4 The council's staff

1.4.1 The council has people working for it (called 'officers') to give professional advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and members of the council. This protocol is included within the constitution.

1.5 Citizens' rights

1.5.1 Citizens have a number of rights in their dealings with the council. These are set out in more detail in Article 3. Some of these are legal rights, while others are given at the discretion of the council, depending on the council's own processes.

1.5.2 Where members of the public use specific council services, for example as a parent of a school pupil or as a social care user, they may have additional rights. These are not

covered in this constitution. Details of such rights may be obtained directly from the service concerned or from the council's customer services.

1.5.3 The council welcomes participation by its citizens in its work. A guide to public participation is included in part 5.

Part 2 – The articles

Article 1 - The council and the constitution

This article explains the council's priorities and values, and the constitution which is published on the council's website. The council has decided to operate a leader and cabinet model of governance.

Strategic priorities and values of the council

2.1.1 Priorities

2.1.1.1 The council has a corporate plan that sets out its priorities in order to improve the quality of life of the people in the county and the measures used to show how far those priorities have been met. The corporate plan is reviewed every four years. A delivery plan that sets out what actions the council will take to achieve the priorities of the corporate plan is agreed each year by the cabinet and progress is reported on a quarterly basis. .

2.1.2 Values

2.1.2.1 The council is committed to maintaining high standards of conduct by its staff and councillors and has adopted the following values that underpin its work:

People: treating people fairly, with compassion, respect and dignity
Excellence: striving for excellence, and the appropriate quality of service, care and life in Herefordshire
Openness: being open, transparent and accountable
Partnership: working in partnership, and with all our diverse communities
Listening: actively listening to, understanding and taking into account people's views and needs
Environment: protecting and promoting our outstanding natural environment and heritage for the benefit of all

2.1.2.2 Everyone who is elected or appointed to public office, works for the council, or provides services on the council's behalf is required to follow general principles of ethical conduct. These principles are described in more detail in part 5 section 1 of the constitution.

2.1.3 Powers of the council

2.1.3.1 The council's duties and powers are set out in the law of England. A duty requires the council to act in a particular way. A power gives the council discretion to act. The arrangements are complex and detailed.

2.1.3.3 The council must meet high ethical and other standards in everything it does; it must comply with legal requirements; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions. In order to discharge these responsibilities, members and senior officers must ensure the proper governance of the council's affairs and the stewardship of its resources. The council has therefore adopted a code of corporate governance (Part 5 section xx) which sets out how this will be done.

2.1.3.4 Powers are exercised by the council and its functions carried out in accordance with the functions scheme (part 3). The council operates the "leader and cabinet" model of executive arrangements. A description of these executive arrangements is set out in a schedule to this part 2.

2.1.4 The constitution

2.1.4.1 This constitution and all its appendices form the constitution of the County of Herefordshire District Council (known as Herefordshire Council).

2.1.5 Purpose of the constitution

2.1.5.1 The purpose of the constitution is to set out in a single place and clear language how the council works and how it makes decisions to

a) enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations
b) support the active involvement of citizens in the process of council decision-making
c) help councillors represent their constituents more effectively
d) enable decisions to be taken efficiently and effectively
e) create a powerful and effective means of holding decision-makers to public account
f) ensure that no one will review or scrutinise a decision in which they were directly involved
g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
h) provide a means of improving the delivery of services to the local community

2.1.6 Meaning of the constitution

2.1.6.1 If the constitution gives the council a choice about what to do, the council must choose the option that it thinks is closest to the purpose of the constitution in paragraph 2.1.5.

2.1.8 Review and changes to the constitution

2.1.8.1 Reviews and changes to the constitution will be in accordance with the functions scheme.

2.1.9 Suspension of the constitution

2.1.9.1 The only power to suspend the constitution is in accordance with the council procedure rules.

Article 2 - Councillors

This article explains who councillors are, what they must do and how long they serve.

You can find out who your councillor is and how to stand for election as a councillor on our website and at council contact centres.

2.2.1 Number of councillors and areas they represent

2.2.1.1 The council has 53 elected members called councillors. Each councillor represents an area of the county known as a ward. The voters of each ward elect a councillor to represent them.

2.2.2 Who can be a councillor

2.2.2.1 Anybody may stand for election as a councillor provided they are

a registered to vote in local government elections in the county, or have lived or worked there for the 12 months preceding the day of election, and are

b not stopped by law from holding office as a councillor

2.2.3 Elections

2.2.3.1 Anyone over 18 residing in the county is entitled to vote and be included on the electoral register.

2.2.3.2 The running of the elections is the responsibility of the returning officer. Electoral registration is the responsibility of the electoral registration officer.

2.2.3.3 The chief executive of the council is the electoral registration officer and returning officer. The council has an elections office that helps the chief executive discharge these functions.

2.2.3.4 Electoral registration and elections are subject to strict rules and further information can be obtained from the council's elections office or the Electoral Commission.

2.2.4 When elections happen and how long councillors are elected for

2.2.4.1 Elections for all wards will usually take place on the first Thursday in May every four years with effect from 2003. People elected as councillors start being councillors on the fourth day after being elected and finish on the fourth day after the next election.

2.2.5 Roles and functions of all councillors

2.2.5.1 All councillors must:

a together be the makers of overall policy for the county in relation to its functions

b contribute to plans and policies jointly with partners in matters that require co-operation and collaboration between those partners

c represent, and speak up for their communities

d deal with individual casework and speak up for citizens

e balance different interests within their ward and represent it as a whole

f be involved in council decision making

g be available to represent the council on other bodies; and

h maintain the highest standards of conduct and ethics

i together be the corporate parents for children looked after by the council.

2.2.6 Rights to information

2.2.6.1 Councillors have rights of access to council information in accordance with the article 13 and the access to information rules (part 4 section 2).

2.2.7 Responsibilities

2.2.7.1 Councillors must follow the councillor code of conduct (part 5 section 1) and must follow this constitution and the rules, principles and codes within it whilst conducting council business.

2.2.8 Allowances

2.2.8.1 Councillors will be entitled to receive allowances in accordance with the councillors' allowance scheme (part 6).

2.2.9 Ceasing being a councillor

2.2.9.1 A councillor will cease being a councillor if:-

a they resign by giving written notice, or

b they fail to attend meetings of the council for a period of six months without prior approval of the council meeting, or

c if they are stopped by law from holding office, or

d the period for which they were elected has come to an end and they have not been re-elected.

2.2.10 Political or other groups

2.2.10.1 Councillors may join a political group of two or more councillors who belong to the same political party or have some other common interest. Political groups are recognised by law and in the constitutional arrangements within the council.

2.2.10.2 The number of places that each political group has on the council determines how many places are allocated to members of that political group on council committees and other bodies.

2.2.10.3 There is no constitutional or legal requirement that a member of a group must vote on any matter in the same way as their political group. Usually on policy matters a political group will have a collective view and will vote together on the issue.

2.2.10.5 There are certain functions of the council that are regulatory or quasi-judicial e.g. planning. A political group may not direct its members how to decide such matters.

Article 3 – Citizens and the council

Herefordshire Council is keen to engage with citizens living or working in the county and involve them in council activities. This article describes how Herefordshire citizens' can take part.

Citizens' rights

2.3.3.1 Citizens have the right:

a to take part in question time at any meeting of the council where the agenda includes public question time;

b to speak during public speaking time at meetings of the planning and regulatory committee;

c to contribute to investigations by overview and scrutiny committees;

d to be consulted or in some other way participate in council decision making in accordance with the arrangements the council has for such consultation and participation; and

e to information in accordance with the access to information rules

f to attend any public meeting

2.3.5 Citizens' responsibilities

2.3.5.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular, citizens are encouraged to:

(a) vote at every opportunity;

(b) respect the expression of differing opinions in public debate;

(c) promote tolerance and respect between their fellow citizens; and

(d) seek information about the decision-making role of councillors and respecting the council procedures which give effect to a representative democracy.

The rights and responsibilities of citizens is set out in more detail in the public participation guide (part 5).

Article 4 - The Council meeting

This article explains the role of the Council meeting (which is when all councillors attend a formal meeting) and the role of the chairman.

2.4.1 Council meetings

Types of Council meetings

2.4.1.1 There are three types of Council meeting:-

a The annual meeting

b Ordinary meetings

c Extraordinary meetings

2.4.2 Rules applying to Council meetings

2.4.2.1 The council rules (in Part 4 section 1) will apply to Council meetings.

2.4.3 Functions of the council meeting and functions scheme

2.4.3.1 The functions of the Council meeting are set out in the functions scheme (part 3)

2.4.4 Chairman of Council
Election

2.4.4.1 The chairman of the council and the vice-chairman are elected by Council annually.

Functions

2.4.4.2 The chairman of the council and, in their absence, the vice-chairman will have the following roles and functions:

a to uphold and promote the purpose of the constitution;

b to decide what the constitution means if there is a dispute, on advice from the monitoring officer;

c to chair Council meetings so that decisions can be taken efficiently and with regard to the rights of councillors and the interests of the community;

d to make sure that Council meetings are a place for debating matters of concern to the local community and the place at which members who are not on the cabinet are able to hold the cabinet to account;

e to promote public involvement in the council's activities and in the democratic process;

f to be the conscience of the council;

g to attend those civic and ceremonial functions which they or the council consider appropriate; and

h to approve, as urgent, decisions which will not be subject to call in, when no chair of a scrutiny committee is available.

Roles

The chairman of the council fulfils several roles:

2.4.4.3 a **Ceremonial role -** The chairman is the ceremonial head of the whole council and its countywide representative at civic and social occasions. The chairman has considerable discretion in exercising the ceremonial aspects of the office.

b **Apolitical role -** It is important that the chairman maintains an apolitical stance especially when chairing Council meetings. The chairman must act entirely neutrally allowing different opinions to be fully and fairly presented and debated subject to any relevant procedure rules.

c **Chairman's announcements -** Any group leader or committee chairman may approach the chairman before a Council meeting to suggest items for the chairman to use in making announcements to Council. The chairman has complete discretion as to which items they may think appropriate to announce.

d **Rules of debate -** The chairman's role in conducting meetings is to enforce the council rules at the Council meeting as set out in part 4.

e **Casting vote** - If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

Article 5 - The Leader and the cabinet

The leader of the council is the councillor who is the political head of the council. This article explains how the leader is elected and what they do. It also explains how the cabinet works and what it does. The leader and cabinet model are part of the council's executive arrangements.

2.5.1 Leader of the council

Election

2.5.1.1 At the annual meeting Council will elect a councillor to be the leader of the council ("the leader")

Role

2.5.1.2 The leader is the political leader of the council who, together with the chief executive, provides overall leadership of the council and its staff.

2.5.1.3 The leader will normally chair meetings of the cabinet, will lead in the formulation, co-ordination and presentation of the cabinet's policies and will work closely with the chief executive on the carrying out of policies by the council.

Ceasing being leader of the council

2.5.1.4 The leader will stay as the leader of the council until:

a the date of the council's next annual meeting; or

b they resign from office; or

c they are suspended from being a councillor, although they may resume office at the end of the period of suspension; or

d they are no longer a councillor; or

e they are removed from office by resolution on notice at a Council meeting; or

f by simple resolution of a motion without notice at a meeting of Council following a change in political control of the council, as signalled to the monitoring officer, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the council.

If Council passes a resolution to remove the leader as outlined in (e) or (f) above, it will elect a new leader at that or a subsequent meeting.

2.5.2 The cabinet

Role

2.5.2.1 The cabinet has responsibility for all functions of the council which are not by law, or under the functions scheme set out in part 3 section 3, the responsibility of another part of the council.

Membership

2.5.2.2 The cabinet must consist of a minimum of the leader and two other councillors up to a maximum of 10 councillors including the leader. The leader appoints the cabinet members and shall designate one of the cabinet members as deputy leader.

Functions of individual members of the cabinet

2.5.2.3 The leader will decide what functions will be carried out by individual cabinet members. The leader will notify the chief executive and the monitoring officer of these functions in writing. The monitoring officer will make sure that they are set out in part 7 of the constitution and Council be informed at its next meeting. Changes to the functions of individual cabinet members will only take effect when the leader has notified the monitoring officer.

Meetings of the cabinet

2.5.2.4 Meetings and other activities of the cabinet must comply with the cabinet rules (part 4 section 4).

2.5.3 Cabinet support members

2.5.3.1 The leader may appoint cabinet support members to provide informal support to one or more portfolio areas, subject to the total special responsibility allowance budget allocated for cabinet members not being exceeded. Cabinet support members are not members of the executive, have no delegated executive authority, and may not take executive decisions.

2.5.4 Description of executive arrangements

2.5.4.1 The following parts of the constitution comprise the executive arrangements:-

- Article 5 in part 2 of the constitution – the leader of the council and the cabinet,
- the cabinet rules (part 4 section 4)
- Article 6 in part 2 of the constitution – scrutiny, and the scrutiny rules (part 4 section 5)
- Article 9 in part 2 of the constitution – joint arrangements
- Article 11 in part 2 of the constitution – decision making
- The functions scheme in part 3
- Cabinet portfolios scheme in part 7
- Budget and policy framework rules in part 4 section 3
- Access to information rules in part 4 section 2

Article 6 – Overview and scrutiny

Scrutiny is a statutory role fulfilled by 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 decision makers to account for their actions and decisions.

2.6.1 The overview and scrutiny committees

2.6.1.1 Council has decided that there will be three overview and scrutiny committees. The remit of those overview and scrutiny committees is set out in part 6 of the constitution, and how they operate is in accordance with the functions scheme and scrutiny rules

Composition

2.7.2.4 Each committee will comprise seven/nine members of the council. The committee with responsibility for education will have additional educational appointees in accordance with the scrutiny rules.

Role

2.6.1.2 Between them the scrutiny committees oversee and scrutinise the work of the leader and cabinet and the council as a whole. This allows members outside the cabinet and citizens to have a greater say in council matters by investigating issues of local concern. This can include questioning cabinet members, committee chairmen, or senior officers of the council, and inviting people from outside the council to give opinions and expert advice.

2.6.1.3 The scrutiny committees also have the power to scrutinise the services provided by organisations outside the council e.g. NHS services and the work of the community safety partnership.

2.6.1.4. The scrutiny committees can make reports and recommendations to the leader, Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made.

2.6.1.5. The scrutiny committees can ‘call-in’ an executive decision which has been made but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of good decision making. They may recommend that the decision taker reconsiders the decision. They may also be consulted by the leader, other cabinet members or Council on forthcoming decisions and the development of the budget and policy framework.

2.6.1.6. The council appoints a statutory scrutiny officer with statutory responsibilities to promote the role of the council's scrutiny committees within the council, support the work of the scrutiny committees by providing help and advice to scrutiny members and also those being scrutinised. (This role cannot be held by the head of paid services, the chief finance officer or the monitoring officer.)

2.6.1.8 The public can be involved in the scrutiny process and help shape and inform decision making and policy by:

a. asking questions on a matter that is the function of the committee or is on a committee agenda;
b. submitting evidence for consideration by a scrutiny committee or one of its task and finish groups
c. suggesting items for inclusion in the work programme of the committee.

Article 7 - The audit and governance committee

This article explains the audit and governance committee which has been established by council

Role

2.7.2.3 The audit and governance committee is responsible for proving assurance on the council's audit, governance (including risk management and information governance) and financial processes in accordance with the functions scheme

Composition

2.7.2.4 The audit and governance committee comprises seven members of the council and may also include an independent person who is not a councillor but is appointed by council and has the same voting rights as other members of the committee.

Article 8 - Planning, licensing and other functions

This article describes the following committees which council has established:

a The planning and regulatory committee

b Health and wellbeing board

c Employment panel

d Standards panel

2.8.1 Planning and regulatory committee

Composition

2.8.1.1 The committee comprises 15 councillors, one of whom will be appointed by Council to be the standing chairman of the licensing sub-committee.

Role

2.8.1.2 The committee determines:

applications for planning and listed building consents which are not decided by an officer; and

as a licensing sub-committee it fulfils the council's licensing duties not undertaken by an officer.

2.8.1.3 The committee may establish one or more sub-committees consisting of three members of the planning and regulatory committee to fulfil functions delegated to the licensing sub-committee as set out in the functions scheme at part 3 section 6.

2.8.2 Health and wellbeing board

Composition

2.8.2.2 The following shall be members of the health and wellbeing board:

- Cabinet member health and wellbeing,
- Cabinet member young people and children's wellbeing,
- Director for adults and wellbeing,

- Director for children's wellbeing,
- Director of public health
- Three representatives of Herefordshire clinical commissioning group (one to be a lay member)
- Two representatives of Herefordshire Healthwatch
- One representative of the NHS local area team (to be non-voting member of the board)

2.8.x.x Council will appoint the chairman of the board annually who will be one of the cabinet members; a board member representing Herefordshire clinical commissioning group will be appointed vice chairman annually by the board.

Role

2.8.x.x The board will carry out the statutory functions as required by the Health and Social Care Act 2012, and any other functions delegated to it, as set out in part 3 section x of the constitution.

Standards panel

Composition

The standards panel will consist of an independent person (who will chair the panel); a Herefordshire councillor appointed by the audit and governance committee and a parish councillor nominated by Herefordshire Association of Local Councils

Role

To consider complaints under the code of conduct that cannot be resolved informally.

Article 9 - Joint arrangements

This articles explains how the council works with other bodies.

2.9.2 Joint arrangements generally

Joint arrangements for Council functions

2.9.2.1 The council may establish joint arrangements with one or more local authorities to exercise Council , or a mixture of Council and executive functions, or to advise the council on any matter. These arrangements may involve the appointment of a joint committee with these other local authorities, including the determination of terms of reference.

Joint arrangements for cabinet functions

2.9.2.3 The cabinet may establish joint arrangements with one or more councils to exercise executive functions. These arrangements may involve the appointment of joint committees, including the determination of terms of reference.

2.9.2.4 Joint executive arrangements have been made in respect of:

- West Mercia Energy (with Shropshire Council, Telford & Wrekin Council, and Worcestershire County Council), and the
- the Marches Local Enterprise Partnership (with Shropshire Council and Telford & Wrekin Council)

2.9.2.5 A discharge of functions agreement is in place with Shropshire Council for the provision of director of public health services.

2.9.3 Appointments to joint committees

2.9.3.1 a Except as in (b) below, the cabinet may appoint only members of the cabinet to a joint committee dealing solely with cabinet functions, and those members need not reflect the political composition of the council as a whole.

b Councillors who are not members of the cabinet may only be appointed to a joint committee where the relevant functions do not extend to more than two-fifths of the county by area or population. In such cases, the cabinet may appoint a councillor who represents a ward wholly or partly in the area covered by the joint committee.

2.9.4 Access to information

2.9.4.1 The rules on access to information and confidentiality as set out in article 13 will apply to members of joint committees in the same way as they do to members of the council.

2.9.5 Delegation to and from other local authorities

2.9.5.1 Full Council or the cabinet may delegate their respective powers and functions to another local authority or the executive of another local authority.

2.9.5.2 The decision whether or not to accept such delegation from another local authority will be taken by full Council or the cabinet as appropriate.

2.9.5.3 The council has made no such delegations to date.

2.9.6 Contracting out

2.9.6.1 Full Council, for functions it is responsible for, and the leader or cabinet members, for executive functions, may contract out to another body or organisation functions which may be carried out by an officer subject to the relevant legislative requirements.

2.9.7 Consultative committees

Standing advisory council on religious education (SACRE)

2.9.7.1 In accordance with the Education Act 1996 (as amended) the council has established a Herefordshire SACRE to provide advice on matters concerned with the provision of religious education and collective worship as set out in the.

2.9.7.2 The council appoints the membership in accordance with the legislation, in four groups, as follows:

Group (A) One Roman Catholic representative (nominated by the Roman Catholic hierarchy);
One Free Church representative (nominated by Churches together in Herefordshire);
One representative of other faiths as a whole;
One representative of the Bahá'í faith;
One representative of the Muslim faith;
One representative of the Sikh faith.
One representative of the Jewish faith.
One representative of the Buddhist religion.

Other than for the Roman Catholic and Free Church representatives the representatives should, as far as possible, be nominated by the appropriate local faith group.

Group (B) Three Church of England representatives (nominated in consultation with the Diocesan Education Authority).

Group (C) Three teachers' representatives, with one drawn from each of the primary, secondary and special education sectors (nominated through recommendation of recognised teacher associations) and one co-opted member.

Group (D) Three Herefordshire Council members as local education authority representatives

2.10 Other bodies

Safeguarding boards

2.10.7.3 In accordance with legislative requirements the council has established both an adults and a children's safeguarding board. Each is chaired by an independent person accountable to the chief executive of the council for the effective operation of their respective boards; and working closely with the director for children's services and the director for adults and wellbeing.

Community safety partnership board

2.10.7.4 In accordance with legislative requirements the council has established a community safety partnership, chaired by the cabinet member with responsibility for community safety.

Other partnerships

2.10.7.5 The council may, from time to time, work in partnership with one or more organisations in order to achieve a shared objective or aim, or in accordance with statutory requirement. The council has an agreed framework for partnerships' governance and maintains a register available for public inspection of such partnerships which are considered strategic.

Article 10 - The chief executive and other staff

This article sets out that the council will have a chief executive, who is in charge of the council's staff and works with councillors to carry out the aims and objectives of the council.
The article also sets out other senior staff posts and indicates which senior staff posts also have additional roles as the head of paid service, the monitoring officer and the chief finance officer.

2.10.1 Chief executive

2.10.1.1 The council employs a chief executive who carries out the functions in the functions scheme at part 3 on behalf of the council and the cabinet.

2.10.3 Senior officers

2.10.3.1 The council will employ people in senior posts (directors and assistant directors) who will assist the chief executive. The functions of the chief executive can be exercised by senior officers are set out in the functions scheme.

2.10.4 Designation of statutory officers

2.10.4.1 Council is required by law to designate senior officers as the head of paid service, the monitoring officer, the chief finance officer (herein referred to as S151 officer) and the statutory scrutiny officer. The head of paid service, statutory scrutiny officer and chief finance officer cannot also be the monitoring officer; the head of paid service, chief finance officer and monitoring officer cannot also be the statutory scrutiny officer.

2.10.4.2 The chief executive is designated as the head of paid service and is responsible for the way in which the discharge of the council's functions by officers is co-ordinated, the number and grade of officers needed and how they are organised and deployed in the council, and reporting to Council as necessary.

2.10.4.3 The solicitor to the council is designated as the monitoring officer and is responsible for maintaining the constitution, ensuring decision-making is fair and lawful and reporting any actual or potential breach of a legal requirement to the Council meeting or cabinet, and for dealing with complaints that councillors have breached the councillor code of conduct and reporting as necessary to the audit and governance committee. The solicitor to the council is authorised to issue, defend, settle or take part in any legal proceedings on the council's behalf where such action is necessary to give effect to decisions of the council or where they considers that such action is necessary to protect the council's interests.

2.10.4.4 The chief finance officer is designated as the section151 officer appointed to fulfil the role set out in that section of the Local Government Act 1972 and is responsible for the

proper administration of the council's financial affairs including reporting the actual spending or potential misspending of money to the Council meeting or cabinet.

2.10.4.5 The governance services manager is designated as the statutory scrutiny officer and is responsible for promoting the role of the council's overview and scrutiny committees, providing support to the council's overview and scrutiny committees and their members, and for providing support and guidance to all members and officers of the authority in relation to functions of the authority's overview and scrutiny committees.

2.10.4.6 The council will provide the statutory officers with such officers, accommodation and other resources as are in the opinion of each of those officers sufficient to allow their individual duties, as specified in law, to be performed.

2.10.6 Conduct

2.10.6.1 Officers will comply with the code of conduct for employees (part 5 section 12) and will follow the protocol on member/officer relations (part 5 section 4).

2.10.7 Employment

2.10.7.1 The recruitment, selection and dismissal of officers will comply with the employment rules (part 4 section 9).

Article 11 - Decision-making

This article sets out how the council takes decisions.

2.11.1 Principles of decision making

2.11.1.1 When the council takes a decision it will:

a be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
b consult properly and have regard to the professional advice from its officers;
c have regard to the public sector equality duty and respect for natural justice and human rights;
d make the decision public unless there are good reasons for it not to be;
e give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;
f explain what options were considered and give the reasons for the decision; and
g follow proper procedures

2.11.2 Responsibility for decision making

2.11.2.1 The council's activities are described in law as functions. The council as a whole cannot make every decision. The council has adopted the leader and cabinet executive arrangements and therefore unless stated all functions are exercised by the cabinet.

How the council and cabinet discharge those functions are set out in the functions scheme.

2.11.5 Decision rules

2.11.5.1 The decision making procedures for all council, cabinet and committee meeting decision making is set out in part 4. **2.11.10**

Codes

2.11.10.1 In making decisions and conducting its business the council and the bodies and person(s) exercising functions on its behalf will have regard to the codes and guidance set out in part 5 of this constitution.

Section 1 - Council Functions

The table below details the functions that are the responsibility of the council and the delegation arrangements

	Column 1 **What is the council function**	**Column 2** **Who can carry the function out**
	Adopting and changing the constitution including standing orders	Council meeting only Audit and Governance committee (finance procedure rules and contract procedure rules. Chief executive employee code of conduct (in consultation with employment panel) Monitoring officer (technical changes or those required by law only)
	Budget and policy framework • Policy The adoption of the following plans and strategies Annual library plan (if secretary of state requests) under s1(2) of the Public libraries and museums Act 1964 Children and young people's plan under the Children and young peoples Plan (England) regulations 2005 Crime & disorder reduction strategy under S 5 & 6 of the Crime and Disorder Act 1998 Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004 Licensing authority policy statement under s349 of the Gambling Act 2005 Local transport plan under s108(3) of the Transport Act 2000 Youth justice plan under s 40 of the Crime and Disorder Act 1998	Council meeting only

	Column 1 **What is the council function**	**Column 2** **Who can carry the function out**
	Pay policy statement under s38 of the Localism Act 2011 And additionally Corporate plan Economic development strategy • Budget Approve the a balanced Revenue Budget and specifically • Approve the Council Tax Base • Approve the rate of Council Tax and relevant precepts • Approve the Gross Revenue Budget • Approve the net spending limit for each major service element (Directorate) And in doing so adopt the following plans or strategies to support the delivery of council budget - • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy • Statutory council tax calculations • Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision	Pay policy statement Monitoring officer, following consultation with the chief executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy
	Amending these budget and policy framework can be executive if council agree see 2000/2853 reg 4 a (ii) which requires a specific delegation per adoption	When approving a policy or strategy Council will specify the degree of in-year changes to the document which may be undertaken by Cabinet
	Approving or amending any application to the secretary of state in respect of any housing land transfer	Council meeting only

	Column 1 **What is the council function**	**Column 2** **Who can carry the function out**
	Consider the review of the effectiveness of the system of internal control required and approve the annual governance statement	Audit and Governance committee
	Subject to the urgency procedure in the access to information rules, making a decision contrary to the policy framework or the budget, or part of it	Council meeting only
	Electing the chairman of council	Council meeting only
	Appointing the vice chairman of council, committee chairmen and committee vice-chairmen	Council meeting, Health and well being Board appoints vice chair
	Appointing the leader of the council	Council meeting only
	Setting the terms of reference of committees, deciding on their size, composition and allocating seats proportionately to political groups	Council meeting only
	The appointment by the authority of at least one independent person under the Localism Act 2011	Council meeting only
	Discharge of a council functions by another authority	Council meeting only
	Arrangements for joint exercise of council functions or a mix of council and executive functions	Council meeting
	Agreeing the members' allowances scheme	Council meeting only
	Functions relating to name and status of Herefordshire council or parish councils within the county as listed in schedule 1 section E of the regulations	Council meeting only
	Functions relating to community governance reviews as listed in schedule 1 section EB of the regulations	Council meeting only
	Confer title of honary alderman or to admit to be an honorary freeman	Council meeting only
	Functions relating to town and country planning and development control as listed in schedule 1 section A of the regulations including enforcement	See appendix 1
	Powers relating to the protection of important hedgerows and preservation of trees	Chief executive
	Rights of way functions as listed in schedule 1 section I i of the regulations	chief executive
	Licensing and registration functions as listed in schedule 1 section B of the regulations	see appendix 1

	Column 1 **What is the council function**	**Column 2** **Who can carry the function out**
	Functions relating to smoke free premises as listed in schedule 1 section FA of the regulations	/chief executive
	Health and safety at work enforcement functions as listed in schedule 1 section C of the regulations	Chief executive
	Elections functions as listed in schedule 1 section D of the regulations	Chief executive Employment panel for appointment of returning officer and electoral registration officer
	Make, amend, revoke, re enact or enforce byelaws	Council meeting
	Power to promote or oppose local or personal bills	Council meeting only
	Approval of the appointment of chief executive	Council meeting only
	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Chief executive for all staff other than those within the remit of the employment panel. Employment panel will also be a consultee for all terms and conditions (including policies) Employment panel for officers listed within their remit
	Approval of pay and severance packages in excess of £100,000	Council meeting only
	Duty to make arrangements for the proper administration of financial affairs	s.151 officer
	Power to appoint officers for particular purposes (otherwise called the appointment of proper officers)	chief executive
	Duty to designate posts to fulfil the functions of: the head of paid service, the monitoring officer, the s151 officer, statutory scrutiny officer, and to provide staff etc	Council meeting only
	To adopt revise or replace a members code of conduct	Council meeting only
	Power to make a limestone pavement order	chief executive
	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Audit and governance committee
	Power to make closing order in respect to take away food shops	chief executive
	Permit a co-opted member of an overview and scrutiny committee to vote at meetings of the committee	Council meeting only
	Recruitment of panel members to Independent renumeration panel	solicitor to the council

	Column 1 **What is the council function**	**Column 2** **Who can carry the function out**
	Powers relating to complaints about high hedges	chief executive
	Powers to make an order identifying a place as a designated public place in relation to alcohol consumption	chief executive
	Power to make or revoke an order designating a locality as an alcohol disorder zone	chief executive
	Power to apply for an enforcement order against unlawful works on common land	chief executive
	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings	chief executive
	The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014	Council meeting only
	Power to make payments or provide other benefits in cases of maladministration	chief executive
	Functions relating to pensions as listed in schedule 1 section H of the regulations All other matters which by law, must be the responsibility of the Council	Chief executive Council meeting only unless a specific delegation given from council.

Section 2 - Local Choice Functions

The table below details who has the responsibility for these functions and the delegation arrangements

3.4.1 Allocation of functions

These are functions which in law may be, but need not be the responsibility of the Cabinet and it is for full Council to decide by whom they shall be exercised. The local choice functions are for convenience listed in the table below and any changes to the local choice functions prescribed from time to time shall be taken to be incorporated below.

Column 1 **What is the function which may but need not be the responsibility of the executive**	**Column 2** **Who has responsibility for the function**	**Column 3** **Who has the function been delegated to?**
1 Any function under a local act other than a function specified or referred to in regulation 2 or schedule 1 of the Local authority (functions and responsibilities) (England) Regulations 2000.	Cabinet	In accordance with the cabinet delegation arrangements
2 The determination of an appeal against any decision made by or on behalf of the authority.	Cabinet	Chief executive
4The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 52 of the Education Act 2002 and the subordinate legislation made under that section.	Cabinet	Chief executive
5 The making of arrangements pursuant to sections 94(1) (1A) and (4) of the 1998 School Standards and Framework Act (admissions appeals)	Cabinet	Chief executive
6 The making of arrangements pursuant to section 95(2) of, and schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet	Chief executive

Column 1 **What is the function which may but need not be the responsibility of the executive**	**Column 2** **Who has responsibility for the function**	**Column 3** **Who has the function been delegated to?**
10 Any function relating to contaminated land.	Cabinet	Chief executive
11 The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Chief executive
12 The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Chief executive
13 The passing of a resolution that schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Cabinet	Chief executive
14 The inspection of the authority's area to detect any statutory nuisance.	Cabinet	Chief executive
15 The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Chief executive
16 The obtaining of information under section 330 of the Town and Country Planning Act 1990.	Cabinet	Chief executive
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet	Chief executive
18 The making of agreements for the execution of highways works.	Cabinet	Chief executive
19 The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to any body other than (i) the authority;	(a) Cabinet (b & c) council where allocation of seats is politically proportionate (b & c) cabinet	(a) Chief executive (b & c) Chief executive

Column 1 **What is the function which may but need not be the responsibility of the executive**	**Column 2** **Who has responsibility for the function**	**Column 3** **Who has the function been delegated to?**
(ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.		
20 The making of agreements with other local authorities for placing staff at the disposal of those other authorities	Cabinet	Chief executive

Section 3 - Cabinet Functions

This section details the responsibilities of the cabinet and the delegation arrangements.

3.3.6 The leader

3.3.6.2 The leader of the council determines:

a the size of the cabinet

b the appointment of a deputy

c the appointment of cabinet members

d the appointment of cabinet support members

e the appointment of champions

f the allocation of portfolios and responsibility to cabinet members

g the cabinet functions that can be carried out by cabinet members individually (paragraph 3.3.4.6)

h the cabinet function that can be carried out by the chief executive (section 8 of this part)

where cabinet member portfolios cut across the various functions of the council and in cases of uncertainty as to which cabinet member is responsible for any function, the leader shall decide which cabinet member(s) will deal with it.

3.2 Cabinet functions

3.3.2.1 The cabinet shall make decisions in relation to all of the council's areas of responsibility other than those specified as:

a Council functions, or

b Overview and scrutiny functions

c Functions cabinet has arranged to be exercised by or with another council's cabinet

Cabinet shall also formulate or prepare the documents consisting of the budget and policy framework and shall make recommendations to Council on their implementation.

In relation to the budget documents once the overall budget has been agreed at the beginning of the year by full council, subsequent decisions of cabinet that may impact on that budget need only be recommended back to full council:

• If the decision is likely to cause the authority's overall budget envelope to be exceeded, or • If it is contrary to the authority's borrowing or capital expenditure budget;

Cabinet Meeting

A cabinet meeting will be convened for decisions that are:

a key and relate to more than one cabinet portfolio

b of sufficient public interest that a decision at a public meeting is required

c reserved to cabinet by virtue of the financial procedure rules (see part 4 section 7).

3.3.4 Delegation of cabinet functions

3.3.4.1 The leader has decided to delegate to individual cabinet members key decisions that relate to their portfolio. There are also certain decisions reserved to an individual cabinet member by virtue of the financial procedure rules (part 4 section 7)

A cabinet member cannot take a decision contrary to the advice of the chief executive, monitoring officer, s.151 officer or relevant director(s) such a decision must be referred to a cabinet meeting.

3.3.4.4 The leader has decided to delegate to the chief executive all functions that fall outside the definitions above. The chief executive can only take non key decisions under this general delegation. Key decisions can only be taken by the chief executive following a specific decision containing an officer delegation. The monitoring officer is responsible for consulting with the leader and if applicable, the relevant cabinet member to assist the leader in determining whether any matter is one that should be determined at a cabinet meeting, an individual cabinet member or by the chief executive.

3.3.5 Key decisions

3.3.5.1 A key decision is a decision:-

taken at a cabinet meeting, by an individual cabinet member, or a joint committee of the executive;

and is:

I Any decision in relation to an executive function which results in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned.

A threshold of £500,000 is regarded as significant.

ii Any other executive decision which in the opinion of the monitoring officer is likely to be significant having regard to

- the strategic nature of the decision and or

- whether the outcome will have an impact, for a better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

iii Any substantive decision to bring forward proposals to Council to approve or amend an item within the budget and policy framework (not being subject to call-in).

iv Any substantive decision made to approve or amend a policy framework where Council has granted the executive power to do so (being subject to call-in)

Section 4 - Overview and Scrutiny Functions

The council is required to appoint one or more overview and scrutiny committee. This section details those arrangements.

3.4.1 Scrutiny functions

The committees have the power;

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) to make reports or recommendations to council or the cabinet with respect to the discharge of any functions which are not the responsibility of the executive,

(e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area

(f) 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 and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and (c) a strategy for the reduction of re-offending in the area

(g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised. In this regard *health service* includes services designed to secure improvement—
(a) in the physical and mental health of the people of England, and
(b) in the prevention, diagnosis and treatment of physical and mental illness

And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.

(h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area

Scrutiny rules

3.5.1.1 When the overview and scrutiny committees are exercising overview and scrutiny functions the scrutiny rules in part 4 section 5 must be followed.

Section 5 - Other functions

This section contains a description of the committees who have functions delegated to them by Council.

Those functions are those carried out as follows:

- Town and country planning, development control (the planning functions) and licensing functions
- Audit and governance functions
- Standards panel functions
- Employment functions
- Health and wellbeing board

3.6.1 Planning and regulatory committee

3.6.1.2 When the committee carries out its planning functions it will follow the planning rules (part 4 section 8) and the planning code (part 5 section 12)

3.6.1.3 The committee functions are detailed in appendix one to the council functions scheme.

The committee will determine applications for planning permission and listed building consent in those cases where:

a the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure

b the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy

c the application is submitted by a council member or a close family member such that a council member has a material interest in the application

d the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application

e the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan

f the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning

committee determination of the matter would represent the most appropriate course of action, or

g in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

3.6.2 Licensing functions

3.6.2.1 The functions of the licensing authority (contained in appendix 1) are to be taken or carried out by the licensing sub committee. The licensing sub committee has delegated some of these functions to the chief executive as also detailed in appendix 1.

The licensing sub committee determines the following;

Applications for personal licences (if police objection);

Applications for personal licences with unspent convictions;

Applications for premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);

Applications for provisional statements (if relevant representation are made as specified in the Licensing Act 2003);

Applications to vary premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);

Applications to vary designated premises supervisor (if police objection);

Requests to be removed as a designated premises supervisor

Applications for transfer of premises licence (if police objection);

Applications for interim authorities (if police objection);

Applications to review premises licences/club premises certificate;

Deciding whether to object when the authority is a consultee and not the relevant authority considering an application;

Determination of objections to temporary event notices;

Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection)

Revocations of licences where convictions come to light

3.6.3 Audit and governance functions

The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework together, the internal control of the financial reporting and annual governance processes.

Internal Audit

• To consider the Head of Internal Audit's annual report and opinion, and a summary of internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
• To consider summaries of specific Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary..
• To consider reports dealing with the management and performance of the providers of Internal Audit Services.
• To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
• To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee.
• The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

External Audit

• Review and agree the External Auditors annual plan, including the annual audit Fee and annual letter and receive regular update reports on progress.
• To consider specific reports from the External Auditor
• To meet privately with the external auditor once a year if required
• To comment on the scope and depth of external audit work and to ensure it gives value for money.
• To recommend appointment of the Council's local (external) auditor
• Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

Governance

• To maintain an overview of the Council's Constitution and recommend any changes to council other than changes to the contract procedure rules, finance procedure rules which have been delegated to the committee for adoption.
• To monitor the effective development and operation of risk management and corporate governance in the Council.
• To maintain an overview and agree changes to the council policies on 'Raising Concerns at Work' and the 'Anti fraud and corruption strategy'.
• To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
To annually conduct a review of the effectiveness of the council's governance process and system of internal control which will inform the Annual Governance statement
• The Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance.
• •To annually review the council's information governance requirements
• To agree the annual governance statement (which includes an annual review of the effectiveness of partnership arrangements together with monitoring officer, s151 officer, caldicott guardian and equality and compliance manager reviews).
• To adopt an audit and governance code

Waste contract

• to review, in conjunction with external advisers advising the council as lender, the risks being borne as a result of the funding provided by the council to Mercia Waste Management Ltd and consider whether the risks being borne by the council, as lender, are reasonable and appropriate having regard to the risks typically assumed by long term senior funders to waste projects in the United Kingdom and best banking practice.

• to monitor the administration of the loan to the waste project in line with best banking practice having regard to any such external advice, including the terms of any waivers or amendments which may be required or are desirable.

• consider what steps should be taken to protect the interests of the council as lender in the event of a default or breach of covenant by Mercia Waste Management Ltd, and make recommendations as appropriate to Council, the council's statutory officers or cabinet as appropriate to ensure the appropriate enforcement of security and litigation in relation to the loan to Mercia Waste Management Ltd.

• consider and recommend appropriate courses of action to protect the position of the council as lender to the waste project.

a make recommendations as appropriate to Council with regard to its budget and policy framework and the loan to the waste project.

b generally to take such other steps in relation to the loan within the scope of these terms of reference as the committee considers to be appropriate.

Code of conduct

• To promote and maintain high standards of conduct by members and co-opted members of the Council.
• To support Town and Parish Councils within the county to promote and maintain high standards of conduct by members and co-opted members of the Council.
• To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Council.
• •To keep the code of conduct under review and recommend changes/replacement to Council as appropriate.
• To publicise the adoption, revision or replacement of the Council's Code of Conduct.
• To oversee the process for the recruitment of the Independent Persons and make recommendations to Council for their appointment.
• To annually review code of conduct complaints
• To grant dispensations under Section 33 (2)(b)(d) and (e) Localism Act 2011 or any subsequent amendment

•To hear appeals in relation to dispensations granted under section 33 (2)(a) and (c) Localism Act 2011 by the monitoring officer

• To decide what action to take on the recommendations from the standards panel referred by the standards panel

Accounts
• To review and approve the Statement of Accounts, external auditor's opinion and reports on them and monitor management action in response to the issues raised by external audit.

3.6.4 Standards Panel

Council has agreed that the arrangements for determining breaches of the code of conduct for members will include, where the matter cannot be resolved informally, the consideration of the complaint by this panel.

The function of the panel is to consider submissions made either in person or in writing by the complainant, the subject member and the Monitoring Officer and produce a report.

3.6.5 Employment functions

3.6.5.1 Council has agreed that an employment panel be established and will fulfil the following functions:

a) Be the appropriate body to fulfil the employment functions as set out in part 4.9 of the procedure rules in relation to: the head of paid service (to include returning officer and electoral registration officer functions), director for adults and wellbeing, director of children's wellbeing; director for economy, communities and corporate, director of public health, monitoring officer and s151 officer.

b) Review the annual pay policy statement and make recommendations to Council

c) As a consultee on all terms and conditions including policies for all staff

d) The approval of the performance and development framework for annual assessment of the chief executive

3.6.6 Health and wellbeing board functions

The health and wellbeing board

3.6.5.1 Herefordshire Council has established a health and wellbeing board in accordance with the provisions of the Health and Social Care Act 2012

3.6.5.2 The functions of the board are:

- Developing a joint strategic needs assessment (Understanding Herefordshire)
- Preparing a joint health & wellbeing strategy
- Reviewing whether the commissioning plans and arrangements for the NHS, public health and social care (including Better Care Fund submissions) are in line with and have given due regard to the health and wellbeing strategy
- Reporting formally to the council's executive, the Herefordshire Clinical Commissioning Group and the NHS Commissioning Board if commissioning plans affecting Herefordshire have not had adequate regard to the health & wellbeing strategy
- Formally signing-off required submissions and direct the use of any performance related funding received on achievement of targets

Section 6 - Additional arrangements

3.7.1 Establishment of working groups

3.7.1.1 Council, the cabinet and any committee may from time to time establish working groups which include in their membership councillors and/or officers..

3.7.1.2 Working groups have no formal decision making responsibilities but may provide advice or recommendations

3.7.3 Independent remuneration panel

Before the council makes or amends a scheme for member's allowances, it shall have regard to the recommendations made in relation to it by an independent remuneration panel. This panel comprises of at least three members none of whom–

(a) is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or
(b) is disqualified 1 from being or becoming a member of an authority

The independent remuneration panel shall produce a report;

(a) as to the responsibilities or duties in respect of which the following should be available–

(i) special responsibility allowance;

(ii) travelling and subsistence allowance; and

(iii) co-optees' allowance;

(b) as to the amount of such allowances and as to the amount of basic allowance;

(c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;

(d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated);

(e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

(f) as to which members of an authority are to be entitled to pensions in accordance with a scheme; and

(g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

The report will be published and considered at a council meeting when deciding the scheme of allowances.

Political management

3.7.5.1 The council comprises councillors who may be members of political or other groups, as referred to in article 2 (2.2.10). Those groups are an important part of the way the council operates and are formally recognised in the appointment of committees. The leader of the council, who is elected by Council, is usually from the political group comprising the majority of councillors and the leader usually appoints members from their political group to be cabinet members.

3.7.5.2 Each political group appoints a group leader. The group leaders have an important informal role to play in relation to the functions scheme. This role is separate and distinct from any role or function that any councillor who is a leader of a political group has under the functions scheme. Other than those functions allocated to any political group leader under the functions scheme, the political group leaders have no authority to take decisions on behalf of the council but do fulfil important informal political management functions.

3.7.5.3 In particular, the political group leaders have the following roles:

a to provide leadership to the respective groups on all matters related to council business

b to act as a link between the political and other groups and to meet regularly with other group leaders to discuss matters relating to the political management of the council

c to ensure that the views of his or her group are made known to Council, the cabinet and the chief executive

d to help identify whether there is any consensus or other ways that the groups can work together on matters related to Council functions

e to attend Council and other meetings as set out in the constitution as a recognised group leader for the purpose of fulfilling these functions.

3.7.6 Champions

3.7.6.1 The leader of the council may from time appoint individual councillors or other individuals to champion a particular issue within the council, with its partners, in communities, across the council, regionally or nationally.

3.7.6.2 Such appointments will be made following consultation with political group leaders and the chief executive.

3.7.6.3 Such champions shall have no formal decision making power and shall not take or purport to take any decisions on behalf of the council.

Section 7 - Officer Functions

The intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.

The various levels of decision making are:-
Council – Committees – delegations to officers.
Leader - Cabinet (either collectively or by individual Cabinet member) – delegations to officers.

A purpose of this Constitution is to encourage delegation of decision making to individual officers. This constitution delegates decisions to the chief executive. Where such decisions have been delegated it remains open to the officer making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.

The chief executive has the ability to take six types of decisions.

1. Operational decisions.
   An operational decision involves the day to day management of the council. They are usually incidental to a function being exercised by the council. Such decisions are taken by the chief executive, in accordance with the scheme of delegation and any financial or contracting requirements specified in the finance or contracts procedure rules and will be classed as operational so long as :

   - Is within an approved budget;
   - Is not in conflict with the council's policies, strategies or relevant service plans
   - Does not amend existing or raise new policy issues

   Such operational decisions will not be recorded unless they relate to:
   - The letting of contracts with a value (over the lifetime of the contract) of £50k or more
   - The disposal of land or assets with a value of £50k or more
   - The granting or revoking of a permission or license
   - A change to an individual's legal rights
   - A change to a service (eg opening hours, location or service level)

2. Executive decisions.
   The cabinet has delegated non key decisions to the chief executive. These will be decisions concerning a function being exercised by the council which is below the key decision threshold. As these are executive functions the requirements to publish the decision, reports and call in provisions apply.

3. Council decisions
   The council has decided that some of its decision can be taken by the chief executive. Where the effect of the decision is to grant a permission or licence; changes the legal rights of an individual; or awards a contract (above £50k) or incurs expenditure (£50k) which in either case materially affects the Council's financial position there is a requirement to publish the decision.

4. Local choice decisions
   The council has delegated certain further functions to the chief executive. As a result these become executive or council decisions and will follow the procedures for those type of decisions.

5. All necessary decisions in cases of emergency.
   For the purposes of this scheme, 'emergency' shall mean any situation in which the chief executive believes that there is a risk of damage to property, a threat to the health or wellbeing 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 wellbeing of the county, its communities and individuals living, working or visiting, and to preserve property belonging to the council or others;

6. Implementing decisions

There is implied authority for the chief executive 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. There will also be express authority within certain decisions, delegating further decisions to a named officer, usually a Director, to take certain actions within the parameters of the recommendation from Council, Committee or Cabinet decisions.

All of these six types of decisions can be taken by the chief executive without consultation with elected members, however where executive decisions are being taken by officers cabinet members are normally briefed by a director before taking the decision as the cabinet member can decide to take the decision themselves.

The chief executiveis unable to make all of these decisions on behalf of the council and therefore he has a sub delegation scheme which provides for his decision to be taken by a senior officer.

3.8.7 Any officer of the council who has been authorised by the chief executive to carry out any of the chief executive's functions of the council may delegate those functions to other officers. In the case of executive decisions, it is not appropriate for those delegations to be given to any officer below the level of assistant director in the organisation structure.

3.8.8 The chief executive will maintain a chief executive's scheme of delegation detailing all relevant delegations, including the delegation of any proper officer functions as required in a number of statutes and statutory provisions relating to the functions of the council which require that one of the council's officers is the "proper officer" for the purposes of that statutory provision.

3.9.2 The council designates the chief executive as its proper officer for all such purposes other than the s151 officer, monitoring officer and scrutiny officer and unless otherwise stated where the chief executive has delegated the responsibility for fulfilling any proper officer function to another officer.

3.8.9 The chief executive's scheme of delegation will be regularly reviewed and updated to ensure that it contains all relevant delegations.

3.8.10 The chief executive's scheme of delegation will be published on the council's website.

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Town and country planning and development control		
Power to determine application for planning permission.	Planning and Regulatory committee and chief executive	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
Power to determine applications to develop land without compliance with conditions previously attached.	Chief executive	Section 73 of the Town and Country Planning Act 1990
Power to grant planning permission for development already carried out.	Chief executive	Section 73A of the Town and Country Planning Act 1990
Power to decline to determine application for planning permission.	Chief executive	Section 70A of the Town and Country Planning Act 1990
Duties relating to the making of determinations of planning applications.	Chief executive	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder
Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Planning and regulatory committee	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
Power to make determinations, give approvals and agree certain other matters relating to the exercise	Chief executive	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
of permitted development rights.		
Power to enter into agreement regulating development or use of land.	Chief executive	Section 106 of the Town and Country Planning Act 1990
Power to issue a certificate of existing or proposed lawful use or development.	Chief executive	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
Power to serve a completion notice.	Chief executive	Section 94(2) of the Town and Country Planning Act 1990
Power to grant consent for the display of advertisements.	Chief executive	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666)
Power to authorise entry onto land.	Chief executive	Section 196A of the Town and Country Planning Act 1990
Power to require the discontinuance of a use of land.	Chief executive	Section 102 of the Town and Country Planning Act 1990
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Chief executive	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
Power to issue a temporary stop notice.	Chief executive	Section 171E of the Town and Country Planning Act 1990
Power to issue an enforcement notice.	Chief executive	Section 172 of the Town and Country Planning Act 1990
Power to apply for an injunction restraining a breach of planning control.	Chief executive	Section 187B of the Town and Country Planning Act 1990

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to determine applications for hazardous substances consent, and related powers.	Planning and regulatory committee and chief executive	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Chief executive	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act
Power to require proper maintenance of land.	Chief executive	Section 215(1) of the Town and Country Planning Act 1990
Power to determine application for listed building consent, and related powers.	Planning and regulatory committee and chief executive	[Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
Duties relating to applications for listed building consent.	Chief executive	[Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)] 9and [paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01] 10 .]
Power to serve a building preservation notice, and related powers.	Chief executive	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to issue enforcement notice in relation to demolition of [listed] 11 building in conservation area.	Chief executive	[Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Powers to acquire a listed building in need of repair and to serve a repairs notice.	Chief executive	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Power to apply for an injunction in relation to a listed building.	Chief executive	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990
Power to authorise stopping up or diversion of highway.	Chief executive	Section 247 of the Town and Country Planning Act 1990
Power to execute urgent works.	Chief executive	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Licensing and registration		
Power to issue licences authorising the use of land as a caravan site ("site licences").	Chief executive	Section 3(3) of the Caravan Sites and Control of Development Act 1960
Power to license the use of moveable dwellings and camping sites.	Chief executive	Section 269(1) of the Public Health Act 1936
Power to license hackney carriages and private hire vehicles.	Chief executive	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
	Chief executive	(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
Power to license drivers of hackney carriages and private hire vehicles.	Chief executive	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
Power to license operators of hackney carriages and private hire vehicles.	Chief executive	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
Power to register pool promoters.	Chief executive	Schedule 2 to the Betting, Gaming and Lotteries Act 1963
Power to grant track betting licences.	Chief executive	Schedule 3 to the Betting, Gaming and Lotteries Act 1963
Power to license inter-track betting schemes.	Chief executive	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963
Power to grant permits in respect of premises with amusement machines.	Chief executive	Schedule 9 to the Gaming Act 1968
Power to register societies wishing to promote lotteries.	Chief executive	Schedule 1 to the Lotteries and Amusements Act 1976
Power to grant permits in respect of premises where amusements with prizes are provided.	Chief executive	Schedule 3 to the Lotteries and Amusements Act 1976 14
Power to issue cinema and cinema club licences.	Chief executive	Section 1 of the Cinema Act 1985
Power to issue theatre licences.	Chief executive	Sections 12 to 14 of the Theatres Act 1968

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to issue entertainments licences.	Chief executive	Section 12 of the Children and Young Persons Act 1933 section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964 , sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982
Any function of a licensing authority.	Chief executive	Licensing Act 2003 and any regulations or orders made under that Act
Powers and functions relating to late night levy requirements.	Chief executive	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011and any regulations made under that Chapter
Duty to comply with requirement to provide information to Gambling Commission.	Chief executive	Section 29 of the 2005 Act
Functions relating to exchange of information.	Chief executive	Section 30 of the 2005 Act
Functions relating to occasional use notices.	Chief executive	Section 39 of the 2005 Act
Power to resolve not to issue a casino premises licence	Licensing sub commitee	Section 166 of the 2005 Act
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Chief executive	Section 304 of the 2005 Act

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Chief executive	Section 284 of the 2005 Act
Power to institute criminal proceedings	Chief executive	Section 346 of the 2005 Act
Power to exchange information	Chief executive	Section 350 of the 2005 Act
Functions relating to the determination of fees for premises licences.	Chief executive	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007
Functions relating to the registration and regulation of small society lotteries.	Chief executive	Part 5 of Schedule 11 to the 2005 Act
Power to license sex shops and sex cinemas.	Licensing sub committee	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
Power to license performances of hypnotism.	Chief executive	The Hypnotism Act 1952
Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Chief executive	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
Power to license pleasure boats and pleasure vessels.	Chief executive	Section 94 of the Public Health Acts Amendment Act 1907
Power to register door staff.	Chief executive	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995.

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to license market and street trading.	Chief executive	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994
Power to license night cafes and take-away food shops.	Licensing sub committee	Section 2 of the Late Night Refreshment Houses Act 1969
Power to license dealers in game and the killing and selling of game.	Chief executive	Sections 5, 6,17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972
24. Power of register and license premises for the preparation of food.	Licensing sub committee	Section 19 of the Food Safety Act 1990
Power to license scrap yards.	Licensing sub committee	Section 1 of the Scrap Metal Dealers Act 1964
Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	Chief executive	The Safety of Sports Grounds Act 1975
Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Chief executive	Part III of the Fire Safety and Safety of Places of Sport Act 1987
Power to issue fire certificates.	Chief executive	Section 5 of the Fire Precautions Act 1971

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to license premises for the breeding of dogs.	Chief executive	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Chief executive	Section 1 of the Pet Animals Act 1951 ; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
Power to register animal trainers and exhibitors.	Chief executive	Section 1 of the Performing Animals (Regulation) Act 1925
Power to license zoos.	Licensing sub committee	Section 1 of the Zoo Licensing Act 1981 .
Power to license dangerous wild animals.	Chief executive	Section 1 of the Dangerous Wild Animals Act 1976
Power to license knackers' yards.	Licensing sub committe	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999
Power to license the employment of children.	Chief executive	Part II of the Children and Young Persons Act 1933 , byelaws made under that Part, and Part II of the Children and Young Persons Act 1963
Power to approve premises for the solemnisation of marriages.	Chief executive	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995
Power to register common land or town or village greens, except where the power is exercisable	Chief executive	Regulation 6 of the Commons Registration (New Land) Regulations 1969

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
solely for the purpose of giving effect to—		
(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or		
(b) an order under section 147 of the Inclosure Act 1845	Chief executive	
Power to register variation of rights of common.	Chief executive	Regulation 29 of the Commons Registration (General) Regulations 1966
Power to license persons to collect for charitable and other causes.	Chief executive	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
Power to grant consent for the operation of a loudspeaker.	Chief executive	Schedule 2 to the Noise and Statutory Nuisance Act 1993
Power to grant a street works licence.	Chief executive	Section 50 of the New Roads and Street Works Act 1991
Power to license agencies for the supply of nurses.	Chief executive	Section 2 of the Nurses Agencies Act 1957
Power to issue licences for the movement of pigs.	Chief executive	Article 12 of the Pigs (Records, Identification and Movement) Order 1995
Power to license the sale of pigs.	Chief executive	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to license collecting centres for the movement of pigs.	Chief executive	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
Power to issue a licence to move cattle from a market.	Chief executive	Article 5(2) of the Cattle Identification Regulations 1998
Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Chief executive	Sections 115E, 115F and 115K of the Highways Act 1980
Power to permit deposit of builder's skip on highway.	Chief executive	Section 139 of the Highways Act 1980
Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Chief executive	Section 115G of the Highways Act 1980
Power to license planting, retention and maintenance of trees etc. in part of highway.	Chief executive	Section 142 of the Highways Act 1980.
Power to authorise erection of stiles etc. on footpaths or bridleways.	Chief executive	Section 147 of the Highways Act 1980.
Power to license works in relation to buildings etc. which obstruct the highway.	Chief executive	Section 169 of the Highways Act 1980.

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to consent to temporary deposits or excavations in streets.	Chief executive	Section 171 of the Highways Act 1980.
Power to dispense with obligation to erect hoarding or fence.	Chief executive	Section 172 of the Highways Act 1980.
Power to restrict the placing of rails, beams etc. over highways.	Chief executive	Section 178 of the Highways Act 1980.
Power to consent to construction of cellars etc. under street.	Chief executive	Section 179 of the Highways Act 1980 67.
Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Chief executive	Section 180 of the Highways Act 1980.
Power to sanction use of parts of buildings for storage of celluloid.	Chief executive	Section 1 of the Celluloid and Cinematograph Film Act 1922
Power to approve meat product premises.	Chief executive	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994
Power to approve premises for the production of minced meat or meat preparations.	Chief executive	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995
Power to approve dairy establishments.	Chief executive	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995
Power to approve egg product establishments.	Chief executive	Regulation 5 of the Egg Products Regulations 1993

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Chief executive	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995
Power to approve fish products premises.	Chief executive	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
Power to approve dispatch or purification centres.	Chief executive	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
Power to register fishing vessels on board which shrimps or molluses are cooked.	Chief executive	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
Power to approve factory vessels and fishery product establishments.	Chief executive	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
Power to register auction and wholesale markets.	Chief executive	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
Duty to keep register of food business premises.	Chief executive	Regulation 5 of the Food Premises (Registration) Regulations 1991
Power to register food business premises.	Chief executive	Regulation 9 of the Food Premises (Registration) Regulations 1991.
Power to issue near beer licence.	N/a	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 and, to the extent that it does not

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
		have effect by virtue of regulation 2(3), section 25 of that Act.] 71
Power to register premises or stalls for the sale of goods by way of competitive bidding.	N/a	Section 28 of the Greater London Council (General Powers) Act 1984
Power to register motor salvage operators.	Chief executive	Part I of the Vehicles (Crime) Act 2001
Functions relating to the registration of common land and town or village greens.	Chief executive	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008

Section 1 - Council and committee meeting rules

Underlined paragraph numbers denote rules that apply to committees in accordance with rile 4.1.2.1.
❋ denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.1.1❋ These rules set out how meetings of full Council, the cabinet, committees and other bodies will be conducted.

4.1.2 Application

4.1.2.1❋ All of these rules apply to the meetings of full Council. Only rules 4.1.3 – 4, 4.1.9 – 12 and 4.1.16 – 25 apply to meetings of committees, sub-committees and other decision making bodies; they do not apply to meetings of cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.2.2❋ Where there is any inconsistency between these council and committee rules and the meeting specific rules that follow in the remainder of part 4 of the constitution, the latter shall prevail.

4.1.2.3❋ In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the chairman of the meeting.

4.1.3 Interpretation

4.1.3.1❋ The ruling of the chairman at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.4 Appointment of chairman

4.1.4.1❋ If at any meeting the chairman and vice-chairman appointed by Council are absent, or if no chairman or vice-chairman has been appointed by Council, the meeting shall appoint a chairman for that meeting only. The monitoring officer or his/her representative at the meeting shall at the start of the meeting invite nominations for chairman and will take a vote on a show of hands for those members nominated for chairman.

4.1.5 Council meetings

4.1.5.1❋ There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.5.2 below sets out when these may take place.

4.1.5.2❋

Type of meeting	When
The annual meeting	• In a year when there have been ordinary elections, within 21 days of the retirement of outgoing councillors • In other years in either March, April or May
Ordinary meetings	• Five meetings a year as set out in a programme decided by Council and, except that one ordinary

	meeting will take place in February and will be reserved as the budget meeting, with business as outlined in the table at 4.1.6.1 below.
Extraordinary meetings	The chief executive may be requested to call a meeting by: • Council, by resolution; • the chairman of the council; • the monitoring officer; or • any five members of the council if they have signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting and presented it to the chairman and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. The chief executive will determine whether the stated business can wait until the next ordinary meeting of Council and, if it cannot, will call an extraordinary meeting.

4.1.6 Business to be carried out

4.1.6.1✱ The business to be carried out at meetings of the council is as set out below; those items marked with * are compulsory items the order of which cannot be altered

Item of business	**Type of meeting**		
	Annual	**Ordinary**	**Extra-ordinary**
Elect a person to preside if the chairman and vice-chairman of the council is not present	✓*	✓*	✓*
Elect the chairman of the council	✓*		
Appoint the vice-chairman of council	✓*		
Receive any apologies for absence	✓*	✓*	✓*
Receive any declarations of interest	✓*	✓*	✓*
Approve the minutes of the previous meeting(s)	✓*	✓*	
Receive any announcements from the chairman and/or chief executive	✓	✓	
Elect the leader of the council	✓*		
Appoint the chairmen and vice-chairmen of committees and other bodies	✓*		

Item of business	Type of meeting		
	Annual	Ordinary	Extra-ordinary
Appoint at least one scrutiny committee and such other committees as Council considers appropriate to deal with matters which are neither reserved to Council nor are cabinet functions	✓*		
Decide the size and terms of reference of those committees	✓*		
Decide the allocation of seats on committees and other bodies to political or other groups in accordance with the political balance rules	✓*		
Make such appointments to committees or outside bodies as are reserved to Council	✓*		
Approve a programme of ordinary meetings of Council for the year	✓	✓	
Consider any other business specified in the summons to the meeting	✓	✓	✓
Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda.		✓	✓
Receive recommendations on statutory plans or other matters that are reserved to Council.		✓	
Consider and debate any petitions which have reached the threshold for Council consideration		✓	
Receive the following reports from the leader of the council (on which they may be questioned and if so, answer questions): • the work of the cabinet since the last meeting including a summary of those matters decided by the cabinet, cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; • the first meeting following the annual meeting an annual report on the priorities of the cabinet and (except in a year when there are ordinary elections) progress made in meeting those priorities; and • any report to Council required by a scrutiny committee.		✓	

Item of business	Type of meeting		
	Annual	Ordinary	Extra-ordinary
Consider motions and debate those motions in the order in which they have been received.		✓	
Receive any questions from and provide answers to members of the council. At the budget meeting questions must relate to items on the agenda		✓	

4.1.7 Time of meetings

4.1.7.1❋ Meetings of full Council will usually be at 10.00 am or any other such time as the chairman agrees, and will continue for a maximum of three hours.

4.1.7.2❋ At the expiry of three hours, the chairman may determine: that the remaining business to be conducted at the meeting be:

a that the meeting continue beyond three hours duration; or

b. that the remaining business to be conducted at the meeting be:

i. deferred to the next meeting; or

ii. deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or

iii. put to the vote immediately in the order that the business appears on the agenda or in any order determined by the chairman;

iv. put some business to the vote immediately defer other in accordance with rules (a) and (b) above; or

c. The meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

4.1.7.3❋ The chairman has discretion to order the adjournment of any meeting, to (following consultation with the leader of the council) alter the date or time of any meeting, or to cancel a meeting if in the event of an emergency or where there is no business requiring Council approval.

4.1.9 Notice of meetings

4.1.9.1❋ The monitoring officer will, through publication on the council's website, give five clear working days notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the access to information rules (part 4 section 2).

4.1.10 Conduct of the meeting

4.1.10.1 The chairman's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the chairman on the meaning of the constitution cannot be challenged at a meeting.

4.1.11 Quorum

4.1.11.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.

4.1.11.2 If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

4.1.11.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

4.1.11.4 Subject to 4.1.11.5 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

4.1.11.5 The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.11.3 that there are sufficient members present to constitute a quorum.

4.1.12 Variations in order of business

4.1.12.1 The chairman has discretion to vary the order of business other than where indicated in the table at paragraph 4.1.4.1 above. The compulsory order of business for ordinary meetings of Council apply to all cabinet and committee meetings of the council

4.1.12.3 A proposed variation may be moved by the chairman or any other member. Where moved by the chairman there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.13 Petitions

4.1.13.1 The chairman will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of chairman's announcements, any petitions received will be formally passed to the relevant cabinet member or committee chairman who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the council's website.

4.1.13.2 If a petition has been signed by more than 5% of those registered to vote in Herefordshire, and has not been rejected by the monitoring officer under the petitions scheme (in part 5 section 10) it may be debated at a meeting of Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of Council, other than the February meeting which is reserved for the budget.

4.1.13.3 Where a petition is to be debated at full Council, the petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors. A maximum of 30 minutes will be allowed at any meeting to consider up to two petitions. This may be extended at the discretion of the chairman.

4.1.13.4 Council will decide how to respond to the petition at this meeting. They may decide to:

a) take the action the petition requests (if it relates to a matter reserved to Council);
b) not to take the action requested for reasons put forward in the debate;
c) refer the matter to the relevant scrutiny committee to investigate further and report back (if it relates to a matter reserved to Council); or
d) refer the matter to cabinet or a committee to respond (and in doing so may make recommendations they would wish that body to consider).

4.1.14 Questions by the public

4.1.14.1 Questions may be asked by members of the public at the following public meetings of the council:

- Full Council
- Cabinet (see cabinet rules)
- Audit and governance committee
- Health and wellbeing board
- Employment panel
- Overview and scrutiny committees (see scrutiny rules)

4.1.14.2 A period of up to 30 minutes at full Council or 15 minutes at other public meetings of the council where questions are permitted, will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairman.

4.1.14.2 At meetings of full Council, members of the public may ask questions of members of the cabinet and any chairman of a committee of the council; at other public meetings of the council where public questions are permitted the question should be addressed to the chairman of that committee.

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Notice of public questions

4.1.14.4 A question may only be asked if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm two clear working days before the day of the meeting (e.g. 5.00pm on Tuesday where the meeting is on a Friday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.

Order of public questions

4.1.14.5 Questions will be answered in the order in which they are received.

Number of public questions

4.1.14.6 A member of the public may submit only one question at any meeting of the council, to a maximum of six questions in any municipal year.

Scope of public questions

4.1.14.7 The monitoring officer is authorised to reject a question in accordance with the following criteria:

a) it is longer than 70 words;
b) it is in multiple parts;
c) it is not about a matter for which the council has a responsibility or which affects Herefordshire (or where a question is asked at a meeting other than full Council relating to the function of the committee or an item of the agenda);
d) it is defamatory, frivolous or offensive;
e) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
g) it is from a council employee and the question is connected to their employment; or
h) it relates to a planning application or licensing application.

4.1.14.8 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

Asking the question at the meeting

4.1.14.9 The chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, or would prefer not to ask the question in person, the chairman will put the question on their behalf.

Supplementary questions

4.1.14.10 A questioner who is present at the meeting may, at the discretion of the chairman, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in 4.1.14.7 above, or if the question takes the form of a statement or more than a minute to ask.

Answers to public questions

4.1.14.11 An answer to a question or a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will be provided. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

Reference of question to the cabinet or a committee

4.1.14.12 Unless the chairman decides otherwise, no discussion will take place on any question or a supplemental question, but any member may move that the matter raised by a question be referred to the relevant cabinet member or committee. Once seconded, such a motion will be voted on without debate.

Restrictions on asking public questions

4.1.14.13 No questions may be asked at the annual meeting of council.

4.1.14.14 No questions may be asked at the budget meeting except in relation to reports published with the agenda.

No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.

4.1.15 Questions from councillors

4.1.15.2 A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the chairman.

A member may ask the chairman of the council, the leader, any member of the cabinet or the chairman of a committee a question about any matter in relation to which the council has powers or duties or which affects the county, in accordance with these council rules.

Notice of questions

4.1.15.3 A member may ask a question only if either:

a notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm two clear working days before the day of the meeting (e.g.. 5.00pm on Tuesday where the meeting is on a Friday).; or

b if the question relates to urgent matters, they have the consent of the member to whom the question is to be put, and the the question is delivered to the monitoring officer (as above) by 9.30 on the day of the meeting.

Scope of questions

4.1.15.4 The monitoring officer is authorised to reject a question in accordance with the following criteria:

a) it is longer than 70 words;
b) it is in multiple parts;
c) it is not about a matter for which the council has a responsibility or which affects Herefordshire (or where a question is asked at a meeting other than full Council relating to the function of the committee or an item of the agenda);
d) it is defamatory, frivolous or offensive;
e) it is substantially the same as or similar to a question which has been put at a meeting of Council in the past six months;
f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
g) it is related to an employment matter; or

h) it relates to a planning application or licensing application

4.1.15.5 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

Asking the question at the meeting

4.1.15.6 The chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the chairman will put the question on their behalf.

Supplementary question

4.1.15.7 A member who has put a question in person may, at the discretion of the chairman, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in xx above, or if the question takes the form of a statement or more than a minute to ask.

Answers to councillors' questions

4.1.15.8 An answer to a question or a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for councillors' questions has expired, a written answer will be provided. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

Restrictions on asking questions

4.1.15.11 No questions may be asked at the annual meeting of Council.

4.1.15.12 No questions may be asked at the budget meeting except in relation to those items listed on the agenda.

No questions may be asked at an extraordinary meeting of Council except in relation to those items listed on the agenda.

Members may submit no more than one question at any one meeting.

4.1.16 Motions

4.1.16.1 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted electronically to the monitoring officer not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting.

4.1.16.2 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.16.3

Motions set out in the agenda

4.1.16.4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.16.5 Up to one and a half hours will be allocated for debate on notices of motion but that time may be varied at the discretion of the chairman.

Scope

4.1.16.6 Motions must be about matters for which the council has a responsibility or which affect the county. The chairman may, on the advice of the monitoring officer, refuse a motion which is illegal, scurrilous, improper, (subject to paragraph xx) relates to a matter which has been the subject of debate or decision by Council in the previous six months, or is otherwise out of order. The member intending to give notice of the motion should consult the director(s) with responsibility for the matter, or their nominee, and the relevant cabinet member(s) and determine the context and possible consequences for what is proposed prior to submitting the motion.

If the motion requires referral to either cabinet or a commit of the councila report must be at a Council meeting within six months of the date of debate on the motion.

Exceptions

4.1.16.7 Where, following publication of the agenda for an ordinary meeting of Council, an urgent matter directly affecting part or all of the county arises and it is not practical to defer consideration of the motion to the next ordinary meeting of Council a motion signed by two members may be accepted by the chairman following consultation with the monitoring officer.

Motions without notice

4.1.16.8 The following motions may be moved without notice:

a to appoint a person to preside at the meeting at which the motion is moved

b to amend the minutes on a matter of accuracy

c to change the order of business in the agenda where these procedure rules allow

d to refer something to an appropriate body or individual to consider or reconsider

g to withdraw a motion

h to amend a motion (refer to para xxx below)

i to proceed to the next business

j that the question be now put

k to adjourn a debate

l to adjourn a meeting

m that the meeting continue beyond three hours duration

n to exclude the public in accordance with the access to information procedure rules

o not to hear a member further or to require a member to leave the meeting

p to give the consent of Council where its consent is required by this constitution

q to suspend a specified council rule it is permitted to suspend

r to request a recorded vote.

Rules of debate

4.1.16.9 A debate will commence only when a proposal has been made, explained and seconded.

4.1.16.x No member may speak unless called upon by the chairman.

4.1.16.12 Speeches must be directed to the matter being debated.

When a member may speak

4.1.16.13 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	**Who can make the speech**	**Length of speech**
Present a report	Leader Cabinet member Committee chairman	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Seconder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/seconder of original motion	3 minutes
Second an amended motion	Any member other than proposer/seconder of original motion	3 minutes
Speak during debate on an amended motion	Any member other than proposer and seconder of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes

Purpose of speech	Who can make the speech	Length of speech
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader	10 minutes
Second the budget	Deputy leader	5 minutes
Respond to budget proposals	Group leaders	5 minutes
Right to reply to budget debate	Leader	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes

Amendments to motions

4.1.16.14 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the chairman may require it to be written down or in its altered form to be written down and handed to him or her before it is discussed

4.1.16.15 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.

4.1.16.16 If an amended motion is not, other amendments to the original motion may be moved.

4.1.16.17 If an amended motion is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

4.1.16.18 After an amended motion has been carried, the chairman will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.

4.1.16.x1 Members intending to propose an amended motion should normally submit the proposed amendment to the monitoring officer by 9.30am on the morning of the meeting the meeting.

4.1.16.x2 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment, in accordance with the budget and policy framework rules.

4.11.16.x3 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is approved by Council the leader, on behalf of the cabinet, may indicate acceptance of the amendment.

Alteration of motion

4.1.16.19 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.

4.1.16.20 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

4.1.16.21 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

4.1.16.22 A member may withdraw a motion which they have moved without the consent of either the meeting and the seconder. .

Right of reply

4.1.16.23 The proposer of an original motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

4.1.16.24 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.

4.1.16.25 The proposer of an amended motion shall have no right of reply to the debate on the amendment.

Motions which may be moved during debate

4.1.16.26 When a motion is under debate, no other motion may be moved except the following:

a to withdraw the motion

b to amend the motion

c to proceed to the next business;

d that the question be now put

e to adjourn a debate

f to adjourn a meeting

g that the meeting continue for a further half hour

h to exclude the press and public in accordance with the access to information rules

i that a member be not further heard or to exclude the member from the meeting.

Closure motions

4.1.16.27 A member may move without comment the following motions at the end of a speech of another member:

a that the question be now put

b to adjourn a debate

c to adjourn a meeting.

4.1.16.28 If a motion that the question be now put is seconded and the chairman thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.

Point of order

4.1.16.31 A member may raise a point of order at any time and the chairman will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the chairman on the matter will be final and there will be no debate on the matter.

Personal explanation

4.1.16.32 A member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.

Conduct of the debate

4.1.16.33 A member may indicate their wish to speak and shall wait to be called by the chairman. If more than one member so indicates the chairman shall call on them individually and in turn to speak.

Motion to rescind a previous decision

4.1.16.34 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion to the Council is signed by at least eighteen of the members of Council and sets out evidence of a change in circumstances or position or other information that materially affects the decision taken. The chairman shall, following consultation with the monitoring officer and chief finance officer, make the final determination as to whether the change identified has a material effect.

Motion similar to one previously rejected

4.1.16.35 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least eighteen of the members of Council.

4.1.16.36* Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

Voting majority

4.1.16.37* Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

Chairman of the council's casting vote

4.1.16.38 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

On the voices and show of hands

4.1.16.39 Unless a recorded vote is requested the chairman will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the chairman will take the vote by a show of hands.

Recorded vote

4.1.16.40 If at least eight members (or pro-rata for other committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. All votes taken at a budget decision meeting and relating to a budget decision are to be recorded votes. Where a recorded vote is taken the record of members voting will be included in the minutes of that meeting.

4.1.16.41 Reference to a "budget decision meeting" for the purposes of 4.1.16.40 means a meeting of Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A , or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

Right to require individual vote to be recorded

4.1.16.42 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.17 Voting on appointments

4.1.17.1 Where there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.1.18 Keeping of minutes

4.1.18.1 Minutes of the proceedings of each meeting of the council will be prepared and will be published on the council's website.

Signing the minutes

4.1.18.2 The chairman will sign the minutes at the next available meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.18.3 ❋ In the case of any question of the accuracy of the minutes this can only be raised where notice is given to the monitoring officer by 9.30am on the morning of the meeting at which this is to be raised unless the chairman determines otherwise at the meeting.

No requirement to sign minutes of previous meeting at an extraordinary meeting

4.1.18.4 ❋ Where in relation to any meeting, the next meeting for the purposes of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of signing of minutes.

4.1.19 Exclusion of the public

4.1.19.1 ❋ The public and press may only be excluded either in accordance with the access to information rules (part 4 section 2) or in the case of disturbance by the public in accordance with these council rules 4.1.21.1.

4.1.20 Members' conduct

4.1.20.1 ❋ When the chairman stands during a debate any member(s) then speaking must discontinue and the council must be silent.

4.1.20.2 ❋ If a member is guilty of misconduct by persistently disregarding the ruling of the chairman of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.

4.1.20.3 ❋ If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.1.20.4 ❋ If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as they think necessary.

4.1.20.5 ❋ The decision as to whether misconduct is taking place shall rest with the chairman who will have due regard to the councillor code of conduct.

4.1.21 Disturbance by the public

4.1.21.1 ❋ If a member of the public interrupts proceedings, the chairman will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

4.1.21.2 ❋ If there is a general disturbance in any part of the meeting room open to the public the chairman shall order that part to be cleared and the chairman may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.22 Suspension and amendment of council rules

4.1.22.1❋ Any of the council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, except rules 4.1.1 to 4.1.12, 4.1.16.37 to 4.1.16.42, and 4.1.17 to 4.1.22 and 4.1.25 For ease of reference the rules which cannot be suspended are identified by the symbol ❋

4.1.22.2❋ Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.23 Substitution

4.1.23.1 The monitoring officer on behalf of the chief executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 3.00 p.m. on the last working day prior to the date of the meeting is encouraged.

4.1.23.2 The monitoring officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the monitoring officer in writing that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 3.00 p.m. on the last working day prior to the date of the meeting.

4.1.24 Recording, filming and reporting of meetings

4.1.24.1 Where meetings of the council are open to the public, any person attending may record, film or report meetings is permitted to do so, provided that in doing so there is no disturbance to the meeting.

4.1.25 Interests under the councillors' code of conduct

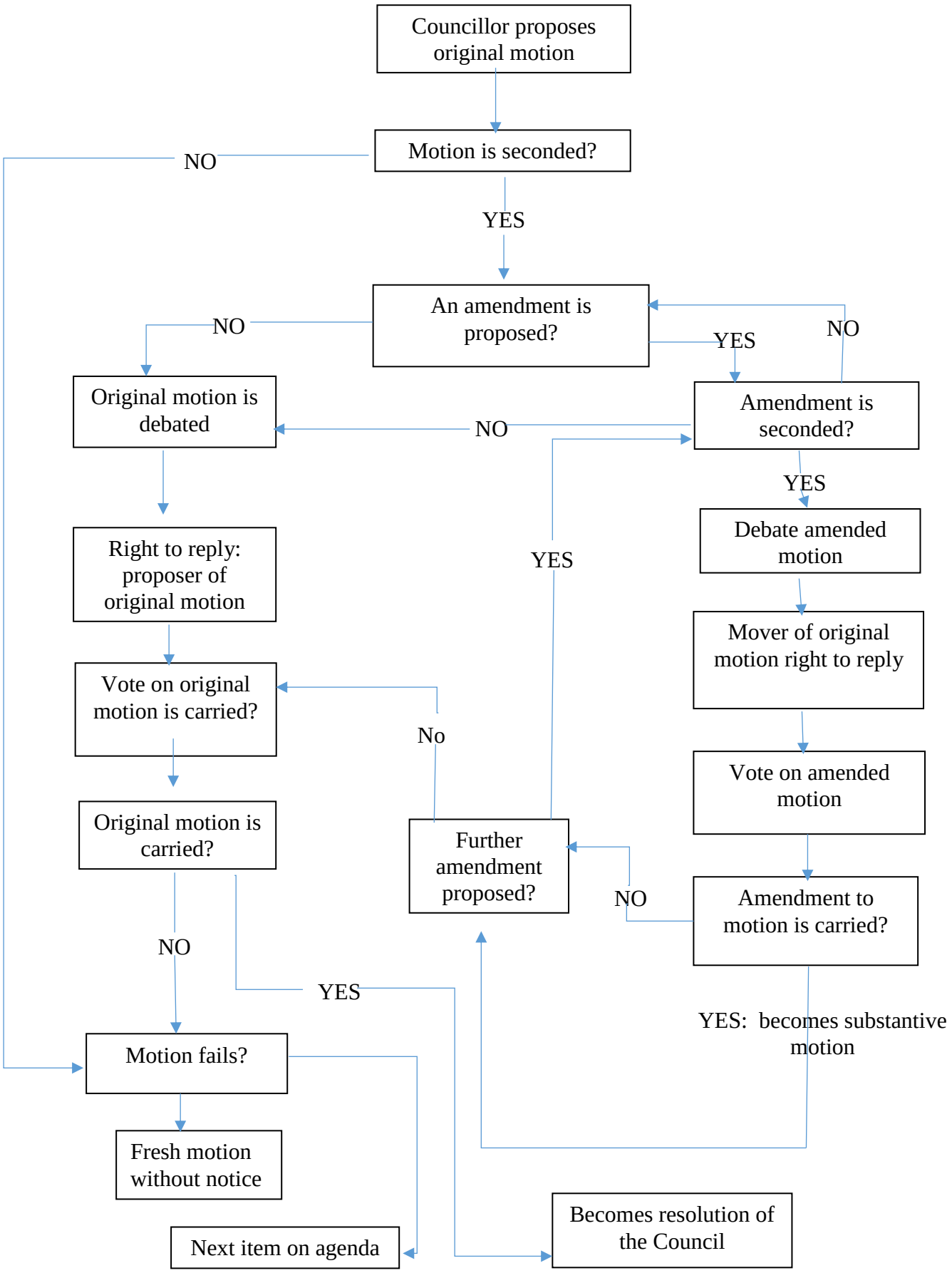
4.1.25.1❋ Members must abide by the councillors' code of conduct (part 5 section 1) adopted by the council and declare all disclosable pecuniary interests and non-registerable interests in accordance with the code. Where a member has identified and declared a disclosable pecuniary interest , that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.x Confidentiality

4.1.x.x❋ All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the council's business. Such determination shall ordinarily be made by the monitoring officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the councillors' code of conduct (part 5 section 1). Any alleged breaches shall be referred by the chairman of the council to the monitoring officer for consideration and report if not previously referred by some other person. The chairman may

require the surrender of such material at the end of discussion of the relevant item.

Appendix 1 Process for debate



Section 2 - Access to information rules

4.2.1 Meetings covered by these rules

4.2.1.1 Rules 4.2.2 – 4.2.12 apply to all meetings of:-

a Council, or joint committees formed by Council

b the cabinet, or joint committees formed by the cabinet

c the audit and governance committee

d an overview and scrutiny committee

e the planning and regulatory committee

f the licensing sub committee

g the employment panel

h the health and wellbeing board

iall sub-committees except as provided for by law or elsewhere in this constitution.

4.2.1.2 Rules 4.2.13-4.2.21 contain additional rules for meetings of the executive prescribed by The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

4.2.3 Rights to attend meetings

4.2.3.1 Members of the public and elected members may attend all meetings unless they have been excluded in accordance with the provisions of these rules (paragraph 4.2.11).

4.2.4 Notice of meetings

4.2.4.1 The council will give at least five clear working days' notice of any meeting by posting details of the meeting on the website and at the designated office (Shire Hall, St Peter's Square, Hereford), unless the meeting is convened at shorter notice in which case such notice will be given from the time that the meeting is convened.

4.2.5 Access to agenda and reports before the meeting

4.2.5.1 Copies of:

a the agenda, and

b those reports which are open to the public

shall be made available for inspection at the designated office and on the council's website at least five clear working days before the meeting, unless paragraphs 4.2.5.2 or 4.2.5.3 apply.

4.2.5.2 If a meeting is convened with less notice, copies of the agenda and reports must be open to inspection from the time the meeting is convened.

4.2.5.3 If an item is added to an agenda which is open to inspection, copies of the item and the revised agenda must be open to inspection from the time the item is added to the agenda.

4.2.6 Consideration of items of business

4.2.6.1 An item of business may not be considered at a meeting unless either:-

a a copy of the agenda including the item (or a copy of it) is open to inspection by a member of the public for at least five clear working days before the meeting, or if the meeting was convened with less notice, from the time the meeting is convened, or

b the chairman of the meeting considers that for reasons which should be specified in the minutes, the item should be considered at the meeting as a matter of urgency.

4.2.6.2 Rules in paragraphs 4.2.14 and 4.2.15 apply if the item of business relates to a key decision.

4.2.7 Supply of copies

4.2.7.1 The council will supply copies of:

a any agenda and reports which are open to public inspection;

b any further statements or particulars necessary to indicate the nature of the items in the agenda; and

c if the monitoring officer thinks fit, copies of any other documents supplied to councillors in connection with an item to any person;

on payment of a charge for postage and any other costs.

4.2.7.2 The council may first direct a member of the public seeking copies of documents referred to in 4.2.7.1 to the council's website if copies of those documents are available there.

4.2.7.3 Except during any part of the meeting during which the public are excluded, the council will make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and reports which are accessible to the public.

4.2.8 Access to minutes etc after the meeting

4.2.8.1 The council will retain for six years and make available copies of the following:

a the minutes of the meeting, for all meetings covered by these rules as set out by 4.2.1 above, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

b a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

c the agenda for the meeting;

d reports relating to items when the meeting was open to the public; and

e records of decisions made by the executive in the form prescribed by regulations.

4.2.9 Background papers

List of background papers

4.2.9.1 When a copy of the whole or part of a report for a meeting is made available for inspection by the public, the proper officer (the director responsible for the report) will set out in the report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

a disclose any facts or matters on which the report or an important part of the report is based; and

b which have been relied on to a material extent in preparing the report

but this does not include published documents, or documents which disclose exempt or confidential information (as defined by law and set out at section 4.2.11 below).

Public inspection of background papers

4.2.9.2

a The council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

b In respect of meetings of an executive decision-making body only, at least one copy of each of the background papers included in that list must be available for public inspection at the designated office and on the council's website from the time when copies of the report are made available to the public.

4.2.11 Exclusion of access by the public to meetings

4.2.11.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information is either information given to the council by a government department upon terms which forbid the disclosure of the information to the public, or information whose disclosure to the public is prohibited by or under any enactment or by an order of a court.

4.2.11.2 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Exempt information is categorised as:

1 Information related to any individual;

2 Information which is likely to reveal the identity of an individual;

3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relating matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6 Information which reveals that the authority proposes:

(a) to give under any enactment a notice of by virtue of which requirements are imposed on a person ; or

(b) to make an order or direction under any enactment

7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4.2.11.3 Information falling within category 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:

a. the Companies Acts (as defined in section 2 of the Companies Act 2006)
b. the Friendly Societies Act 1974
c. the Friendly Societies Act 1992
d. the Co-operative and Community Benefit Societies and Credit Unions Act 1965 to 1978
e. the Building Societies Act 1986
f. the Charities Act 2011

"Financial or business affairs" includes contemplated, as well as past or current, activities

4.2.12 Exclusion of access to reports

4.2.12.1 If in the opinion of the monitoring officer any report contains confidential information (as defined at paragraph 4.2.11.1) or exempt Information (as defined at paragraph 4.2.11.2), and will or is likely to be considered during that part of the meeting from which the public are excluded, those reports will not be published with the agenda for the meeting. Such reports will be marked "Not for publication" and will include a statement of the category of information contained within the report which will or is likely to give rise to the exclusion of the public from the meeting.

4.2.12.2 When a report is to be considered at a meeting which in the opinion of the monitoring officer contains confidential information as defined at paragraph 4.2.11.1, the chairman will ask the public to leave the meeting during consideration of that item.

4.2.12.3 When a report is to be considered at a meeting which in the opinion of the monitoring officer contains exempt information as defined at paragraph 4.2.11.2, the chairman will invite the members present at the meeting to consider whether in the circumstances the public press and members who are not members of the decision making body should be excluded and, if the meeting agrees, the chairman will ask those in attendance to leave the meeting during consideration of that item..

4.2.12.4 No recording devices of any description may be left in the chamber or room when members of the public and press are excluded in accordance

with these access to information procedure rules relating to exempt and confidential information.

4.2.13 Application of rules to executive decisions

4.2.13.1 Rules 4.2.13 – 4.2.21 apply to the public meetings of cabinet and its committees or other executive decision maker in addition to rules 4.2.2-4.2.12 above. These are drawn from the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the Regulations).

4.2.13.2 The requirements in these rules do not apply to meetings whose sole purpose is for officers to brief councillors.

4.2.14 Private meetings of an executive decision-making body

4.2.14.1 Where an executive decision-making body intends to hold a private meeting (meaning a meeting or part of a meeting of that body from which the public are excluded in accordance with paragraph 4.2.11) then subject to paragraphs 4.2.16 (general exception) and paragraph 4.2.17 (special urgency):

a at least 28 clear calendar days before the private meeting a notice of that intention must be made available at the designated office and on the council's website, including a statement of reasons for the meeting to be held in private;

b at least five clear working days before such a meeting a further notice of that intention must be made similarly available, including a statement of reasons for it to be held in private, details of any representations received about why the meeting should be open to the public and a statement of its response to any such representations.

4.2.14.2 Where the date by which such a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where agreement has been obtained that the meeting is urgent and cannot reasonably be deferred from:

a the chairman of the relevant overview and scrutiny committee, or

b if there is no such person or that chairman is unable to act, the chairman of the council, or

c in the absence of both, the vice-chairman of the council.

4.2.14.3 As soon as reasonably practicable after agreement has been obtained under 4.2.14.2, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred must be made available at the designated office and on the council's website.

4.2.14.4 The head of paid service, section 151 officer, and the monitoring officer, and their nominees are entitled to attend any meeting of the cabinet and its committees. The cabinet may not meet formally unless the proper officer has been given reasonable notice that a meeting is to take place in accordance with these rules.

4.2.14.5 A private cabinet meeting may only take place in the presence of the monitoring officer or their nominee.

4.2.14.6 Notice of private meetings of the cabinet, or a joint executive committee, shall be served on the chairman of the relevant scrutiny committee at the same time as notice is served on members of the cabinet. Where a scrutiny committee does not have a chairman, the notice shall be served on all the members of that committee.

4.2.14.7 Where a matter under consideration at a private meeting of the cabinet, or a joint cabinet committee, is within the remit of a scrutiny committee, the chairman of the relevant scrutiny committee or in their absence the vice-chairman may attend and speak at that private meeting with the consent of the person presiding.

4.2.15 Publicity in connection with executive key decisions

4.2.15.1 Where a decision maker intends to make a key decision, that decision must not be made until a document has been published 28 clear calendar days before the decision and made available for public inspection at the council's designated office and on its website stating:

a that a key decision is to be made

b the matter in respect of which a decision is to be made

c where the decision taker is an individual, their name and title, if any, and where the decision taker is a decision making body, its name and a list of its members;

d the date on which, or the period within which, the decision is to be made;

e a list of the documents submitted to the decision taker for consideration in relation to the matter in respect of which the key decision is to be made;

f the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

g that other documents relevant to those matters may be submitted to the decision maker; and

h the procedure for requesting details of those documents (if any) as they become available.

4.2.16 General exception

4.2.16.1 Subject to 4.2.17, where the publication of the intention to make a key decision under 4.2.15 is impractical, the decision may still be taken if:

a the monitoring officer has informed the chairman of the relevant overview and scrutiny committee, or, if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;

b the monitoring officer has made copies of that notice available for public inspection at the designated office and published it on the council's website; and

c at least five clear working days have elapsed since the monitoring officer complied with (a) and (b).

4.2.16.2 As soon as reasonably practicable after paragraph 4.2.16.1 has been complied with, a notice setting out the reasons why compliance with paragraph 4.2.14 is impracticable must be published on the council's website.

4.2.17 Special urgency

4.2.17.1 If because of the date by which a decision must be taken, paragraph 4.2.16 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the chairman of the body making the decision, has obtained the agreement of:

a the chairman of the relevant scrutiny committee; or

b if there is no chairman of the relevant scrutiny committee or in his /her absence, the chairman of the council, or

c in the absence of the chairman of the relevant scrutiny committee or the chairman of the council, the vice-chairman of the council

that the making of the decision is urgent and cannot reasonably be deferred.

4.2.17.2 As soon as reasonably practicable after agreement has been obtained in accordance with paragraph 4.2.17.1 a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred must be made available at the designated office and published on the council's website. Decisions taken by way of special urgency will not be subject to call-in.

Reports to Council on executive decisions

4.2.17.3 The leader will report to ordinary meetings of Council meeting on executive decisions taken since the preceding meeting of Council. The report will include the number of decisions taken under the provisions of section 4.2.11, 4.2. 16 and 4.2.17 and provide a summary of the matters in respect of which those decisions were taken.

4.2.18 Report to Council where it is considered the key decision procedure has not been followed

4.2.18.1 If an overview and scrutiny committee thinks that an executive decision has been made which was a key decision but not treated as such the committee may require the cabinet to submit a report to the council meeting within such reasonable time as the committee specifies.

4.2.18.2 The report to the council meeting will set out the decision and the reasons for the decision, the decision maker, and if the cabinet is of the opinion that it was not a key decision, the reasons for that opinion.

4.2.19 Record of executive decisions

4.2.19.1 As soon as reasonably practicable after an executive decision is made the monitoring officer, or if the monitoring officer was not present at the meeting, the person presiding, will produce a written statement of every such decision.

That statement will include:

a a record of the decision and date it was made and by whom;

b the reasons for the decision

c any alternative options considered and rejected; and

(d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and

(e) in respect of any declared conflict of interest, a note of any dispensation granted.

4.2.20 Inspection of documents following executive decisions

4.2.20.1 Subject to 4.2.18, as soon as is reasonably practicable after an executive decision has been made, the monitoring officer will make available for inspection by the public at the designated office and on the council's website the above written statement (and any report or part of a report relevant to the decision and considered by the executive decision-maker). A copy of these documents must be supplied on request to a newspaper on payment of postage, copying and other necessary charge.

4.2.20.2 No written statement, report or document will be made available for public inspection which contains confidential information or where disclosure would give rise to the disclosure of exempt information, both as defined above.

4.2.21 Additional rights of access to documents for members of overview and scrutiny committees

Subject to paragraph 4.2.23 below, a member of an overview and scrutiny committee (and a member of a scrutiny task and finish group) will be entitled to a copy of any document which is in the possession or control of the cabinet and contains material relating to

a any business which has been transacted at a public or private meeting of the cabinet or executive decision-making body; or

b any executive decision made by an individual member of the cabinet,

c any executive decision made by an officer on behalf of the cabinet.

That copy document must be provided as soon as reasonably practicable and in any event no later than 10 clear days after the request is received on behalf of the cabinet.

There is no entitlement under 4.2.24 to disclose:

a any document that is in draft form;

b any document or part of a document that contains exempt or confidential information unless that information is relevant to:

(i) an action or decision the scrutiny member is reviewing or scrutinising or
(ii) any review contained in any programme of work of an overview and scrutiny committee.; or

c the advice of a political adviser or assistant (if any).

Where it is determined that a member of an overview and scrutiny committee is not entitled to a copy of a document (or part of one), that committee must be provided with a written statement setting out the reasons for that decision.

4.2.22 Additional rights of access for councillors

4.2.22.1 Subject to paragraphs 4.2.22.4 and 4.2.22.5 below, any document which is in the possession of the cabinet and which contains material relating to any business to be transacted at a public meeting must be available for inspection by any member of the council.

4.2.22.2 Any document which is required by the preceding paragraph to be available for inspection by any member of the council must be available for inspection for at least 5 clear working days before the meeting except that:

i. where the meeting is convened at shorter notice such a document must be available for inspection when the meeting is convened; and
ii. where an item is added to the agenda at shorter notice a document that would be required to be available under paragraph 4.2.22.1 in relation to that item must be available for inspection when the item is added to the agenda;

4.2.22.3 Subject to 4.2.22.4 and 4.2.22.5 below, any document which is in the possession of the cabinet and which contains material relating to:

i. any business to be transacted at a private meeting; or
ii. any decision made by an individual cabinet member or officer in accordance with the council's executive arrangements;

must be made available for inspection by any member of the council within 24 hours of the conclusion of the meeting or an executive decision having been made by an individual cabinet member or officer;

4.2.22.4 Paragraphs 4.2.22.1, 4.2.22.2, and 4.2.22.3 do not require a document to be available for inspection if it appears to the monitoring officer that it discloses exempt information unless the exempt information contained in the document is information of a description falling within:

(i) paragraph 3 of Schedule 12A to the Local Government Act 1972 (financial or business affairs)(except to the extent that the information relates to any terms proposed or to be proposed by or to the council in the course of negotiations for a contract); or
(ii) paragraph 6 of Schedule 12A to the Local Government Act 1972 (notices being given or directions to be made);

4.2.22.5 Paragraphs 4.2.22.1 and 4.2.22.3 shall not apply to a document or part of a document where it appears to the monitoring officer that compliance with those rules in relation to that document or part of a document would involve the disclosure of advice provided by a political adviser or assistant;

4.2.22.6 The rights of a member to access information as set out in paragraphs 4.2.22.1 and 4.2.22.3 are additional to any common law rights they may have.

4.2.24 Inspection and supply of documents

4.2.24.1 Any document required by the regulations to be open to inspection by members of the public must be available for inspection at all reasonable hours at the designated office, and on the council's website.

4.2.24.2 Any person entitled to inspect a document may make a copy of it, or require the council to supply a copy on payment of postage, copying or other necessary charge for transmission.

4.2.24.4 Any member of the public may, in any publicly available medium, reproduce or provide commentary in relation to a document supplied or made available to that person unless doing so infringes copyright (other than that of the council).

Additional requirements relating to the recording and availability of council decisions made by officers

This procedure rule is in addition to and without prejudice to any other requirement for officers to record and make available decisions they make and applies to decisions made by officers of the Council which are made under either:

(a) a specific delegated authorisation; or

(b) a general delegation to officers to take such decisions and the effect of the decision is to:

(i) grant a permission or licence;

(ii) affect the rights of an individual; or

(iii) award a contract or incur expenditure which has a material effect on the budget.

For the purposes of these rules:

(a) specific express authorisation's are those decisions which contain a delegation from council, , their committees or sub-committees ;

(b) general authorisations to officers are those set out in the council's scheme of delegation; and

(c) 'material effect' is deemed to be in excess of £50k.

Officers will reasonably determine whether the decisions they make affect the rights of an individual having regard to all relevant factors including the guidance provided by the government which suggests that this would involve a change to an individual's legal rights and that these decisions do not include decisions taken pursuant to an existing framework of rights.

A record of decision to which this rule applies will, as a minimum, contain the following information:

(a) the date the decision was taken;

(b) a record of the decision taken along with reasons for the decision;

(c) details of alternative options, if any, considered and rejected; and

(d) where the decision is made pursuant to a specific express authorisation, the name of any member who has declared a conflict of interest in relation to the decision.

As soon as reasonably practicable following the record of decision being made it will be available for inspection, along with any background papers, by members of the public:

(a) at all reasonable hours at the council's principal offices;

(b) on the council's web site; and

(c) by such other means as the council considers appropriate, if any

and this extends to any record of decision that falls within the paragraph below.

The requirements of this section do not apply to any decision made by an officer where, other than under the Openness of Local Government Bodies Regulations 2014, there is a statutory obligation to produce a written record of the decision that includes the date of the decision, a record of the decision and the reasons for the decision.

Nothing in this rule requires or authorises the making available of confidential or exempt information.

Section 3 - The budget and policy framework rules

4.3.1 The budget and policy framework

4.3.1.1 Council is responsible for the adoption of items within the budget and policy framework as set out in the functions scheme (part 3 section 1) and the cabinet is responsible for implementing them.

4.3.2 Process for developing framework items

4.3.2.1 The cabinet will publicise a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals.

4.3.2.2 The chairmen of the overview and scrutiny committees shall take steps to ensure that the relevant committee work programmes include any such plan, strategy or budget to enable scrutiny members inform and support the process for making cabinet proposals to Council in terms of the adoption of any item that forms part of the framework, including providing constructive challenge to the responsible cabinet member on policy proposals and exploring options for future policy development.

4.3.2.x The cabinet shall have regard to such recommendations and other appropriate comments as are made to it in drawing up or amending draft proposals for submission to Council, and its report to Council shall reflect those recommendations and comments and the cabinet's response to them

4.3.2.3 The cabinet will determine the methods to be used to publicise the timetable to ensure that the appropriate consultees are informed about the process and the timetable for adoption of any such plan, strategy or budget. The consultation period shall, in each instance, normally be not less than four weeks unless the requirements of any statutory timetable or other council deadline make this impracticable.

4.3.2.4 Budget consultees should include parish councils, health partners, the schools forum, business ratepayers, council taxpayers, the trade unions, political groups on the council, the overview and scrutiny committees and such other organisations and persons as the leader shall determine.

4.3.2.5 Following consultation and having had regard to the responses to the consultation, the cabinet will draw up firm proposals for the plan, strategy or budget under consideration for recommendation to Council.

4.3.2.6 The leader or relevant cabinet member will report the recommendations of cabinet to Council for any such plan, strategy or budget. The report from the cabinet to Council recommending the adoption of any of the strategies and plans that are part of the budget and policy framework will include a summary of the responses to consultation including scrutiny responses.

4.3.2.7 In reaching a decision, Council may adopt the cabinet's proposals, amend them, refer them back to the cabinet for further consideration, or in principle, substitute its own proposals in their place. Council should ensure that it takes into account

the advice of its officers to ensure that any decision is properly informed by professional advice.

4.3.2.x Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment. (see council and committee procedure rules 4.1.16.x1 and x2)

4.3.2.x Where an alternative budget is being proposed, the proposing group or member must have presented their proposals to the overview and scrutiny committees (in accordance with paragraph 4.3.2.2 above) and secured confirmation from the chief finance officer that the alternative budget meets statutory requirements at least six clear working days before the meeting of Council at which the item is to be considered.

4.3.2.8 If Council accepts the recommendations of cabinet without amendment, Council may make a decision which has immediate effect.

4.3.2.9 If Council rejects or amends the cabinet's recommendation or substitutes alternative or additional proposals in place of the cabinet's recommendations, one of the following procedures will be followed:
Either:

a) where an amendment to a draft plan or strategy, or to the budget has been submitted, the leader may indicate, on behalf of the cabinet, that they accept the amendment; in these circumstances, the amendment shall be regarded as incorporated in the draft plan or strategy before Council and Council's decision may take immediate effect; or
b) immediately prior to the close of the meeting the chairman of the council will adjourn the meeting until a date (not less than 10 working days thereafter) to be agreed by the leader. The leader may agree that the matter be deferred to the next meeting of Council. At the reconvened or next meeting Council will consider the matter again.

4.3.2.11 At least five clear working days before the date on which the adjourned or next meeting is to be reconvened, the leader will provide a further report to Council in which he will set out the lcabinet's response to the Council's proposals. That report must address all relevant issues and in particular, must include advice on the financial and legal implications.

4.3.2.12 The leader may:

a submit a revision of the draft budget plan or strategy with the cabinet's reasons for any amendments and any advice from officers for Council to consider

b inform Council of any disagreement the cabinet has with Council's amendments or substitute proposals and the cabinet's reasons for such disagreement

c agree any in principle decisions of Council in whole or in part

4.3.2.13 If the leader of the council fails to agree a date for the reconvened meeting of council or that the matter may be deferred to the next meeting, the chairman of the council shall set the date of the reconvened meeting or decide that the matter be deferred to the next meeting.

4.3.2.14 At the reconvened or next meeting, Council may approve the cabinet's recommendation or approve a different decision that does not accord with the recommendation of the cabinet.

4.3.2.15 The decision shall then be made public and shall be implemented immediately.

4.3.3 Decisions outside the budget or policy framework

4.3.3.1 Subject to the virement arrangements in the financial procedure rules (section 4.7.18), the cabinet, a committee of the cabinet, cabinet members, or officers may only take decisions that are in line with the budget and policy framework. If any of these bodies want to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council unless it is an urgent decision as defined in these budget and policy framework rules.

4.3.3.2 If the cabinet, a committee of the cabinet, a cabinet member or officer want to make such a decision, they shall take advice from the chief executive, monitoring officer and chief finance officer as to whether the decision they want to take would be contrary to the policy framework or contrary to or not wholly in accordance with the budget. If the advice of any of those officers is that the decision would not be in line with the existing budget and policy framework, then the decision must be referred by that body to Council for decision, unless the decision is a matter of urgency in which case the provisions relating to urgent decisions apply as defined in these budget and policy framework rules.

4.3.4 Urgent decisions outside the budget or policy framework

4.3.4.1 The cabinet may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget if the decision is a matter of urgency. The decision may only be taken:

a if it is not practical to convene a quorate Council meeting; and

b if it is taken by cabinet collectively; and

c if the chairman of the relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

4.3.4.2 The reason why it is not practical to convene a Council meeting must be clear and noted on the record of the decision.

4.3.4.3 The chairman of the relevant overview and scrutiny committee's agreement must be noted on the record of the decision.

4.3.4.4 In the absence of the chairman of the relevant overview and scrutiny committee, the consent of the chairman of the council, and if they are unavailable or unable to act, the vice-chairman of the council, will suffice.

4.3.4.5 Following the decision, the cabinet will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.3.5 In year changes to the budget and policy framework

4.3.5.1 Any decisions that involve an in year change to the budget and policy framework must be approved or adopted by Council unless:

a It is an urgent decision as provided for in these budget and policy framework rules

b It will result in the closure or discontinuance of a service or part of service to meet immediate budgetary constraint

c It is necessary to ensure compliance with the law, ministerial direction or government guidance

d It relates to the policy framework and is in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy does not provide for the matter under consideration

e It is within the scope of a specific delegation Council has previously agreed

f It is otherwise within the financial procedure rules

4.3.6 Call-in of decisions outside the budget and policy framework

4.3.6.1 Where the relevant overview and scrutiny committee is of the opinion that a decision has been taken or is likely to be taken by the cabinet, a committee of the cabinet or a cabinet member that is contrary to or not wholly in accordance with the budget and policy framework, that committee shall seek advice from the chief executive, the monitoring officer and the chief finance officer.

4.3.6.2 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was contrary to or not wholly in accordance with the budget and policy framework, a report will be prepared and presented to Council.

4.3.6.3 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was not contrary to or was wholly in accordance with the budget and policy framework, a report will be prepared and presented to the relevant overview and scrutiny committee.

4.3.6.4 If the decision has yet to be or has been made but not implemented, and a report is presented to council stating that the decision is one that is contrary to or not wholly in accordance with the budget and policy framework, no further action will be taken in respect of that decision or its implementation until Council has met and considered the matter. Council shall meet within 10 days of the submission of a request for advice by the relevant overview and scrutiny committee to the chief executive, chief finance officer or monitoring officer.

Section 4 - Cabinet rules

4.4.1 The cabinet

4.4.1.1 The leader and the cabinet comprise the executive of the council. The leader is also the chairman of cabinet meetings. In his or her absence, the deputy leader chairs meetings of the cabinet.

4.4.5 Cabinet meetings – when and where?

4.4.5.1 The cabinet will meet in accordance with a programme of meetings and at a place and time to be agreed by the leader.

4.4.6 Public and private meetings of the cabinet

4.4.6.1 There is a presumption that cabinet meetings will be held in public in accordance with the council's principles of openness in decision making set out in part 2 article 11 of this constitution. The access to information rules in section 2 of this part of the constitution set out the requirements covering public and private meetings.

4.4.7 Quorum

4.4.7.1 The quorum of the cabinet is three.

4.4.8 Who may attend and speak at cabinet?

4.4.8.1 When a cabinet meeting is held in public any person is permitted to attend. The press, public, and other members in attendance, can be excluded in accordance with the access to information rules (part 4, section 2).

4.4.8.2 In addition the following rules apply:

a members of the public and elected members who have submitted a question for cabinet in accordance with 4.4.11 have the right to attend to ask their question and a supplementary

b where relevant to the agenda, the chairmen of the overview and scrutiny committees (or in their absence their vice chairmen) have the right to attend cabinet meetings for the purpose of presenting any recommendations from their committee

d group leaders have the right to attend cabinet meetings for the purpose of reporting the views of their group on any matter under consideration at the meeting

e ward member(s) have the right to attend and speak at a cabinet meeting where an item relating to an individual ward or a specified group of wards is included in the agenda

f other members invited to speak at the discretion of the chairman of the meeting.

4.4.8.3 Reports shall be presented by the relevant lead cabinet member. In addition, such officers as are required to assist in presenting reports or provide support, advice or information required by the cabinet will attend.

4.4.8.4 The chairman shall invite any person in attendance under these rules to speak on an item in order to enable that person to fulfil the purpose of his/her attendance as outlined at paragraph 4.4.8.2 above). Questions from members shall be dealt with in accordance with paragraph XXX. The chairman has responsibility for the conduct of the meeting and the order in which those in attendance will be invited to speak.

4.4.8.5 Members of the cabinet will sit at the cabinet table and all other invitees and attendees will be accommodated separately so as to make it clear to the public and others in attendance which person is fulfilling which role.

4.4.8.6 The chairman of the cabinet meeting will at the commencement of the meeting explain who is attending, in what capacity and for what purpose. The minutes will also reflect this.

4.4.8.7 The leader will agree with the monitoring officer who should be invited to which meeting of the cabinet and governance services will manage the process of invitation and attendance.

4.4.8.8 In general the meetings of the cabinet are to be used as a means of taking final soundings from those attending on an issue for decision and are not the forum for detailed questioning or scrutiny of decisions being taken.

4.4.9 Decision taking

4.4.9.1. All decisions, notwithstanding the subject matter or who takes them, will be made having regard to the principles of decision making (section 2 part 11) and in accordance with the access to information rules as they apply(section 4 part 2).

4.4.9.2 Where the leader, any member of the cabinet, or an officer taking an executive decision has a conflict of interest (whether a disclosable pecuniary interest or an other interest) such interest will be disclosed and recorded and the individual making the disclosure will take no further part in the decision-making relating to that item.

4.4.9.3 Where an individual is unable to take a decision because of a conflict of interest the decision will be taken by the leader, or if the leader has a conflict of interest, the cabinet. If the cabinet is inquorate because of a conflict of interest then the monitoring officer will be instructed to seek an appropriate dispensation.

4.4.9. The leader, the cabinet and individual cabinet members may meet informally with officers to receive information and briefings but no cabinet decisions will be taken at any such informal meeting.

4.4.10 Form of business

4.4.10.1 The cabinet will conduct the following business at its meetings:

a Elect a person to preside at the meeting if the leader and deputy leader are not present

b Receive any apologies for absence

c Receive any declarations of interest, if any

d Consider and approve the minutes of the last meeting (the only part of the minutes which may be discussed is their accuracy; once approved the chairman will sign them as a correct record)

e Receive and respond to any questions from members of the public submitted in accordance with 4.4.11

f Receive and respond to any questions from elected members submitted in accordance with 4.4.12

g Consideration of matters referred to the cabinet or reports from an overview and scrutiny committee or Council

h Consideration of reports from the statutory officers

Any other matters set out in the agenda for the meeting

4.4.10.2 The agenda for the cabinet meeting shall specify all the business to be conducted in accordance with the access to information rules (part 4 section 2) and shall identify any matter which is a key decision.

4.4.10.3 Reports to the cabinet will normally appear in the name of the cabinet member and incorporate relevant advice from appropriate officers. Exceptions shall include a report from a statutory officer. The author of a report will ensure that draft reports are the subject of consultation with the relevant director, any relevant ward members or other consultees, and in all cases the director of resources and the monitoring officer or their authorised nominee.

4.4.10.4 All reports to the cabinet and the associated record of decisions made (whether on a collective or an individual basis) shall accord with the council's corporate reporting style and associated systems so as to maintain transparency and probity in decision making.

4.4.11 Questions from the public

4.4.11.1 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairman.

4.4.11.2 A question may only be asked if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm two clear working days before the day of the meeting (e.g. 5.00pm on Monday where the meeting is on a Thursday). Each question must give the name and address of the questioner (although only the name and town will be published). Copies of all accepted questions shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.

4.4.11.3 Questions will be answered in the order in which they are received.

4.4.11.4 A member of the public may submit only one question at any meeting of the council, to a maximum of six in any municipal year.

4.4.11.5 The monitoring officer is authorised to reject a question in accordance with the following criteria:

i) it is longer than 70 words;
j) it is in multiple parts;
k) it is not about a matter for which the cabinet has a responsibility or an item on the agenda;
l) it is defamatory, frivolous or offensive;
m) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
n) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
o) it is from a council employee and the question is connected to their employment; or
p) it relates to a planning application or licensing application.

4.4.11.6 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.4.11.7 The chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, or would prefer not to ask the question in person, the chairman will put the question on their behalf

4.4.11.8 A questioner who has put a question in person may, at the discretion of the chairman, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in 4.4.11.5 above, or if the question takes the form of a statement, or more than a minute to ask.

4.4.11.9 An answer to a question or a supplementary question will be provided by the cabinet member with the relevant portfolio. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will be provided. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.4.11.10 Unless the chairman decides otherwise, no discussion will take place on any question or a supplemental question

4.4.12 Questions from members

4.4.12.1 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the chairman.

4.4.12.2 A member may ask the chairman a question relating to a matter of the agenda or otherwise within the remit of cabinet only if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm two clear working days before the day of the meeting (e.g.. 5.00pm on Monday where the meeting is on a Thursday.

4.4.12.3 The monitoring officer is authorised to reject a question in accordance with the following criteria:

i) it is longer than 70 words;
j) it is in multiple parts;
k) it does not relate to the remit of cabinet or an item on the agenda;
l) it is defamatory, frivolous or offensive;
m) it is substantially the same as or similar to a question which has been put at a meeting of Council, cabinet or other committee in the past six months;
n) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
o) it is related to an employment matter; or
p) it relates to a planning application or licensing application

4.4.12.4 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.4.12.5 The chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, the chairman will put the question on their behalf.

4.4.12.6 A member who has put a question in person may, at the discretion of the chairman, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in 4.4.12.3 above, or if the question takes the form of a statement, or more than a minute to ask.

4.4.12.7 An answer to a question or a supplementary question may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, or the time allowed for councillors' questions has expired, a written answer will be provided. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.4.13 Leader's report

4.4.13.1 The leader will submit a report from the cabinet to each ordinary meeting of council (other than the budget meeting) on which they may be questioned and if so, answer. This will report the work of the cabinet since the last report and will include:

a A summary of those executive decisions taken by the cabinet, individual cabinet members, and joint executive committees and other activities of the cabinet since the previous Council meeting;

b Any recommendations of the cabinet in respect of the budget and policy framework;

c Any report to Council required by an overview and scrutiny committee; and

d A summary and particulars of any urgent decision made under paragraph 4.4.15 (urgent decisions).

4.4.14 Decisions subject to call in by scrutiny committees

4.4.14.1 Other than decisions taken under the urgency provisions of the access to information rules (part 4 section 2) and recommendations made to Council on budget and policy framework items, cabinet decisions made but not implemented may be called-in in accordance with the scrutiny rules (part 4 section 5).

4.4.15 Individual cabinet member or officer decisions

4.4.15.1 Where individual cabinet members or officers make decisions on any matter which is an executive function they must comply with the provisions in the access to information rules (part 4 section 2).

4.4.16 Urgent decisions

4.4.16.1 There may be an urgent need to take a key decision where 28 days' notice of it is impracticable in the circumstances.

4.4.16.2 In that event the key decision may only be made in accordance with the general exception or special urgency provisions in the access to information rules (part 4 section 2).

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 three overview and scrutiny committees which will have responsibility for all the overview and scrutiny functions on behalf of the council as set out in part 7.

4.5.2 Who may sit on an overview and scrutiny committee?

4.5.2.1 All councillors except cabinet members may be members of an overview and scrutiny committee. No member may be involved in scrutinising a decision in which they have been directly involved, or for a decision in the cabinet portfolio they provide support to as a cabinet support member.

4.5.3 Co-option

4.5.3.1 An overview and scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership.

4.5.3.3 The committee with responsibility for education shall include the following co-opted education representatives, as appointed by Council:

- one representative as nominated by the diocese of Hereford
- one representative as nominated by the archdiocese of Cardiff
- one parent governor as elected from the primary school sector
- one parent governor as elected by the secondary school sector
- one parent governor as elected by the special school sector

These education co-optees may vote on items relating to education; on other items on the committee agenda they may speak but not vote.

4.5.4 Quorum

4.5.4.1 The quorum for an overview and 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 Task and finish groups

4.5.5.1 An overview and scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.

4.5.5.2 The relevant overview and scrutiny committee will approve the scope of the activity to be undertaken the membership, chairman, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the task and finish group to determine lines of questioning, witnesses (from the council or wider community) and evidence requirements.

In appointing a chairman of a task and finish group the committee will also determine, having regard to the advice of the council's monitoring officer and statutory scrutiny officer, whether the scope of the activity is such as to attract a special responsibility allowance.

4.5.5.3 The task and finish groups will be composed of at least two members of the relevant scrutiny committee , 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, should there be a need to vote, for example on the formation of recommendations within a task and finish group report, for the 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 (unless they are the education co optees listed in 4.5.3.3 above). Matters put to the vote will be determined on a simple majority with the task and finish group chair having a casting vote.

4.5.5.4 To assist in the identification of members for task and finish groups, the chairmen of the scrutiny committees will ensure that group leaders are provided with the committee work programme, including potential task and finish activity. Group leaders will advise scrutiny chairmen of those members suitable for such task and finish activity.

4.5.5.5 Task and finish groups, as working groups of the committee, are not subject to the requirements of political proportionality.

4.5.5.6

4.5.5.7 Officer support will be provided to each task and finish group the level of which will be dependent on the matter being considered.

4.5.5.8 As working groups of the committee, the task and finish groups will not be making decisions, and have the discretion to meet either in public or in private. Where meeting in private there is no right of attendance by any member who is not a member of a task and finish group.

If a task and finish groups chooses to meet formally in public they may exclude the press public including other members in attendance from any such meeting in accordance with the Access to Information Rules (Part 4 section 2).

4.5.5.9 Task and finish groups will report their findings/outcomes/recommendations to the relevant overview and scrutiny committee who will decide if the findings/outcomes/recommendations should be reported to the cabinet or elsewhere.

4.5.5.10 At the first meeting of each task and finish project, the task and finish group will finalise:

- expert/specialist support required
- officer input required
- lines of questioning
- evidence requirements
- which aspects of the task are to be undertaken in private or public.

4.5.5.11 Any changes proposed by the task and finish group to the scope, timeframe or outcomes stipulated by the committee must be approved by the statutory scrutiny officer following consultation with the chairman of the relevant scrutiny committee and will be reported to the relevant overview and scrutiny committee.

4.5.5.12 In the event of a task and finish group being unable to agree recommendations or findings on a particular matter, a report will be made to the relevant overview and scrutiny committee for its consideration.

4.5.6 Appointment of chairman and members of the overview and scrutiny committees

4.5.6.1 The chairmen and vice chairmen of the overview and scrutiny committees are appointed at the annual meeting of Council. Council shall determine the number of members of the overview and scrutiny committees annually or as required from time to time in compliance with the statutory rules on proportionality. The members of the committee shall be appointed by the chief executive on nomination of the group leaders.

4.5.7 Meetings of 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 an overview and scrutiny committee feels it is appropriate to hold additional meetings it may do so. The chairman of an overview and scrutiny committee may also call additional meetings if they consider it necessary or appropriate. In so doing, the chairman shall have regard to the advice of the council's monitoring officer and statutory scrutiny officer.

4.5.8 Programme of work of overview and scrutiny committees

4.5.8.1 The overview and scrutiny committees will be responsible for setting their own work programmes. In setting their work programme an overview and scrutiny committee 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 its ordinary meetings an overview and scrutiny committee shall consider the following business, where appropriate:

a) minutes of the last meeting

b) questions from members of the public

c) questions from members of the council

d) any matter called-in in accordance with paragraph 4.5.16 below

e) a review of its work programme, including requests received for inclusion of items from members of the public, ward members, cabinet or Council

f) consideration of any budget and policy framework items

g) any response to reports of the overview and scrutiny committee

h) any item requested to be placed on the agenda by a member of the committee

i) any councillor call for action

j) any report from a task and finish group any business otherwise set out on the agenda for the meeting including items as identified in the work programme.

4.5.9.2 Any member may give notice to the statutory scrutiny officer that they wish an item relevant to the functions of a committee and not excluded by law to be included in the agenda and discussed at a meeting of that committee. On receipt of such a request the statutory scrutiny officer shall ensure that it is included in the agenda for and discussed at a meeting of the relevant committee.

4.5.9.3 An overview and scrutiny committee shall also respond, as soon as its work programme permits, to requests from Council and from the cabinet to review particular areas of council performance or policy. On receipt of any such request from cabinet an overview and scrutiny committee shall firstly consider whether it wishes to conduct the review as requested. Where it does so, and in response to any request from Council, an overview and scrutiny committee shall conduct the review as requested and report its 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 statutory scrutiny officer if they wish an item relating to a councillor call for action to be included on the agenda for discussion at the next available meeting of the relevant 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 councillor call for action code (Part 5 section 9) the statutory scrutiny officer shall ensure that it is included on the next available agenda of the 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 an overview and scrutiny committee in relation to the development of the council's budget and policy framework is found in the 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, an overview and scrutiny committee may make proposals to the cabinet for developments in so far as they relate to matters within its terms of reference.

4.5.11.3 An overview and scrutiny committee may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers to assist it in this process. A committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.

It may ask witnesses to attend in order to address it 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 a committee should consult with the statutory scrutiny officer.

4.5.12 Reports from the overview and scrutiny committees

4.5.12.1 Following any investigation or review, the committee or task and finish group shall prepare a report. Any report from a task and finish group will first be considered by the relevant overview and scrutiny committee 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 overview and scrutiny committee shall report its findings to Council.

4.5.12.3 In all other cases the report will be submitted to the chief executive for consideration by the executive or other body as appropriate. If the recommendations are such that a decision can be taken by an individual cabinet member acting within his/her portfolio in accordance with the functions scheme (Part 3 Section 3), the chief executive shall arrange for that cabinet member(s) to consider the report.

4.5.12.4 If the recommendations in an overview and scrutiny committee 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 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 shall consider the scrutiny recommendations and report their decision to the relevant overview and scrutiny committee.

4.5.13 Making sure that scrutiny reports are considered by the executive

4.5.13.1 On receipt of a report from an overview and scrutiny committee (other than on budget and policy framework items) the chief executive will arrange for the report to be considered either by cabinet or an individual cabinet member as appropriate.

4.5.13.2 If any individual cabinet member is minded to reject all of the recommendations in a report from an overview and scrutiny committee, then the matter must be referred to the next meeting of the cabinet to decide its response.

4.5.13.3 The chief executive will notify the relevant scrutiny committee of the response of the executive within two months of receipt of the scrutiny report, with the exception of matters relating to statutory health scrutiny and issues relating to crime and disorder scrutiny which require a response from the relevant body within 28 days. If the cabinet or cabinet member wishes to extend the deadline a report will be made to the relevant overview and scrutiny committee explaining why this is considered necessary. Decisions of the executive or Council on any scrutiny recommendations will be recorded in the usual way.

4.5.13.4 Recommendations from scrutiny committee in relation to a budget and policy framework item will be reported to the executive who will have regard to that report, and provide a response to any recommendations within it, in making their recommendation to Council.

4.5.14 Rights and powers of overview and scrutiny committee members

4.5.14.1 Where an overview and scrutiny committee or task and finish group conducts investigations or reviews and people attend to give evidence or otherwise assist the committee 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 and value of the investigation or analysis.

4.5.15 Members and officers giving account

4.5.15.1 An overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions, or as provided by statute certain other bodies. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the cabinet, the chief executive, committee chairman, and/or senior officers carrying out functions on the chief executive's behalf to attend before it to explain in relation to matters within its 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 an overview and scrutiny committee under this provision, the chairman of the committee will inform the statutory scrutiny officer. The statutory scrutiny officer shall inform the member or officer in writing normally giving at least ten working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are 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 an overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance and/or a substitute as appropriate.

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 4.5.16 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 governance services manager as the statutory scrutiny officer who is required to discharge the following functions:

a to promote the role of the council's overview and scrutiny committees

b to provide support to the council's overview and scrutiny committee and the members of the committees

c to provide support and guidance to (i) members of the council, (ii) members of the executive of the council, and (iii) officers of the council – in relation to the functions of the council's overview and scrutiny 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 an individual cabinet member an officer with delegated authority or under joint arrangements after it is made but before it is implemented subject to the following provisions (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.

4.5.16.4 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 is not intended to be a mechanism for voicing objection to or dislike of any particular decision. It should only be used in exceptional circumstances and where there is evidence to show that one of the following may apply:

a) that there has been inadequate consultation with stakeholders prior to the decision being made;
b) that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;
c) that the decision materially departs from the budget and policy framework;
d) that the decision is disproportionate to the desired outcome;
e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;
f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the monitoring officer and the chief finance officer, as appropriate, or has failed to have sufficient regard to that advice;

g) that the decision exceeds the powers or terms of reference of the decision-maker responsible for the decision; or
h) that the access to information rules have not been adhered to.

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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 on the website of the council

b sending a copy of the decision electronically to all members of the council identifying which scrutiny committee's remit the decision falls within

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 four 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 5.00pm on the working day before the implementation date specified on the notice of decision by the monitoring officer (or their nominated officer) in writing or electronically 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 and the evidence on which the grounds are based

c is signed by seven elected members of the council (not including co-optees) who are not all members of the same political group. If electronic notification is being used an email in accordance with the requirements of 4.5.16.9 must be submitted by each member supporting the call in.

4.5.17 Limitations of call in

4.5.17.1 The call in procedure is restricted to any cabinet or individual cabinet member decisions, decisions made by joint committees and decisions made by officers.

4.5.17.2 Where a decision has been taken in circumstances where the special urgency provisions apply, as set out in 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 relevant 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.

4.5.17.6 The consent to the decision being taken as a matter of urgency will be recorded on the published notice of the decision.

4.5.17.7 Decisions taken as a matter of urgency must be reported to the next available meeting of 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. The monitoring officer may, if appropriate, reject a request for call in if, in their opinion, it fails to meet any of the grounds listed in 4.5.16.9 above, or if they consider it is in any way vexatious, frivolous or otherwise inappropriate. Examples include but are not limited to:

a) the cited grounds bear no relevance to the decision that is identified for call-in;
b) the requisition cites grounds for which no relevant evidence is produced in support;
c) those requisitioning the call-in signed the requisition before it was complete (e.g. signed a blank form in advance or emailed consent without detailing the grounds and evidence);
d) the call-in includes material which could be defamatory;
e) the requisition is being used for improper purposes (e.g. to admonish an officer); or
f) the decision is in accordance with the advice or recommendations provided to the decision maker by the overview and scrutiny committee.

If the call in is determined not to be valid, the monitoring officer will inform those members submitting the notice of the call in of the reasons for that determination.

4.5.18.2 If accepted as valid, 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 they shall determine in consultation with the relevant chairman and in any event within ten working days of the monitoring officer accepting the validity of the call In notice, subject to paragraph 4.5.19.

4.5.18.4 If, having considered the decision in light of the grounds and evidence for the call in, the relevant overview and scrutiny committee is still concerned about it, then it may refer the decision back to the decision-maker for reconsideration, setting out in writing the nature of its concerns.

4.5.18.5 The decision maker 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 either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.

4.5.18.6 If it is alleged that the decision appears to be 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 for consideration or convene an extraordinary meeting of Council whichever may be sooner and in any event within ten working days of the meeting of cabinet.

4.5.18.7 Having been referred to the next Council meeting the Council has two options:

i. amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately; or

ii. require the decision maker to reconsider the decision again and refer it to a meeting of the cabinet to be held within five working days of the Council meeting. The cabinet may choose to amend or confirm the decision and there will be no further right of call in.

4.5.18.9 If an 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 meeting or expiry of the period in which the meeting should have been held, whichever is the earlier.

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 an 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 Pre decision call in and the forward plan

4.5.21.1 The overview and scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions.

4.5.21.2 An overview and scrutiny committee may identify a forthcoming decision on the forward plan relevant to the remit of the committee and examine the issues around it.

4.5.21.3 In order not to obstruct the council in its business, the overview and scrutiny committee may call in an executive decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the overview and scrutiny committee not called it in.

4.5.21.4 Where the overview and scrutiny committee has called-in a key decision from the forward plan before it due date, the decision cannot be called-in again after the final decision has been taken.

4.5.21 Party whip

4.5.21.1 Government guidance views party or group “whipping” as incompatible with overview and scrutiny functions. Whipping arrangements should not be applied to scrutiny committees and members should be free to comment and vote on matters under consideration.

4.5.22 Public questions

4.5.22.1 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairman.

4.5.22.1 A question may only be asked if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm two clear working days before the day of the meeting (e.g. 5.00pm on Thursday where the meeting is on a Tuesday). Each question must give the name and address of the questioner (although only the name and town will be published). Copies of all accepted questions shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.

4.5.22.3 Questions will be answered in the order in which they are received.

4.5.22.4 A member of the public may submit only one question at any meeting of the council, to a maximum of six in any municipal year.

4.5.22.5 The monitoring officer is authorised to reject a question in accordance with the following criteria:

q) it is longer than 70 words;
r) it is in multiple parts;
s) it does not relate to the remit of the committee or an item on the agenda;
t) it is defamatory, frivolous or offensive;
u) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
v) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
w) it is from a council employee and the question is connected to their employment; or
x) it relates to a planning application or licensing application.

4.5.22.6 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.5.22.7 The chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, or would prefer not to ask the question in person, the chairman will put the question on their behalf.

4.5.22.8 A questioner who is present at the meeting may, at the discretion of the chairman, also put one supplementary question without notice. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in 4.4.11.5 above, or if the question takes the form of a statement or more than a minute to ask.

4.5.22.9 Where more than one person wishes to raise the same issue or question, they shall be asked to agree a spokesperson to speak on that issue. If they cannot reach such an agreement, the chairman may restrict the number of questions on that issue.

Answers to public questions

4.5.22.10 An answer to a question or a supplementary question will be provided by the chairman of the committee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the question is asking for an item to be considered for future inclusion in the work programme the questioner will be advised that they will be informed of the outcome of the committee's consideration of the request once it has been considered as part of the overall work programme prioritisation. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will be provided. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.5.22.11 Unless the chairman decides otherwise, no discussion will take place on any question or a supplemental question

Questions from members

4.5.22.12 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council who are not members of the committee. This period may be varied at the discretion of the chairman.

4.5.22.13 A member may ask the chairman a question relating to a matter of the agenda or otherwise within the remit of the committee only if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm two clear working days before the day of the meeting (e.g.. 5.00pm on Thursday where the meeting is on a Tuesday).

4.5.22.14 The monitoring officer is authorised to reject a question in accordance with the following criteria:

q) it is longer than 70 words;
r) it is in multiple parts;
s) it does not relate to the remit of the committee or an item on the agenda;
t) it is defamatory, frivolous or offensive;
u) it is substantially the same as or similar to a question which has been put at a meeting of Council, cabinet or other committee in the past six months;
v) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
w) it is related to an employment matter; or
x) it relates to a planning application or licensing application

4.5.22.15 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.5.22.16 The chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the chairman will put the question on their behalf.

4.5.22.17 A member who has put a question in person may, at the discretion of the chairman, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in 4.5.22.14 above, or if the question takes the form of a statement, or more than a minute to ask.

4.5.22.18 An answer to a question or a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, or the time allowed for councillors' questions has expired, a written answer will be provided. If the question is asking for an item to be considered for future inclusion in the work programme the questioner will be advised that they will be informed of the outcome of the committee's consideration of the request once it has been considered as part of the overall work programme prioritisation. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

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Section 8 - The planning rules

Councillor involvement in planning applications

4.8.1 Initial submission of applications

4.8.1.1 All members will be informed by e-mail on the submission of a new planning application in their ward.

4.8.1.2 All applications will proceed and will be determined under delegated powers unless they fall within the category of applications automatically to be referred to committee or are redirected as provided for under the redirection arrangements in these rules.

4.8.1.3 In addition:

a the case officer will telephone the ward member (and/or where necessary arrange a meeting) to update the ward member on the processing of the application and any comments received.

b as part of this initial conversation the case officer will also identify to the ward member whether an application triggers the need for a section 106 agreement in accordance with the council's adopted Planning Obligations Supplementary Planning Document.

c in the case of applications requiring a Section 106 agreement the case officer will have a subsequent conversation/meeting with the ward member to ensure that local mitigation measures are appropriately incorporated. As part of this process officers and members will be guided by Circular 5/05, the council's adopted Supplementary Planning Guidance and the evolving schedule of local needs co-ordinated by the Planning Obligations Manager.

4.8.1.4 The ward member(s) for the purpose of this rule is/are the member or members in whose ward the application is located, or whose wards are materially affected by the application.

4.8.2 Determination of Application at Committee

4.8.2.1 Councillors at Planning Committee will determine those matters which under the Functions Scheme are to be determined by the Committee including those matters redirected under the redirection arrangements set out in these Rules.

4.8.2.2 At Committee the ward member will have an automatic right to start and close the member debate on the application concerned. In multi-member wards each, any or every ward member may speak at the start and close of the debate, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 14 paragraph 5.14.6). In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item. [In the case of the ward member being a member of the appropriate Committee they will not vote on that item, and act as the ward member as set out above.] To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned. The ward member would initially address the Committee immediately after the public speaking.

4.8.3 Post Decision

4.8.3.1 Ward members would be advised where appropriate by the case officer, the enforcement team, or the Planning Obligations Manager of the following events:-

a any evolving inconsistencies between a planning permission and development taking place

b any appeal against the refusal of planning permission

c the receipt/apportionment of Section 106 Agreement monies

d any proposed variations to the Section 106 Agreement.

4.8.4 Redirection of Delegated Planning Decisions

The Redirection Arrangements

4.8.4.1 Many planning applications are delegated to the Chief Executive and determined by planning officers acting under the Chief Executive's Scheme of Delegation in accordance with the Functions Scheme (Part 3).

4.8.4.2 Ward Councillor(s) may choose to ask that sensitive or controversial applications be redirected for a decision by the Planning Committee. Ward Councillor(s) for the purpose of this redirection procedure are the Ward Councillor or any one of the Ward Councillors for a multi-member ward or Members whose wards are materially affected by the application.

4.8.4.3 Redirection needs to be made as soon as possible after the date a valid application is submitted to avoid unnecessary delays in determining applications.

4.8.4.4 Redirections should normally be made within 3 weeks of the application being notified to the relevant ward members, subject to 4.8.7 below.

4.8.4.5 A redirection will apply in the following circumstances:

a the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee, or

b the application has attracted an unusually high level of public interest in the relevant area. This might be reflected in the number of letters or e-mails or a petition received in connection with the application, or

c there has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.

4.8.5 Conditional Redirection

4.8.5.1 In some cases, Councillors may be content that the application be redirected only if planning officers are intending to grant or refuse planning permission. In that case a Councillor can ask that the matter only be redirected in accordance with this procedure if it is either the intention of the planning officer to grant or refuse the application.

4.8.6 Other Circumstances

4.8.6.1 Any other reasons for requesting a redirection other than those set out above will be considered on their individual merits and circumstances.

4.8.7 Referrals requested after the 3 week period

4.8.7.1 Any of the circumstances set out above could justify a late redirection provided the reasons for the lateness of the request are explained when the request is made. In these circumstances, the Assistant Director Environment, Planning and Waste will make a judgement based on the issues raised, and the stage reached in the processing of the application.

4.8.8 Exceptions to redirection

4.8.8.1 A redirection will occur unless the request is made:

a in order to "resolve" a disagreement between an applicant and the objector(s) to an application.

b where the applicant considers that there is more likelihood of a grant of planning permission if the application is referred to the Committee for a decision.

c where the objectors to an application consider that there is more likelihood of a refusal of permission if the application is referred to Committee for a decision.

4.8.9 Procedure

4.8.9.1 A Councillor requesting the redirection of an application should always provide sound planning reason(s) for doing so based on the circumstances and material planning considerations of the proposal.

4.8.9.2 Any such request should be made in writing to the case officer and the Development Control Manager.

4.8.9.3 All requests for redirections will be discussed by the assistant director environment and place (or their delegate) with the Chairman of Planning Committee and a decision whether to accept the redirection will be made by the assistant director environment and plane (or their delegate) on the basis of guidance set out in these rules and the circumstances and material planning consideration of the case. In the Chairman's absence, the Vice Chairman will be consulted.

4.8.9.4 There will be circumstances in which an application is amended in order to respond to issues raised in the normal processing of the application by the case officer, statutory consultees or local residents. In the event that the issue(s) which caused the application to be redirected to the Committee by the Ward Member (and supported by the appropriate officers and the Chairman of the Committee) is/are resolved the Ward Member will be at liberty to withdraw his or her request for a Committee determination. Thereafter the decision will revert to a delegated decision.

4.8.11 Delegations to officers

4.8.11.1 If the assistant director environment and place is unavailable or unable to fulfil any of their functions in these rules, they may nominate a substitute to exercise those functions on their behalf.

4.8.12 Public speaking at planning committee

4.8.12.1 In the case of the planning committee the public will be permitted to speak at meetings when the following criteria are met:

a the application on which they wish to speak is for decision at the planning committee

b the person wishing to speak has already submitted written representations within the time allowed for comment

c once an item is on an agenda for planning committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning committee

d if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting

e at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking

f speakers may not distribute any written or other material of any kind at the meeting

g speakers' comments must be restricted to the application under consideration and must relate to planning issues

h on completion of public speaking, councillors will proceed to determine the application

i the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Section 9 - Employment rules

4.9.1 Employment and dismissal of senior officers

4.9.1.1 Subject to paragraphs 4.9.1.1 to 4.9.1.4, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the council must be discharged, on behalf of the council, by the head of paid service or his nominees.

4.9.1.2 Paragraph 4.9.1.1 shall not apply to the appointment or dismissal of, or disciplinary action against :

a head of paid service

b section 151 officer

c monitoring officer

d director for adults and wellbeing

e director for children's wellbeing

f director for economy, communities and corporate

g director of public health

4.9.1.3 Where a committee is discharging, on behalf of Council, the function of the appointment or dismissal of an officer designated as the head of paid service, or the dismissal of the council's monitoring officer or section 151 officer Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given. The designation of a post, but not the appointment of an individual to that post, as monitoring officer or section 151 officer must be approved by Council.

4.9.1.4 Where a committee of Council is discharging, on behalf of Council, the function of the appointment or dismissal of any officer referred to in paragraph 4.9.1.2 at least one member of the cabinet must be a member of that committee or sub-committee.

4.9.1.5 In paragraph 4.9.1.6 "appointor" means, in relation to the appointment of a person as an officer of the council, Council or where a committee, is discharging the function of appointment on behalf of Council, that committee, as the case may be.

4.9.1.6 An offer of an appointment as an officer referred to in paragraph 4.9.1.2 must not be made by the appointor until:

a the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

b the proper officer has notified every member of the cabinet of:

i the name of the person to whom the appointor wishes to make the offer;

ii any other particulars relevant to the appointment which the appointor had notified to the proper officer; and

iii the period within which any objection to the making of the offer is to be made by the leader on behalf of the cabinet to the proper officer; and

iv the leader has, within the period specified in the notice notified the appointor that neither s/he not any other member of the cabinet has any objection to the making of the offer;

c the proper officer has notified the appointor that no objection was received by him/her within that period from the leader; or

d the appointor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.1.7 In paragraph 4.9.1.8, “dismissor” means, in relation to the dismissal of an officer of the council, Council or, where a committee, is discharging the function of dismissal on behalf of the council, that committee, as the case may be.

4.9.1.8 Notice of the dismissal of an officer referred to in paragraph 4.9.1.2 must not be given by the dismissor until:

a the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

b the proper officer has notified every member of the cabinet of:

i the name of the person who the dismissor wishes to dismiss;

ii any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

iii the period within which any objection to the dismissal is to be made by the leader on behalf of the cabinet to the proper officer; and either:

c the leader has, within the period specified in the notice notified the dismissor that neither s/he nor any other member of the cabinet has any objection to the dismissal;

d the proper officer has notified the dismissor that no objection was received by him/her within that period from the leader; or

e the dismissor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.1.9 The employment panel shall be the appropriate body for the purposes of the functions set out in paragraphs 4.9.1.3 to 4.9.1.8 of these rules.

4.9.2 Interim senior officer arrangements

4.9.2.1 The head of paid service willmake such interim arrangements under contracts for services for senior officers named in 4.9.1.2 above as may be necessary from time to time to ensure that the statutory functions of the council are adequately fulfilled.

4.9.3 Appointment of officers

4.9.3.1 All jobs will be open to competition and appointments will be made on merit except as provided for in the council's employment policies and its recruitment and selection procedures and all appointments will be made in accordance with those policies and procedures.

4.9.3.2 Where the council propose to appoint an officer to any post the head of paid service or his nominee will:

a draw up a statement specifying:

- the duties of the officer concerned; and
- any qualifications or qualities to be sought in the person to be appointed.

b make arrangements for the post to be advertised in such a way that is likely to bring it to the attention and attract the maximum interest of persons who are qualified to apply for it; and

c make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

4.9.3.3 The head of paid service or his nominee shall make arrangements for the long listing, short listing and interview of applicants.

4.9.3.4 Where the appointment is to a post specified in paragraph 4.9.1.2 above, the head of paid service or his nominee will carry out all steps related to the appointment following consultation with the leader of the council or his nominee.

4.9.3.5 Where the appointment is to the post of head of paid service, the leader of the council will nominate an officer to carry out all the steps related to the appointment following consultation with the leader of the council or his nominee.

4.9.3.6 The short-listing and interview of candidates for posts specified in paragraph 4.9.1.2 above will be carried out by the employment panel.

4.9.3.7 Every appointment of any officer specified in paragraph 4.9.1.2 above shall be made by the employment panel, save that the appointment of a head of paid service must be approved by full Council.

4.9.3.8 The employment panel shall be advised by the head of paid service or in the event of the appointment of the head of paid service by the officer nominated for that purpose by the leader of the council.

4.9.3.9 The leader of the council (in relation to the appointment of the head of paid service) and the head of paid service in consultation with the leader in relation to those officers to be appointed by the employment panel may appoint external recruitment consultants to assist or advise the employment panel.

4.9.4 Disciplinary action – head of paid service, section 151 officer and monitoring officer

4.9.4.1 The head of paid service, section 151 officer and monitoring officer may not be dismissed unless the procedure set out in the following paragraphs is complied

with. The head of paid service will be the proper officer for these purposes except where the disciplinary action or dismissal relates to the head of paid service in which case the leader of the council will nominate an officer to carry out these steps.

4.9.4.2 The council has established a panel (being the employment panel with the addition of such independent persons as set out at 4.9.4.3 below)which will meet at least 20 working days before the full Council meeting which will consider whether to dismiss.

4.9.4.3 A *"independent person"* means any independent person who has been appointed by the council and who has accepted an invitation issued by the monitoring officer in accordance with the following priority order -

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

4.9.4.4 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Localism Act.

4.9.4.5 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, Council must take into account, in particular -

(a) any advice, views or recommendations of the panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

4.9.5 The employment panel

4.9.5.1 The employment panel consists of five members of the council and must include at least one member of the cabinet.

4.9.6 Terms and conditions of employment

4.9.6.1 The employment panel shall be responsible for determining the terms and conditions of employment of the officers specified in paragraph 4.9.1.2 above, and will be a consultee on overall employment terms and conditions (including policies) to be determined by the head of paid service.

4.9.7 Voting on appointments

4.9.7.1 Where three or more candidates are interviewed for a post and there is not a majority of votes cast at the relevant meeting of the employment panel in favour of one candidate, the candidate receiving the least number of votes shall be

disregarded and a fresh vote taken and so on until one candidate receives a majority of the votes.

4.9.8 Declarations and member involvement

4.9.8.1 Candidates for appointment to any post within the council will be required to declare whether they are related to an existing member or officer of the council; any candidate making such a declaration will not be appointed without the independent authorisation of the relevant director or head of paid service as appropriate

4.9.8.2 No member will seek support for any person for any appointment.

4.9.8.3 The council shall disqualify any applicant who directly or indirectly seeks the support of any member for any appointment with the council

Code of Corporate Governance

Introduction

1. Herefordshire Council must meet high ethical and other standards in everything it does; it must comply with legal requirements; it must serve the people of Herefordshire well; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions.

2. This code of corporate governance sets out how this will be done.

Responsibilities

3. All councillors and officers have a responsibility to ensure the proper governance of the council's affairs and the stewardship of its resources. In particular, under the overall responsibility of the chief executive, the council's chief financial officer is responsible for the effective application of this code in matters of financial probity, performance and risk; and the monitoring officer is responsible for the effective application of the code in respect of legal obligations and ethical standards.

Reporting

4. The annual governance statement reported to audit and governance committee will take account of annual reviews undertaken by the chief finance officer, monitoring officer and caldicott guardian on the council's compliance with this code.

The principles of this code

5. This code adopts the following five principles of good governance:
    a) To provide the best possible service to the people of Herefordshire
    b) To define the roles of councillors and officers, ensuring that they work together constructively, and improving their effectiveness
    c) To require high standards of conduct
    d) To take sound decisions on the basis of good information
    e) To be transparent and open, responsive to Herefordshire's needs and accountable to its people.

6. The rest of this code demonstrates how the council will put these principles into action.

7. To- provide the best possible service to the people of Herefordshire, the council will
    - Set out a strategic plan to improve the quality of life for the people in the county, and be clear about its intended outcomes for citizens
    - Provide high quality services representing excellent value for money;
    - Develop and sustain effective partnerships where there are benefits in doing so
    - Encourage public participation in Herefordshire local government
    - Identify and manage risk
    - Measure performance rigorously and improve it where necessary

8. To define the roles of councillors and officers, ensuring that they work together constructively, and improving their effectiveness, the council will
    - Encourage and support effective leadership, and constructive working relationships, at all levels
    - Make clear the roles of councillors and officers, the way in which decisions are taken, and the nature and limits of delegated authority
    - Determine remuneration in a transparent and open way, with recommendations on councillors' allowances made independently
    - Ensure that councillors and officers have the training and support they need to be effective; that their performance is appraised; and that development needs are addressed

9. To require high standards of conduct, the council will:
    - Create and maintain a climate of openness, mutual support and respect
    - Ensure that councillors and officers display consistently high standards of conduct
    - Be punctilious in ensuring that governance and decision-making reflect these high standards
    - Take effective action to investigate any concerns raised and take appropriate action if we fall short of the standards set.

10. To take sound decisions on the basis of good information the council will
    - Be open about how and why decisions are taken
    - Demonstrate and record the evidence and analysis underpinning decisions
    - Enable and support effective scrutiny of those decisions
    - Guard against any conflict of interest
    - Ensure that the principles of good decision making are upheld

11. To be transparent and open, responsive to Herefordshire's needs and accountable to its people the council will:
    - Be open about its actions and plans, subject to the requirements of the law or of personal or commercial confidentiality
    - Give a high priority to communicating and explaining its policies
    - Respond readily to public needs and aspirations
    - Take prompt and effective action on complaints
    - Publish a comprehensive annual report on compliance with this code ensuring it is kept under appropriate review.

Left blank for:

- Councillor code of conduct
- Employee code of conduct
- Use of council resources by members
- Member and officer relationships
- Code on gifts and hospitality

Section 3 - Whistleblowing code

5.3.1 Introduction

5.3.1.1 People working for an organisation are often the first to realise that there may be something seriously wrong within it. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the organisation or they may fear harassment or victimisation. In these circumstances they may feel it easier to ignore the concern rather than report what may just be a suspicion of malpractice.

5.3.1.2 The council is committed to the highest possible standards of openness, probity and accountability. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of without fear of victimisation, subsequent discrimination or disadvantage.

5.3.1.3 The code, comprising the policy and procedure that follow, applies to all employees of the council (excluding those employed at a school by a school governing body where separate arrangements will apply), temporary employees, trainees and independent contractors. The code also applies to those engaged through an external agency. For ease throughout the code the term 'employees' is used.

5.3.1.4 Even where safeguards are already in place, poor practice can still exist and an employee may have a concern about an aspect of service provision or the conduct of officers, members of the council or others acting on behalf of the council. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the council subscribes to; or
- is against the council's standing orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

5.3.1.5 As a safeguard for the council and in keeping with our legal duties and obligations, this policy and procedure sets out a framework within which employees can make a "protected disclosure" without fear that they will be subjected to victimisation or dismissal (and selection for redundancy) provided that the disclosure is made in accordance with the Public Interest Disclosure Act 1998 ("The Act") and (amendments in accordance with the Enterprise Regulatory Reform Act 2013). It is important for employees to be aware that they can only make a protected disclosure in certain circumstances. A "protected disclosure" must be of a certain type of information known as a "qualifying disclosure" and the disclosure must be made in a way which is described in the Act.

5.3.2 Policy

5.3.2.1 A qualifying or protected disclosure is a disclosure of information made in the public interest which in the reasonable belief of the employee making the disclosure tends to show one or more of the following:

- illegal practices (for example, a criminal offence).
- a failure to comply with a legal obligation.
- the health and safety of an individual, whether this is a member of the public or staff being endangered.
- damage to the environment.
- miscarriage of justice.
- deliberate concealment of any of the above.

5.3.2.2 This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the council. Where an employee has a concern which is personal and relates only to themselves rather than wrongdoing of a more general nature this will be treated as a grievance and the grievance policy will apply. The anti-fraud, bribery and corruption policy which states the council's zero-tolerance position on such matters is also to be observed in conjunction with this policy.

5.3.2.3 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.

5.3.2.4 All concerns will be treated in confidence and every effort will be made not to reveal their identity if an individual wishes. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible, but should not be regarded as a barrier to investigating the matter.

5.3.2.5 Concerns expressed anonymously will be considered at the discretion of the council, but by their nature may not be regarded as "protected" under the Public Interest Disclosures Act 1998.

5.3.2.6 All reasonable steps will be taken to ensure that no employee will be victimised or suffer any detriment for raising a matter under this procedure. This means that continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.

5.3.2.7 In exceptional circumstances, and in order to protect someone who has raised a qualified disclosure, or to facilitate thorough investigation, a whistle blower may be redeployed. This may be on a permanent or a temporary basis and will always be subject to mutual agreement with clear terms, under which there will be no detriment to that individual.

5.3.2.8 Harassment or victimisation of an employee for raising a qualified disclosure will be a disciplinary offence. Co-employees who victimise whistle blowers can be made personally liable for their own conduct, and the council could be held vicariously liable if it has not taken all reasonable steps to prevent victimisation.

5.3.2.9 If misconduct is discovered as a result of any investigation under this procedure the council's disciplinary procedure will be used, in addition to any appropriate external measures.

5.3.2.10 No action will be taken if an allegation is made but is not confirmed by an investigation.

5.3.2.11 Maliciously making a false allegation is a disciplinary offence. Allegations made in similar spirit for personal gain may also be treated similarly and neither action would be protected.

5.3.2.12 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the monitoring officer.

5.3.3 Procedure

5.3.3.1 In the first instance, anyone with a concern should normally raise this with their line manager. If the seriousness and sensitivity of the issues involved and who is suspected of the malpractice mean that the employee is reluctant to approach their line manager, as an alternative, a concern may be raised with:

- The chief executive (Tel: 01432 260044; email: alistair.neill@herefordshire.gov.uk)
- The monitoring officer (Tel: 01432 260657; email: claire.ward@herefordshire.gov.uk)
- The chief finance officer (Tel: 01432 383514; email:)
- Internal audit manager (Tel: 01432 260294: email: jacqui.gooding@southwestaudit.co.uk)

5.3.3.2 A concern may be made orally or in writing and the earlier it is raised, the easier it is to take action. Advice and guidance may be sought from:

- Monitoring Officer; or
- A trade union; or
- Public Concern at Work – an independent charity http://www.pcaw.org.uk/adviceline Tel 020 7404 6609

5.3.3.3 It is not the role of the whistleblower, or elected members to attempt to investigate any suspected malpractice.

5.3.3.4 Any person identified in 5.3.3.1 above receiving a concern should immediately inform the monitoring officer. The monitoring officer will inform internal audit of the concern, and identify an appropriate lead (ordinarily the relevant line manager) who, within five working days of the concern being raised, should write to the person raising the concern to:

- acknowledge that the concern has been received;
- indicate how it is proposed that the matter will be dealt with;

- give an estimate of anticipated timescales;
- advise of any initial actions or enquiries thus far;
- explain if further investigations will take place, including any possible interviewing of the whistle blower as a witness, and if not, why not;
- reassure of support and safeguards in place to protect them;
- signpost to further support e.g. employee assistance programme.

5.3.3.5 It may be possible to resolve some concerns without the need for investigation. If an investigation is required, it may be investigated through the following channels, as appropriate:

- by management, internal audit or through the disciplinary process;
- by the monitoring officer as a standards matter under the councillor code of conduct;
- referral to the police;
- referral to the external auditor;
- an independent inquiry
- Concerns or allegations which fall within the scope of specific procedures, such as safeguarding, would normally be referred for consideration under those procedures.

Any urgent action, if required, will be actioned before an investigation commences.

5.3.3.6 The outcome of any investigation will be unique to each case and subject to determination by the requirements of any specific procedure followed. Outcomes may include, but not be exclusive to, reviews of policy and practice, or formal disciplinary action against one or more officers. If it is found that the concern was found to be unfounded and raised with malicious or mischievous intent, then formal action will be taken against the person raising that concern.

5.3.3.7 The identified lead will, at the conclusion of any investigations, write to the person to let them know the outcome. Depending on the nature of the matter, there may be limitations to what may be disclosed. If the whistleblower considers the outcome to be unsatisfactory, they may raise the matter with appropriate/relevant external statutory or regulatory bodies e.g.:

- Health and Safety Executive
- Ofsted
- Care Quality Commission
- External audit
- Local Government Ombudsman
- The police

Section 12 - The Planning Code

This Code supplements the Councillor Code of Conduct.(Part 5 Section1) Where the provisions of this Code conflict with or are inconsistent with the Councillor Code of Conduct, the latter shall prevail. However, following this Planning Code should assist Councillors in complying with the Councillor Code of Conduct. Councillors should ensure that they are familiar with both Codes and take advice from the Monitoring Officer where necessary to ensure compliance.

The obligations and responsibilities of this Code apply to all Councillors of the Planning Committee and in similar ways to all other Councillors.

The Council's planning policies are adopted in the public interest for the benefit of the whole community rather than for any particular individual or interest group. Decisions are required to be taken in accordance with the current development plan and having regard to all material considerations. Each planning application is considered on its merits. However, planning decisions by their very nature are often contentious, with strong contrary views being expressed. Any decision can be the subject of detailed scrutiny or challenge. Failure to follow the requirements of this Code may result in sanctions under the Councillor Code of Conduct, or may be regarded by the Local Government Ombudsman as incompatible with good administration.

This code covers the conduct of both Councillors and Officers. It relates to the whole of the planning process, including policy formulation and development control, and all Councillors and Officers who come into contact with it. The code is designed to promote greater mutual support and understanding between Councillors and Officers to the benefit of all involved in the planning process. It is also designed to give the public greater confidence that Herefordshire Council discharges its planning responsibilities fairly and openly.

This code is set out in the form of a series of headings with a brief outline of the issues involved, followed by practical advice.

This code consists of three principal parts. The first relates to Members of the Committee. The second relates to all other Members of the Council and the third relates to Council officers

PART 1 - THE ROLE OF COUNCILLORS WHO ARE MEMBERS OF THE COMMITTEE

5.12.1.1 In making decisions on planning applications, **you will**:

- **a act fairly and openly and without prejudice**
- **b approach each application with an open mind**
- **c carefully weigh up all the material planning considerations**
- **d avoid inappropriate contact with interested parties**
- **e ensure that valid reasons for decisions are clearly stated.**

5.12.1.2 **You will** be free to vote on planning applications as you consider appropriate (that is, without a Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. In accordance with the requirements of the Town and Country Planning Act, **you will** base your decisions on the provisions of the Herefordshire Local Plan Core Strategy 2011 - 2031and all material planning considerations.

5.12.1.3 **You must not** give instructions to officers nor may you place pressure on officers in order to secure a particular recommendation on an application.

5.12.1.4 **You will not** use your position improperly to confer or secure for yourself, or for any other person, an advantage or disadvantage.

5.12.2 Discussions with applicants

5.12.2.1 **Pre-application meetings** with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They **will normally involve officers**, and will follow the guidance in the following paragraph.

5.12.2.3 It will be made clear at pre-application meetings that:

a Member or officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Local Plan Core Strategy and other adopted Council policies

b no decisions may be made or advice given which would bind or otherwise compromise any planning decision

c Members should avoid giving separate advice on the development plan, material considerations, or planning obligations

A written note is made of the discussion and will be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted.

5.12.2.5 **You may, following discussion with the appropriate planning officer, take part in organised post-submission meetings with applicants or other parties.** A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. It is recommended that at least one Planning Officer will be present at all such meetings.

5.12.3 Lobbying

5.12.3.2 Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Members of the Planning Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid compromising your position before you have received all the relevant information, evidence and arguments, **members will:**

a take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have taken into account all relevant considerations . **direct lobbyists or objectors to the planning officer, and**

b **advise the head of regulatory and development management services as soon as possible of the existence of any substantial or abnormal lobbying activity.**

5.12.4 Site Inspections

5.12.4.1 Site Inspections by the committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision. This is true particularly when the issues concern, for example, visual impact, the character of an historic building or the effect of development on local amenity. However, site inspections are costly, cause delay to decisions and are an unsuitable place for holding a reasoned debate.

The criteria for holding site inspections are:

a the character or appearance of the development itself is a fundamental planning consideration; or

b a judgement is required on visual impact; or

c the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

The chairman of the planning committee and the assistant director Environment and placewill determine which applications will be the subject of a prior site inspection. This does not prevent any member of the committee requesting a site inspection of a site at the committee meeting when it has not already been visited by this procedure.

5.12.4.2 Site Inspections should not be held when inspection of the site is irrelevant to the material conditions. Any member of the committee may request a site inspection, but reasons based on the above criteria must be stated, and will be minuted.

5.12.4.3 **The purpose of the site visit is fact finding**. Officers will be able to point out relevant features of the site and surroundings. You will be able to see the physical features of the site and ask questions through the chairman or the officers to seek clarification. Neither the applicant/agent nor third parties will be allowed to participate in the site inspection. The input of these parties is made at the committee meeting itself. At the discretion of the chairman of thepplanning committee the appropriate parish or town council may be invited to observe the inspection. In these

circumstances the parish or town council may not contribute to the opportunity to ask questions of officers on site.

5.12.4.4 **No discussion of the merits of the case is permitted at site inspections and all questions from you will be put through the chairman.**

5.12.4.5 The visiting party will stay together as a group. Wherever possible the party should arrive at and leave the site together.

5.12.4.6 As a member of the planning committee when on site visits you should not make any comments that could create an impression that you had already formed a view on the merits of the application. No decision on the application should be made until the meeting of the planning committee at which the application is to be considered, when they will have before them all necessary information to be able to make an informed decision, including any material facts arising from the site visit which the assistant director environment and place considers should be reported to the committee.

5.12.4.7 Conduct of visits

a visits will be conducted in a formal manner.

b the chairman or vice-chairman will open the visit ~~meeting,~~ and remind members of its purpose and conduct.

c Officers will highlight issues **relevant to site inspection**. If issues are raised which necessitate consultation with the applicant or his agent, this should be done after the close of the ~~meeting~~ visit and the outcome reported to the subsequent committee.

d Ward members will be invited to site inspections in their wards and asked to highlight local issues relevant to the site inspection.

e the chairman or vice-chairman will close the ~~meeting~~ visit.

5.12.4.8 General matters

a No decision will be made concerning the application on site.

b no formal notes will be made.

c no hospitality will be accepted.

5.12.4.9 **If you find it necessary to visit a site alone (perhaps because it was not possible for you to attend a committee visit), you should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the application will be taken until it has been discussed at committee.**

5.12.5 Material submitted to committee

5.12.5.1 If you receive material from or on behalf of an applicant or third party in connection with an application before a committee you should establish from the planning officers whether the material has been received by them. If it has not, you should make it available as soon as possible to the assistant director environment and place

5.12.5.2 Documents in connection with an application should all be dealt with in the officer's report to committee. Any additional information received after the preparation of that report up to noon on the day before the committee meeting will also be brought to the attention of the committee if it raises new and relevant material planning matters. Papers received after that time will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications. A printed committee update will be published to the council's website the evening before the meeting.

5.12.6 Declaration of interests at committee

5.12.6.1 Interests need to be considered and declared as necessary in accordance with the code of conduct.

5.12.6.3 **If you declare a disclosable pecuniary interest, or an "other interest which relates to a financial interest** then under the code , you may attend a Planning Committee meeting only for the purposes of making representations, **provided** that the public are also allowed to attend the meeting for the same purpose. You must declare the nature of your interest at the start of the meeting. If you have such an interest you should notify the monitoring officer before the meeting that you wish to speak.

5.12.6.4 If you have such an interest the procedure in committee will be as follows. The planning officer will present the report. If you want to make representations, you take your place in the space allocated to public participation. You may make representations for no longer than three minutes (the time allocated to public participants at planning committee). Thereafter, you may take no further part in the debate or decision-making of the planning committee, and must immediately leave the meeting. You may not stay in the meeting or listen to any other public participation in respect of the application.

5.12.6.5 Withdrawal from the meeting involves physically leaving the meeting room. Moving to the public gallery is not sufficient. The chairman of the committee should suspend the proceedings of the committee briefly while you leave the committee room.

5.12.6.6 Where you have a dispensation granted by any appropriate person or body allowing you to speak and/or vote on a matter in respect of which a prejudicial interest has been declared, that dispensation applies also to this code, but you still need to declare the interest.

5.12.7 Cabinet members

5.12.7.1 There will be occasions when a cabinet member will wish to express comments on a particular application. This may include where the council is the applicant. Cabinet members are permitted to **speak at the planning committee meeting to speak for the item, but must then withdraw from the meeting while the application is discussed and determined.**

5.12.7.2 Where a cabinet member has a ward representation role, they may, at the discretion of the chairman, also speak as local member.

5.12.8 Planning committee members who serve on parish and town councils

5.12.8.1 Some councillors will be members of parish or town councils as well as Herefordshire councillors. In such circumstances members may express their views and vote at the respective meetings of both councils having regard to the information available to them at that time. Having voiced a view and/or voted at a parish council meeting will not of itself prevent involvement in decision making at planning committee. Prior indication of a view on matter does not amount to predetermination. Similarly members on the planning committee can attend parish meetings in their ward and speak about planning applications. Talking to consituents be they applicants or objectors is permitted it does not mean you have a closed mind. A committee member will not be taken to have a closed mind just because they may previously have done anything that directly or indirectly indicated what view they had, would have or might take. .

5.12.9 Voting at committee

5.12.9.1 **You will only be able to vote on an application before a committee if you have been present for the whole of the presentation of and discussion on the application.**

5.12.10 Decisions contrary to officer recommendations or to development plan policies

5.12.10.1 From time to time, there will be occasions when you or the planning committee disagree with the professional advice on an application given by the assistant director environment and place

5.12.10.2 The law requires that decisions should be taken in accordance with the development plans unless material considerations indicate otherwise (S38A Planning and ~~Compensation~~ Compulsory Purchase Act 2004)

5.12.10.3

5.12.10.5 If the Planning Committee makes a decision contrary to the officers' recommendation (whether for approval or refusal) a detailed minute of the Committee's reasons should be made and a copy placed on the application file. In this context Members should be prepared to explain in full their reason for not agreeing with the officers' recommendation. In so doing, Members should observe the 'Wednesbury principle' which

requires all relevant information (i.e. material considerations) to be taken into account and all irrelevant information (i.e. non-material matters) to be ignored.

5.12.11 Applications in which a member of the council has an interest

5.12.11.1 All applications which are submitted by or on behalf of a member of the council in their private capacity, by their partner, a member of their family or a close association.must be drawn to the attention of the assistant director environment and place by the member in writing. If the member hasa material interest in the outcome of the application or if the application is submitted by their partner, it will be determined by the planning committee and if you are a member of that committee**ou must take no part in the determination of the application. You must declare a prejudicial interest and may only speak as the applicant or appoint an agent to speak on your behalf in accordance with the Planning Rules (Part 4 Section 8 paragraph 4.8.12 (Public Speaking at Planning Committees) f.**

5.12.11.3

5.12.11.4 If the application is from a member of your family or a close association, or you otherwise have a conflict of interest, then the chairman of the planning committee will appoint another member of the council to provide procedural and other advice and information to the applicant, and to the town or parish council concerned. If the application is also in your ward this member will speak at committee.

5.12.12 Hospitality

5.12.12.1 As a member of the council **you are strongly discouraged from receiving hospitality from people with an interest in any planning proposals**. If receipt of hospitality is unavoidable, you will ensure that it is of the minimum level and, if it exceeds the level to which the requirement for declarations of gifts and hospitality applies .You must declare the offer as soon as possible, in the register kept by the monitoring officer.

5.12.13 Training

5.12.13.1 As a member of the planning committee you are required to undergo training in planning procedures. This will normally take place within three months of appointment to the committee and at appropriate intervals thereafter. A record will be kept by the monitoring officer of the training you undertake. Members who have not undertaken the training, may not participate in meetings of the committee until such training has been completed.

PART 2 - THE ROLE OF COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

5.12.14.1

5.12.14.2 Non-committee members who are members for wards affected by an application represent their own views or that of their constituents as a consultee and will be consulted on the application invited to speak at the planning committee and attend any site inspections that take place in their ward.

5.12.14.3 Non-committee members should not lobby planning committee members in order to secure the outcome on a planning application that either they or their constituents seek. The ward member, the appropriate town or parish council and local residents will have the opportunity to present their views to the Planning Committee in accordance with the council's procedure for public speaking at the planning committee.

5.12.14.4 All council members may attend meetings of the council's planning committee even if they are not a member of the committee. You should not sit in the public gallery, but in the place reserved in the committee room for members of the council who are not Members of the Planning Committee.

PART 3 - THE ROLE OF OFFICERS

5.12.15.1 In making delegated decisions on applications, officers will:

a act fairly and openly

b approach each application with an open mind

c carefully weigh up all the material planning considerations

d avoid inappropriate contact with interested parties

e ensure that reasons for decisions are clearly stated

5.12.15.2 In reporting to committee, officers will:

a provide professional and impartial advice

b make sure that all information necessary for a decision to be made is given

c set the application in the context of the development plandocuments and all other material considerations

d include the substance of objections and the views of people who have been consulted

e provide a clear and accurate written analysis of the issues

f give a clear recommendation

5.12.15.3 Record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. Particular care is to be taken with delegated decisions, which should be as well documented and recorded as those taken by members.

These principles apply equally to enforcement and development plan matters.

5.12.15.4 Any material planning information which is received after the written report has been prepared and before the cut-off time specified in paragraph 5.13.5.2 above will be presented orally to the Planning Committee by officers.

5.12.15.5 The assistant director environment and place in discussion with the Chairman of the Planning Committee, may withdraw any item from the agenda of the Planning Committee after the preparation of the report but before discussion by the Planning Committee if the circumstances of the consideration of an application change within that period.

5.12.15.6 Officers are responsible for carrying out the decisions of the Planning Committee, whether or not those decisions are in line with officer recommendations.

5.12.16 Discussions On Planning Applications

5.12.16.1 All officers taking part in pre-application or post-submission discussions with applicants, supporters or objectors should make it clear that decisions on planning applications are taken either:

a by the elected Members in Committee, or

b in specific circumstances by the assistant director environment and place or by an officer to whom they have the power to delegate.

5.12.16.2 A written note will be made of all such meetings and may be distributed. The meeting note and any follow-up correspondence must be placed on the planning application file, in case an application is made following initial discussions.

5.12.17 Disclosures of Interest

5.12.17.1 Officers must play no part in the processing of any application in circumstances where there is, or would be perceived to be, a conflict between their personal or financial interests, those of their families or friends, and their professional duty. They must openly declare the existence of any such conflict in writing to the assistant director environment and place. Any interest the assistant director environment and place has in an application must be declared to the Monitoring Officer.

5.12.18 Applications Submitted by Officers

5.12.18.1 All applications submitted from officers who are employed in the planning service or work closely with it or is a senior manager as defined in the councils pay policy statement, or by a close family member such that the officer has a material interest in the application, must be reported to the

Planning Committee for a decision, rather than being dealt with in accordance with the scheme of delegation to officers. If the officer concerned is present at the meeting of the Planning Committee at which such an application is determined, they must leave the room during consideration of the application.

5.12.19 Hospitality

5.12.19.1 Officers may not receive gifts or hospitality beyond usual refreshment (such as tea or coffee) at a meeting, from people with an interest in a planning proposal.

5.12.20 Action on Decisions Taken Contrary to Professional Advice

5.12.20.1 In cases where an officer recommendation for approval has been overturned by Committee and an appeal is lodged:

a officers will give full support to Members and any external witnesses in preparing evidence for any public inquiry, short of giving evidence themselves; and

b officers will give evidence themselves only in exceptional circumstances, where their Code of Professional Conduct is not breached; and

c where a hearing is to be held, with no cross-examination, officers may give evidence themselves, but this will normally be only if the officer concerned has not been involved in formulating the original recommendation ;and

d officers must give full support to Member decisions which are appealed using the written representations procedures.

Left blank for:
Councillor call for action

Public guide to participation

A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community, and this guide gives an overview of the ways in which you can do that.

Attending meetings

We encourage the public to attend meetings of the council and its committees, and anyone attending is able to record or film what takes place at them provided that doesn't disrupt the meeting. Details of what meetings are coming up are published on the council's website at xx, and also published in public offices of the council.

The agenda and papers are normally published on our website at least five working days in advance of the meeting and a small number of copies are available for members of the public at the meeting. Draft minutes of the meeting are also published on the website as soon as possible after the meeting.

Include paragraph on web/audio casting when available.

Why are some meetings private?

Nearly all meetings of the council and its committees are held in public. However on rare occasions an agenda item includes information which may be personal to an individual, which would compromise the commercial position of the council or another individual or organisation or which there are other particular legal or employment reasons for considering asking the public to leave the meeting for discussion of that item. When this is the case we will explain the reasons why and, as far as is legally possible, will afterwards provide a public summary of the decision taken.

Asking questions at meetings of the council

Which meetings can the public ask questions at?

Questions can be asked at public meetings of:

- Full Council
- Audit and governance committee
- Cabinet
- Employment panel
- Health and wellbeing board
- Overview and scrutiny committees

Who can ask questions?

Questions can be put by anyone living or working in Herefordshire.

What notice is required for questions?

A question must be delivered by email (councillorservices@herefordshire.gov.uk) by no later than 5pm two working days before the date of the meeting. Each question must provide the name and address of the questioner.

How many questions can be asked?

A member of the public may ask one question at any public meeting of the council as listed above, subject to a maximum of six questions in any one municipal year.

What is the scope for questions?

Questions should relate to the function of the committee where they are being asked. A question at full Council can be addressed to any chairman or cabinet member and must relate either to something that the council is responsible for or that affects the county.

We will not consider any question that is defamatory, offensive or frivolous. Additionally, we will reject a question which is substantially the same as a question which has been put at any meeting of the council in the last six months, is in multiple parts, is longer than 70 words, or requires the disclosure of confidential information or relates to an identifiable individual, is from a

member of staff and relates to their employment, relates to a planning or licensing application or if at a meeting other than full Council does not relate to the function of the committee or a matter on the relevant agenda. If your question is rejected, you will be told before the start of the meeting and given the reasons why.

What happens at the meeting?

Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions will be published on the council's website before the start of the meeting, and will be made available to members of the public who attend the meeting.

The chairman will invite the questioner to put the question to the councillor named in the notice. If the questioner is unable to attend the meeting, the chairman will state that a written reply will be given.

A questioner who has put a question in person can also ask one supplementary question, without notice, in response to the reply to their question. A supplementary question must arise directly out of the original question or the reply given. The chairman can reject a supplementary question on any of the grounds detailed in the section above.

What form will the reply take?

The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will be provided.

There cannot be any discussion on questions but any matters raised by a question can be referred to the relevant cabinet member or the appropriate committee to consider.

Petitions

We welcome petitions from those who live or work in Herefordshire and recognise that petitions are one way in which people can let us know their concerns or the strength of public feeling.

What is the scope for petitions?

Petitions must relate to a matter over which the council has powers or duties and may be rejected if they: contain language or statements which are defamatory, frivolous, vexatious, discriminatory, false, or otherwise offensive; disclose confidential or exempt information; name individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies; make criminal accusations; contain advertising statements; refer to an issue which is currently the subject of a formal council complaint, Local Government Ombudsman complaint or any legal proceedings; or relate to a matter where there are other statutory processes in place for dealing with these matters (such as planning or licensing application matters or statutory petitions for a referendum.

How can a petition be submitted?

Petitions may be paper based or online and an online facility for running a petition is provided on the council's website. There is no standard format for a petition but it must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish us to take;
- the name and address and signature of any person supporting the petition, which must be not fewer than 15 people; and
- contact details, including an address, for the petition organiser who will be the person we will contact to explain how we will respond.

The chairman of the council is available to receive petitions before the start of each ordinary meeting of full Council; if you wish to arrange this please contact: councillorservices@herefordshire.gov.uk . During the meeting, as part of chairman's announcements, any petitions received will be formally passed to the relevant cabinet member or committee

chairman who will respond in writing to the petition organiser. You may ask your ward councillor to present the petition on your behalf. Petitions may also be sent in to XXX

What happens once a petition has been submitted?

All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt explaining how we will respond.

Details of all petitions received, and of our response, will be published on the website. The contact details of the petition organiser or signatories to a petition will not be placed on the website.

If your petition has been signed by a certain number of people who are registered to vote in the county then you may request that the petition is scheduled for debate at the next ordinary meeting of full Council. If that is the case up to 30 minutes will be allowed for the debate and the petition organiser will have the opportunity to briefly present the petition at the start of the debate. In order to be debated at a meeting of full council the number of Herefordshire electors who have signed the petition must be at least 5% of those on the electoral roll for the county.

What do councillors and officers do?

What councillors do….

Councillors are directly elected to represent the people and therefore have to consider not just the interests of their ward, but those throughout the whole county.

Your councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Herefordshire. They do this by setting the overall policies and strategies for the council and by monitoring the way in which these are implemented. Councillors have a complex role and act in a number of capacities: as committee member, constituency representative and party activist.

The full Council of 53 members is responsible for agreeing the main policies and priorities for all services, including the council's budget. The cabinet have responsibility for all decisions which the law, or the Council, does not require to be taken by others and agrees policies and actions to implement the budget and policies set by full Council. Councillors who are cabinet portfolio holders have more specialised roles in agreeing particular policies, representing the council while at the

same time working with other agencies to tackle issues such as improving overall health and wellbeing, social care and safeguarding, education, housing, transport, and promoting economic growth within the county.

What council officers do….

Council officers are the professional people who work for the council and who are paid to deliver the services agreed by councillors.

Officers help councillors to develop policies and objectives through providing professional expertise and advice but they must remain impartial and serve the council as a whole. Their main role is to provide the public with the highest possible standards of service within the budget that the councillors set and in accordance with the priorities agreed by the councillors.

What can my councillor do for me?

Your councillor can:

- be contacted to discuss your problem or ideas to improve the ward or county
- help you if you need information or are dissatisfied with a council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf
- as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
- campaign on local issues
- represent your community within the council and to other organisations
- speak at planning committee on matters affecting the ward they represent
- ask questions or put forward views on your behalf at public meetings of the council
- present petitions on your behalf
- get an issue (either within the remit of the council or on a matter affecting the county) debated at full Council by submitting a motion.

Decisions

How do I know what decisions are being taken about matters that affect me or where I live?

We provide on our website (Forward Plan) summary information about future significant decisions to be taken by the cabinet, together with contact details so that you can find out more information or provide your views. You can also contact your ward member and ask them to put forward your views on your behalf.

Planning or licensing applications which have been submitted are also published on the council's website so that those who may be affected are able to make comments on the proposal.

The agendas and minutes of meetings are published on the website, and where a decision has been taken by a cabinet member or officer, the decision report and notice of the decision are published on the website.

Are all decisions recorded and published?

Many are, but there are lots of day to day decisions which are not published. The council has decided that officer decisions with a financial value of less than £xxx will not be published unless there is a legal requirement to do so. This is because the number of such decisions would make it impractical to publish.

Why is some information kept confidential?

We aim to publish information unless there is good reason not to. Sometimes a decision takes into account information which may be personal to an individual, or which would compromise the commercial position of the council or another individual or organisation. There may be particular legal or employment reasons for not making the information public. When this is the case we will explain why the information cannot be made public, and will periodically review whether those reasons remain valid. If they do not we will then release the information.

How long is information about decisions kept?

Generally the law requires information to be available for public inspection for six years from the date of the decision.

How do I find out about decisions taken by partnerships?

Herefordshire Council works with a wide range of partners to achieve shared objectives in an efficient and effective way. We keep a register of strategic partnerships on our website which includes information about where decisions taken by those partners is recorded and how you can find out more about them.

What if I can't find the information I am looking for?

The Freedom of Information Act 2000 gives you a general right of access to all types of recorded information that we hold. More information about how to make a request, and about your other legal rights to information, can be found at: xxx

Other ways of getting involved

Planning

Information about planning applications submitted is available on the council's website and public notices are displayed in the area affected. You may submit comments on a planning application which will be considered by the decision-maker. If the application raises unusual or sensitive planning issues you can ask your ward member to request that the application is considered by the planning committee rather than a single officer.

If you have provided comments on a particular planning application which is considered by the planning committee you will be asked whether you wish to register to speak at the committee to present your views. Three minutes is generally set aside for public speaking in objection to an application Registration is on a first come first served basis. The time can be shared with the agreement of the person who has registered first.

Consultations

The council encourages as many people as possible to give their views on decisions which affect them. Details of live consultations and how to get involved are available at xxx. You can also find information about past consultations there.

Overview and scrutiny reviews

You may request that a matter or concern be considered for inclusion in the future work programme of an overview and scrutiny committee. The committees cannot include every suggestion but prioritise items taking into account: the significance and impact of the issue; the ability of scrutiny input to add value; the need to avoid any duplication; the timeliness of scrutiny involvement and the resources available to undertake the work.

The committee may invite members of the public to submit their views or evidence to inform its work; when they do this the call for evidence will be publicised.

Vote

Elections take place for Herefordshire Council and all the town and parish councils in the county every four years as well as national elections, and police and crime commissioner elections. Your vote in all these elections and any other referendums that take place is important, but in order to vote you must be on the electoral register. Information about how to register is available at xxx

Stand for election

If you are interested in standing for election as a parish councillor or as a Herefordshire councillor you can find out more at XXX.

Volunteer

We provide a wide variety of services to people in Herefordshire, particularly to those who are vulnerable and have complex needs. As more pressure is placed on our budget, and on the budgets of partner organisations, different ways of delivering these services are being developed. Individuals and communities are doing more to help each other and themselves. If you are interested in volunteering or have an idea for your community you would like to develop more information is available at Xxx.

Give feedback

We want to hear what you think about our services. What you say is important and will help us improve our services. More information can be found at:

Find out more…

The council's website provides lots of advice and information as well as access to online services and you can sign up to receive updates on particular matters of interest. If you can't find what you are looking for some useful contacts are below:

Customer services…..

Freedom of information…..

Governance…..

Your councillor……
Your parish council…..

Guide to roles and responsibilities of councillors

1. Summary

1.1 To serve all constituents within the ward, and the citizens of Herefordshire as a whole by acting as an effective advocate, campaigner and representative.

1.2 To promote the economic, social and environmental wellbeing of ward constituents and the those who live and work in the county as a whole, and to act in accordance with the high standards of probity in public life, seeking to serve the community without personal gain.

1.3 To be a corporate parent to looked after children and young people in the county.

2. Being effective

2.1 To be effective councillors should:

- fully understand and act in accordance with the councillors' code of conduct and the general principles that govern councillors' conduct.
- have a knowledge and understanding of the council's constitution.
- have a knowledge and understanding of the council's organisation and management structure and who to ask for information and advice.
- attend all meetings of bodies on which they serve together with seminars and training sessions on subjects of relevance to them and their particular areas of involvement and interest.
- accept personal responsibility to take up opportunities for training and development that may be provided and generally to extend and broaden their knowledge of local government affairs through reading, discussion and enquiry.

3. Different roles for some councillors

3.1 Some councillors will undertake markedly different roles (e.g. the leader, cabinet member, committee chairman, scrutiny member etc). These differing roles are outlined in the role profiles at appendix 1 to this section.

4. Standards of conduct and probity

4.1 All councillors must agree to abide by the councillor code of conduct. Councillors will be given suitable training on taking office and receive ongoing support and briefings on this subject during their time in office.

4.2 Councillors must also abide by all the requirements of the council's own constitutional arrangements. Any breach of the codes in the constitution may constitute a breach of the councillor code of conduct and councillors should be aware of the procedures for dealing with complaints.

4.3 Councillors are expected to behave at all times in accordance with the high standards of personal conduct and in a manner that is consistent with the values of the council to achieve best value for residents and maintain public confidence in Herefordshire Council.

5. Working as part of the council

5.1 At meetings of the council and as a member of one or more of the different council bodies, councillors will be expected to contribute to the formulation and review of policies and strategies and the review and development of services and programmes as appropriate.

5.2 Councillors should be constructive and forward looking. An innovative and questioning approach is required.

5.3 The work of the council is conducted in a political environment. As a councillor, who may have been elected with the endorsement and backing of a political party, or who may be a member of a political group within the council, members will naturally wish to secure aims and objectives that match their political affiliation. A political approach is legitimate, however, councillors should guard against pursuing political objectives to the point that it impedes the effective management of the council's affairs and undermines peoples' confidence in the council's ability to exercise a leadership role in the wider community.

5.4 Councillors should have regard to the council's corporate plan and other council policies and strategies, especially when considering the quality and scope of services and weighing the merits of competing interests and demands upon the council budget.

5.5 When participating in overview and scrutiny activity councillors should have regard to the council's scrutiny procedure rules and

in particular the requirement to take an independent approach, seek consensus on outcomes, be constructive and not judgmental.

6. Community representative and advocate

6.1 Councillors should be aware of the needs, priorities and aspirations of their local community. To do this, they should make yourself known to those who live and work in their ward (your constituents). Councillors may wish to hold regular surgeries, publish newsletters or otherwise make themselves accessible. Liaise/consult extensively and meet with local groups and organisations including parish councils.

6.2 Councillors should represent the views of ward constituents and local groups. In doing so councillors should take careful note of the different, often conflicting, interests, and attempt to represent the community as a whole. Councillors should act as an advisor or advocate to local groups with a special interest, or generally provide advice and assistance on matters within their ward and the implications of particular courses of action.

6.3 Such a representational role must be undertaken responsibly. As politicians, councillors will naturally want to have regard to the views of voters and avoid, or at least minimise criticism by political opponents. Councillors do, however, have a wider responsibility to protect the council's interests and reputation and help reach the best decision.

6.4 Councillors should encourage constituents to raise matters of importance or personal concern and take appropriate action, either responding personally or ensuring a response is provided. Where necessary councillors should seek advice on any response made as they may be seen to be acting on behalf of the council as a whole.

6.5 Councillors should seek to foster a sense of civic pride within the community and encourage all citizens to develop and maintain a personal commitment to civic responsibility, and should avoid statements and actions that serve to undermine confidence in the institutions of local government without justification or good cause.

7. Working with others in the local community

7.1 Councillor are expected to work with partners and other organisations with which the council is actively involved.

7.2 If a councillor is appointed by the council representative on any outside bodies they will have a responsibility to explain the council's policies and position where appropriate and to listen to the views of others and report back to the council.

7.3 Councillors should play a leading role in explaining to others outside the council how the decision making process operates and the respective roles of members and officers have.

7.4 Councillors may also be involved in other local organisations, such as those in the voluntary sector, and should recognise that as an elected councillor others may regard statements they make as having council backing. Councillors should always make it clear when they are speaking in an individual capacity, and follow the council's approved communication protocols.

8. Accountability

8.1 The roles, duties and responsibilities outlined in this guide relate to the political or member level activities of the council. Accountability for a councillor's performance is through the political and electoral process.

Appendix 1: Member role profiles

All councillors:

Community leader

- Champion your ward
- Deal with casework
- Represent the community within the council and other agencies
- Campaign on local issues
- Keep in touch with constituents
- Able to engage with all groups within your community

Decision maker and influencer

- Actively contribute to the development and scrutiny of the council's policies, strategies, budget, and service delivery
- Attend meetings of full Council and any committees you are appointed to
- Work with partners and outside bodies as a representative of the council
- Act as a corporate parent for children and young people in the care of the council
- Liaise with town and parish councils

Day to day councillor

- Juggle roles and responsibilities
- Understand and interpret information
- Use ICT effectively
- Communicate using all types of media ensuring adherence to corporate guidance for media, social media and internet usage
- Use a communication style that takes into account different needs of different audiences
- Act as a facilitator.
- Take personal responsibility for continuous professional development to develop and build understanding, knowledge and skills to ensure that the role is undertaken as effectively as possible
- Interact with officers, partners, community and fellow councillors in accordance with the council's codes of conduct and behaviour.

Group leader

- Be the main spokesperson for members of their political group
- Act in a manner which is likely to promote rather than undermine the best interests of the county and ensure that members of their political group act in a similar manner
- Lead their group by ensuring that:
    - Members of their group abide by the council's codes of conduct
    - Adequate liaison takes place with other political groups to further the interests of the council
    - Adequate liaison takes place with members of the management board on all matters affecting the services provided or commissioned by them on behalf of the council
    - Regular briefings take place to ensure good communications takes place on all council matters to members of their group
    - If in opposition, engage in constructive criticism, alternatives or amendments offered by members of the group on proposed decisions of the cabinet where appropriate
- Work with their group to formulate overall policy and priorities for the group
- Represent the council on local, regional and national bodies as appropriate

Committee chairman:

- Understand the role of the committee
- Understand the role of the chairman
- Provide leadership and direction
- Provide effective meeting management
- Spend time with relevant officers to agree agendas and minutes
- Ensure all attendees have an opportunity to contribute to the meeting

Leader of the council

Leadership

- Provide an overall cohesive, corporate and strategic leadership and direction for the council
- Lead and chair the cabinet and ensure its overall effectiveness
- Lead in developing the council's partnerships with other organisations
- Work with portfolio holders to ensure effective delivery of services within their portfolios against the agreed policies of the council, and to ensure the delivery of the cabinet's responsibilities
- Ensure effective communication and explanation of all cabinet's decisions and recommendations to Council and the public
- Ensure that the cabinet manages the business of the council within the financial limits set by the council

Cabinet member

The cabinet is responsible for all council functions which are not the responsibility of any other part of the council, provided the decisions made are within the council's agreed policy and budget framework.

- Participate effectively as a cabinet member taking joint responsibility for all actions and be collectively accountable.
- Build good relationships with appropriate officers and work with them in developing policy
- Take a proactive approach to the early engagement of overview and scrutiny committees to help in policy development
- Give political direction to officers working within the portfolio
- Ensure up to date knowledge of related developments and policies at national, regional and local level
- Enhance the council's reputation through taking the national stage where possible and participating in regional and national networks
- Have an overview of performance management, efficiency and effectiveness of the portfolio
- Represent cabinet by attending scrutiny committees if requested in connection with any issues associated with the portfolio and consider scrutiny reports as required.
- Make executive decisions within the portfolio and in accordance with the principles of good decision-making
- Act as a strong, competent and persuasive figure to represent the portfolio and a figurehead in meetings with stakeholders
- Be prepared to take part in learning and development opportunities to ensure that the role is undertaken as effectively as possible
- Represent the council on external bodies and feedback to cabinet any issues of relevance and importance

Overall responsibility

- Ensure that cabinet exercises responsibility for the prudent management of the council's resources
- Have overall responsibility for the political management of the authority and the delivery of agreed council priorities, strategies and policies

Working with partners

- Be the main representative of the council, with others as appropriate, in dealing with the community, business, voluntary sector and other local and national organisations
- Ensure effective liaison with other political groups within the council

Scrutiny member

The overview and scrutiny committees, and any task groups they establish, review and scrutinise decisions made or actions taken by the cabinet. They may also be involved in policy development prior to decisions being taken by the cabinet. The committees may make reports and recommendations to full Council, cabinet or any relevant partner in connection with council or certain other public functions such as health.

- Assist with the development of an effective work programme
- Engage with all stages of the scrutiny process
- Lead the committee in prioritising its work so as to ensure effective scrutiny
- Develop a constructive relationship with cabinet, especially with relevant portfolio holders
- Develop a constructive relationship with members of management board in the areas that the committee scrutinises
- Be responsible for outputs and outcomes of scrutiny
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Make recommendations based on the committee's deliberation

Committee member

Council has established a number of committees through which functions which are not the responsibility of cabinet are fulfilled. Seats on these committees are allocated to political groups on a proportional basis and appointments to fill those seats are a matter for the relevant group leaders to determine. Members who are appointed to certain committees, such as planning and regulatory committee, are required to undertake training before taking up their seats.

- Maintain up to date knowledge of council and national policies and processes relevant to the work of the committee
- Attend meetings and, if unable to attend, liaise with your group leader or the monitoring officer to arrange a substitute
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Take decisions in accordance with the principles of good decision-making

Overview and scrutiny committee remits

Committee	**remit**
Adults and wellbeing overview and scrutiny committee	Overview and scrutiny of: • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • Public health • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services (not reserved to the children and young people overview and scrutiny committee) affecting the area and to make reports and recommendations on these matters
Children and young people overview and scrutiny committee	Overview and scrutiny of: • Children's social care including safeguarding • Transitional arrangements between children and adult services • Statutory education scrutiny powers • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services for children and young people, including transitional health care services, affecting the area and to make reports and recommendations on these matters
General overview and scrutiny committee	Overview and scrutiny of: • Services within the economy, communities and corporate directorate • Corporate performance • Budget and policy framework matters • Statutory flood risk management scrutiny powers • Statutory community safety and policing scrutiny powers

Appendix 2

Summary of key changes made and relevant link to design principle

The table below summarises the key changes made to the content of the constitution and the link to the relevant design principle agreed by audit and governance committee. The design principles are:

a) Members and officers perform effectively in clearly defined functions and roles
b) Member engagement and participation is maximised, including the involvement of all members in the development of key policies
c) Decision making is informed, transparent and efficient
d) The council welcomes public engagement and makes accountability real

Section	Key change	Design principle
Generic	• Job titles made current • Ensure compliance with council's style guide • Simplify wording • Reduce duplication • Changes to committee sizes to meet changes in overall number and scope of committees • Individuals referred to as 'they' rather than he/she	• C • C • C • C • B
Part 1 (Introduction)		
Introduction	• Removal of narrative information unrelated to the constitution • Simplified summary of the constitution	• C • C
Part 2 (Articles)		
Article 1:	• Some elements moved to a new 'code of corporate governance' in part 5 • Description of 'holder of public office' expanded for clarity • Powers of the council simplified • Purpose of constitution clarified • Review and changes of constitution simplified and amended to reduce duplication • Suspension of constitution clarified	• C, D • A • A • A, D • C • C
Article 2:	• Corporate parent role referenced	• A
Article 3:	• Citizens defined as 'living or working in the county' • Citizens' rights simplified with greater detail provided in new public engagement code • Citizen's responsibilities updated/clarified • Partner elements contained in article 9	• D • D • D • A
Article 4:	• No substantive changes	

Section	Key change	Design principle
Article 5:	• Role of cabinet support members included • Definition of executive arrangements moved to this section from a previous stand alone section	• A • A
Article 6	• Role of scrutiny made clearer • Public engagement made clearer • Additional scrutiny committee	• B • D • A, B
Article 7	• Inclusion of independent remuneration panel	• A, C • A, C
Article 8	• Merging planning and regulatory functions into a single committee (with licensing activity still conducted through sub-committee). • Removal of member involvement in employee appeals process (in line with policy agreed following consultation with trade union). • Inclusion of standards panel	• A, C • A • A, C
Article 9	• Greater clarification of statutory and other partnerships • Change of title to encompass wider range of partnerships • Title change to joint arrangements	• A, C, D • A • A, C
Article 10	• Change of designation re statutory scrutiny officer and s.151 officer	• A
Article 11	• Refreshed principles of good decision-making • Clarification of how responsibility for decision making/functions is determined	• C • A
Article 12	• Article deleted as it duplicated information incorporated in the scheme of delegation and relevant procedure rules.	
Article 13	• Article deleted as information repeated in access to information rules; public engagement guide etc.	
Part 3 (Functions)		
Council functions	• Compliance with regulations • Clarity of functions and delegations including what constitutes the budget and policy	• A • A

Section	Key change	Design principle
	framework to meet statutory requirements • Addition of policy on council representation on outside bodies • Delegation of approval of finance and contract rules to audit committee	 • A • A
Local choice	• Inclusion of legislative framework for reference • Compliance with regulations • Clarity of functions and delegations	• C • C • A
Cabinet	• Restructured to reflect the flow of delegation • Clarity regarding powers to amend budget and policy	• A • A
Overview and scrutiny	• Clearer reflection of statutory powers and duties	• A
Other functions	• Clarification that planning and regulatory committee does not have responsibility for planning or licensing policy and performance • Clarification of sub-committee/ responsibilities • Inclusion of standards panel as per Council decision • Removal of employee appeals in line with employment policies • Audit and governance functions specified in one place • Employment panel as consultee of terms and conditions for all staff • Confirms framework approval for chief executives assesment • Role in relation to politically restricted posts removed in line with legislation	• A • A • A • A • A • A
Additional arrangements	• Clarification of ability to establish working groups, and membership. • Role of ward councillors removed as not informal and covered in new guides in part 5 • Title changed from ‘informal arrangements’ to ‘additional arrangements’ to reflect range of bodies covered • Inclusion of independent remuneration panel	• A, C • A, B, • A, C • A, C
Officer functions	• Proper officer and officer functions combined	• A

Section	Key change	Design principle
	• Types of officer decisions clarified	• A, C
	• £50k limit below which decisions will not need to be published	• A, C
	• Appendix 1 removed - chief executive scheme of delegation to be published separately given frequency of updates and level of operational detail	• A, C
Part 4 (Rules)		
Council and committee	• Public and member question provision extended to wider range of public meetings, with revised and consistent process for all	• D
	• Simplification of descriptions of types of meeting and business to be conducted (including order of business where relevant)	• A, B, C
	• Confirmation of ability to provide notices electronically	• B
	• Inclusion of relevant elements from previous petitions scheme	• D
	• Removal of deputations provision given ability to ask questions and/or present petitions, and greater flexibility for member motions	• A
	• Removal of limit of number of notices on motion at any one meeting and replacement with overall time limit to be managed at discretion of the chairman	• B
	• Summary of time limits on speeches provided in table form	• A, B
	• Clarity regarding process for amendments to motions including flow chart	• B
	• Clarity re application of the code of conduct at meetings	• C
	• Clarity re purpose of annual report from leader	• B, C
	• Requirement for report back to Council on motions calling for consideration by another body of the council	• B, C
	• Restating or rules on confidentiality	• C
Access to information	• Clarification of exempt and confidential matters	• B, D
	• Clarification of requirements to publish officer decisions	• B, C, D

Section	Key change	Design principle
Budget and policy	• Clarification of role of scrutiny • Clarification of amendment processes including alternative budget	• B • B, C
Cabinet	• Removal of elements duplicated in part 3 • Clarification of rights to attend and speak • Inclusion of provisions for questions	• A, B, C • B, D
Scrutiny	• Clarification of co-optees • Clarification of task and finish arrangements to broaden member engagement • Call in process and limitations set out clearly including linking grounds to principles of decision-making • Call in period extended by one day • Call in no longer restricted to members of the relevant committee and number of signatories required increased accordingly. • Clearer provision for pre-decision scrutiny • Inclusion of provisions for questions • Executive decisions taken by officers subject to call in	• A • A, B • A,D • B • B • B • B, D •
Contracts	Phase 2: to be delegated to audit and governance	
Finance	Phase 2: to be delegated to audit and governance	
Planning	• Clarifications re requirements for redirection and flexibility re timescale for requesting consideration of redirection • Removal of protocol for deferral and further report	• A, B, C, D • A, C
Employment	• Clarification of existing authority for senior interim management arrangements under contracts for services • Clarification of designated posts • Clarification of requirement for declarations in relation to appointments • Consultee of employee terms and conditions including policies • Delegation to monitoring officer re invitation of independent	• A, C • A, C • A, C • A, B • A

Section	Key change	Design principle
	persons to membership of a disciplinary panel	
Part 5 (Codes and guidance)		
Code of corporate governance	• New code – incorporating previous code and principles from existing 'preamble' to constitution • Code now more directly linked to principles of good decision making	• A, B, C, D • C
Councillor code of conduct	Phase 2: monitoring officer to progress with support from standards working group	
Employee code of conduct	Phase 2: delegated to chief executive following consultation with employment panel	
Member officer relations code	Phase 2: monitoring officer to progress with support from standards working group and head of human resources and organisational development	
Use of council resources by members	Phase 2: monitoring officer to progress with support from standards working group	
Gifts and hospitality code	Phase 2: monitoring officer to progress with support from standards working group and head of human resources and organisational development	
Confidential reporting code	• Updated to reflect policy approved by audit and governance committee	• A, D
Planning code	• Updated to reflect current legislation • Removal of protocol for deferral and further report	• A • A, C
Councillor call for action guide	• No substantive change	
Public participation guide	• New guide	• D
Roles of members guide	• New guide	• A, B, D
Overview and scrutiny chairman's guide	• Removed in light of new guide above	• A, B, D
Committee chairman's guide	• Removed in light of new guide above	• A, B, D
Petitions scheme	• Deleted as no longer statutory requirement and relevant elements incorporated in council	• D

Section	Key change	Design principle
	procedure rules and public participation guide	
Audit and governance code	• Deleted to minimise duplication as functions within part 3	• A
Part 6 (Allowances)		
Scheme	Phase 2: independent remuneration panel review to report to annual Council in May 2017	
Part 7 (Portfolios and committees)		
To be produced following adoption of revised constitution as purely a factual description.		

Appendix 3 Working group consultation

	Question	Working group response
1.	Scrutiny activity is currently carried out by two committees: a) health and social care - discharges the council's 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, children's and adult's safeguarding adults and children's social care, the health and wellbeing board and public health; b) general – all other functions including the statutory crime and disorder, and education functions Is this balance of responsibilities working effectively? If no please outline the concern. Feedback from focus groups: • See below	Generally working acceptably but some concerns about wide workloads and focus leading to difficulties in engaging with members. Proposal made for three committees with smaller membership.
2.	The constitution already makes provision for task and finish groups to include members who aren't on the scrutiny committee establishing the task and finish group, but this happens rarely in practice. It is proposed that, drawing on the skills and interests expressed by elected members group leaders should be asked to identify possible members for each task and finish activity as it arises. Do you support this proposal? If no please outline any alternative proposals to increase participation of a wider range of members. Feedback from focus groups: • See below	Agreed using members expertise from outside scrutiny committees
3.	Do you agree that the constitution should make provision for electronic approvals/confirmation of assent eg notices of call in? Feedback from focus groups: • See below	Agreed – with appropriate safeguards given some IT problems
4.	Key decisions are executive decisions which are either significant in terms of their impact on the community and/or significant in terms of their financial impact (positive or negative). It is open to the council to determine what is 'significant' in financial terms and this Council has set a definition of £500k for both revenue and capital. Do you agree with that limit?	Agreed – £500k for capital and revenue, consider how to describe significant impact on communities

	Question	Working group response
	If no please say what you think the limit should be for capital and for revenue. Feedback from focus groups: • See below	
5.	The principles of good decision making (listed below) are proposed. Do you feel these are appropriate? If not what alternative would you propose? a be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it; b consult properly and have regard to the professional advice from its officers; c have regard to the public sector equality duty and respect for human rights; d make the decision public unless there are good reasons for it not to be; e give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen; f explain what options were considered and give the reasons for the decision; and g follow proper procedures Feedback from focus groups: • See below	Agreed – in addition – follow up action to be taken after decision is made to ensure the action has been properly implemented
The council and committee rules have been reviewed in light of the principles agreed by the working group, and two versions are attached one with tracked changes and another 'clean copy' for clarity. Views on the proposed changes would be welcome, and in addition some specific questions are below.		
6.	Currently the constitution specifies that meetings of full Council are normally held at 10.00am; the timing of other committee meetings is not defined although in practice almost all are held during the day. Do you agree that the discretion over timing of meetings should be left with committee chairs? If not what alternative arrangement would you propose? Feedback from focus groups: • See below	Agreed - discretion over timing of meetings should be left with committee chairs following consultation with members.
7.	The constitution currently makes provision for annual reports from committees summarising the business they have undertaken during the year. Now that all agendas and minutes are available on the website and given that the constitution already makes provision for questions at full Council to be	Agreed - No longer require annual reports. Alternative members can question relevant chairs at full council

	Question	Working group response
	addressed to committee chairs as well as cabinet members, do you feel annual reports to full Council are still required? Feedback from focus groups: • See below	under members' questions. Plus new ability to ask.
8.	Currently public questions may only be asked at a meeting of council, and at meetings of scrutiny meetings only in relation to items on the agenda. Would you support extending the ability for the public to ask questions at other committees and cabinet? (Refer also to question 52)	Agreed - public participation scheme required. Public able to ask one question at all committees (save Regulatory and planning) Prior notice of the question required with one supplementary at chairman's discretion. Question to relate to function of the committee or an item on the agenda. 30 minutes allocated for questions to council, 15 minutes for other meetings.
9.	Currently the constitution does not place a limit on the number of questions a member may ask at a meeting of full Council, although members of the public may ask only one question. Would you support a limit on the number of questions a member may ask at any one meeting? If so please indicate what you think that limit should be. Feedback from chairman of the council: • Feel a limit of 1 question per meeting is unnecessary.	Agreed - One question per meeting. Can be reviewed in future if not working well in practice. The limit does not apply to points made during debate.
The law identifies certain functions which may not be the responsibility of the executive (referred to as council function); and those which are a matter of choice for individual councils to determine who takes the decision (referred to as local choice functions). All other functions by default are executive functions. Part 3 of the constitution, known as the functions scheme) sets out which functions may be undertaken by which body, and includes the scheme of delegation for officers. The language can sometimes be confusing – council functions do not necessarily mean the decision must be taken by full Council – they may be delegate to a committee of council such as planning committee,		

	Question	Working group response
or to an officer. Similarly executive functions do not mean the decision must be taken at a cabinet meeting, but may be delegated to an individual cabinet member, a joint committee or an officer. The following questions relate to the functions scheme and contain links to the relevant part of the constitution for ease of reference.		
10.	Do you agree with the current allocation of 'local choice' functions (see link below)? If no please say what alternative allocations would you propose? http://councillors.herefordshire.gov.uk/documents/s50025399/Section%204%20-%20Local%20Choice%20Functions%20Updated%2022-Apr-15.pdf Feedback from focus groups: • See below	Agreed - Useful to state what the relevant laws state and what hereford council terminology is used.
11.	Council functions (see link below) include the approval by full Council of budget and policy framework items. Some of the policy framework is mandatory (as listed below), but it is open to the council to determine which other key strategies and policies should be approved at the full Council meeting. Do you feel the mandatory list properly reflects the policy framework for the council? If no please identify what other strategies or policies you feel should be considered for inclusion. http://councillors.herefordshire.gov.uk/documents/s50025397/Section%202%20-%20Council%20Functions%20Updated%2022-Apr-15.pdf • Children and young people's plan • Crime and disorder reduction strategy • Local plan documents • Licensing authority policy statement • Local transport plan • Youth justice plan • Pay policy statement Feedback from focus groups: See below	Update to reflect current requirements.
12.	The current scheme of delegation does not allow officers to take key executive decisions. Do you think that officers should be able to take key decisions in certain circumstances, for example once a budget and policy have been approved, to let contracts over £500k (in which case those officer decisions would be subject to call-in in the usual way)?	Only members make key decisions.

	Question	Working group response
	Feedback from focus groups: • See below	
13.	A number of officer decisions taken under delegation from the executive relate to relatively small amounts of expenditure and it is open to the council to set a financial limit below which such decisions do not need to be documented. This would reduce the amount of bureaucracy associated with documenting decisions but would not negate the need to comply with the council's finance and contracts procedure rules. (There is considerable variation in the limit set by other councils ranging from £10k to £250k. Would you agree with setting such a limit? If so please indicate what you think that limit should be. Feedback from focus groups: • See below	Agreed - Set a limit at £50K for all non-operational decisions (i.e. executive non key decisions and non-executive decisions).
14.	The functions scheme also sets out the current allocation of council functions to committees. There is no set format for these and different councils adopt different structures. For example some councils link planning and licensing functions in a single committee, some councils have a distinct constitution and governance committee. Do you agree with the current structure of committees? If no please set out what alternatives you would propose? Feedback from focus groups: • See below	Agreed - Planning and regulatory to be one committee. Audit and Governance - clarify functions clearly state what able to do. Employment panel remove old reference to member's appeals which are no longer part of HR policies. Overall reduce committee sizes, confirm ability to utilise working groups.
15.	Is there anything in the functions scheme and scheme of delegation which you feel is unclear? If so please identify this and, if possible, say what alternative you would propose.	Agreed – basic structure satisfactory. Just needs

	Question	Working group response
	Feedback from focus groups: • See below	clarity, definition of operational decision needed.
16.	There is no longer a statutory requirement to have a petition scheme. The proposed changes to Council rules retain the right of petitions reaching a certain level of signatures to be debated at full Council if the petitioner chooses. The working group has proposed a new code to set out the council's approach to public engagement which would include: petitions, attending meetings, recording meetings, public questions at meetings, speaking at planning or regulatory committees, contacting your ward member, contacting the council, access to information (freedom of information etc.), and consultation. Do you support this approach? Feedback from chairman of the council: • Query if numbers required to trigger a debate should be based on the local population where an issue only impacts on one ward or locality?	Agreed - with all petition signatures subject to Herefordshire electoral role verification. If an issue relates to a specific ward then the ward member could be approached to put forward a motion for debate or ask a question if insufficient signatures are gathered.
17.	Appointing the vice chairman of council, committee chairmen and committee vice-chairmen is a function of the council it is not delegated to the committee for in year changes, should it be? Should there be any guidance or restrictions on how appointments are made? Feedback from focus groups: • See below	Remain as full council decision. From which group these appointments could be taken from should not be part of the constitution, requires flexibility.
18.	Currently amendments to motions are made without any advance notice. Do you agree with this current arrangement? If not what alternatives would you suggest? Feedback from focus groups: • See below	Agreed – amendments to motions to be normally submitted by 9:30 am on the morning of the relevant meeting. Don't want to limit ability to raise during debate.
19.	Should call-in still apply to all member decisions or just key decisions? Feedback from focus groups: • See below	Call-in to apply to all executive decisions including officers and joint executive committees.

	Question	Working group response
Engagement		
20.	Provision for public questions at committee and cabinet meetings is being progressed (see question 7 above); should the same provision be extended to elected members to enable members to engage more fully across the range of council decision-making and functions? Feedback from focus groups: • See below	Agreed members should be able to ask questions at all meetings with appropriate controls.
21.	To enable the views of all groups to be taken into consideration in significant executive decisions it is proposed that they be consultees on key decisions (and decisions of cabinet) and the views expressed on behalf of their group so recorded in the decision report as is already the case for ward members on ward-specific issues. It would be important to be clear that this would not amount to pre-decision scrutiny and that groups must be prepared to respond to consultation on a proposal in a timely way. Is this approach supported? Feedback from focus groups: • See below	Agreed consultees.
22.	Is there a need to specify any particular classes of member in attendance (eg group leaders) to have a right to speak at committees of the council (it is currently at the discretion of the chairman), and if so which groups and for what purpose? Feedback from focus groups: • See below	No. Chairman's discretion as to who can speak at meeting but new provision for members questions.
Planning Functions		
23.	Could the redirection process be made clearer/more effective – and how? Feedback from focus group: • the role of ward members in the planning process needed to be included in the induction for new councillors.	Suggested that code state the reasons why a request for redirection would <u>not</u> be accepted. Have a

	Question	Working group response
	• the criteria for redirection needed to consider very rural areas where a significant level of public interest was difficult to demonstrate • generally officers were already expected to take account of local circumstances when considering requests for redirection • good communication with planning officers was important • it was an officer decision whether to agree to a redirection request • an additional criteria on exceptional circumstances should be considered	presumption towards redirection.
24.	Is the time limit for exercising redirection workable and is discretion to extend that time working? Feedback from focus group: • councillors did not always have all the information needed to reach a decision within the time limit • parish council meetings were sometimes very late in the consultation period so members were not always fully aware of local sentiment until the end of the period • circumstances when extensions to the time limit could be requested needed to be clearer • officers were expected to take account of the circumstances	Agreed – time limit generally works. Suggested that language be softened to include words 'normally' or 'ideally'.
25.	Are the rules on speaking clear and effective? Feedback from focus group: • this was felt to be clear and working well • rules on giving personal explanations were covered under a different section	Agreed – rules are clear and effective.
26.	Is the guidance on pre-determination clear? Does the guidance on pre-determination need updating in relation to changes to the Localism Act 2011? Feedback from focus group: • the constitution needed updating to reflect the Localism Act 2011 • the current planning code appeared to give guidance that members of the planning committee should not also sit on the planning committee of the parish council, this was not the case and this section required clarification	Agreed – guidance to be revised to ensure compliance with recent legislation.

	Question	Working group response
	• the guidance on sitting on both a parish council and Herefordshire council's planning committee applied even if the parish was outside the councillor's ward • the new system where the ward member did not vote on an application in their ward was clear and working well • councillors required more training on pre-determination • particular guidance was needed on applications with significant political sensitivities, for example where manifesto commitments directly supported or objected to certain types of development	
27.	Is the role of ward members clear? Feedback from focus group: • this was felt to be clear and working well	Agreed – role of ward members is clear.
28.	Is the role of adjoining members clear? Feedback from focus group: • this was felt to be generally clear • the principle should apply where the application was significant • need to consider the impact of any associated investment such as S106 contributions where they were used in wards other than where the application site was situated	Agreed – role of adjoining members does not need to be changed.
29.	If there are significant numbers of adjoining members should a limit be imposed e.g. up to three? (Chairman's discretion would be retained.) Feedback from focus group: • no limit should be imposed, the chairman's discretion should continue to be used • this should be proportionate to the scale and impact of development	Agreed – no limit should be imposed, retain chairman's discretion.
30.	What about when a committee member is the ward member? Is this clear? Feedback from focus group: • this was felt to be clear and working well.	Agreed – guidance is clear and system works well.

	Question	Working group response
31.	What is the role of the committee as a consultee on policy matters? Feedback from focus group: • the committee should have a proactive role in policy matters, for example in debating need for supplementary planning documents • scrutiny was a separate role from being a consultee • issues could be raised through a motion to full council or by referral to the chairman of the scrutiny committee	Suggested that scrutiny is appropriate body to review policies and garner views of members. Suggested that member training continue to be reviewed and improved – member development working group to look at this.
32.	What is the role of the committee for receiving information on appeals and JR? Feedback from focus group: • it was noted that there was no legal requirement for the committee to receive information on appeals and JR • the receipt of information on appeals was not a stated function of the committee • the option of a separate informal session or seminar to receive information on appeals and relevant case law was discussed • information on appeals was of interest to all councillors in relation to their ward, not just members of the planning committee • officers highlight relevant decisions in updates issued at committee meetings	Suggested that this is a training and development requirement not a function of the committee. Suggested that a briefing for members would be appropriate way to disseminate this information.
33.	Is the role of planning committee members who are also parish council members clear? Feedback from focus group: • this was felt to be clear and working well.	Agreed – the role is clear.
34.	Is the size of the committee correct? Feedback from focus group: • it was felt that the size of the committee was appropriate	Suggested – if amalgamation with regulatory committee takes place then size of committee should be reviewed.

	Question	Working group response
	• it was noted that the size of the committee ensured representation across most areas of the county, although this was not a legal or functional requirement • members of the committee were expected to have knowledge of all areas of the county • there was discussion of the public perception if parts of the county were not represented	
35.	Should a reserved list of substitutes be appointed by council each year? Feedback from focus group: • it was felt that all councillors should be trained in planning matters so that any could serve as a substitute when necessary	No – continue to train all councillors in planning matters as beneficial in regard to applications in their ward as well as allowing substitution.
	General Comments • the public understanding of the role of the ward member needed improving • the number of retrospective planning applications was a concern, but it was not a function of the planning committee to address this • the relationship between councillors and planning officers had improved with more proactive communication between the two	
Regulatory Functions		
36.	Could the functions effectively be merged with planning? Feedback from focus group: • it was felt that the current arrangement worked well, the two committees should remain separate • there was concern over the workload of the combined committee • the function of the regulatory committee was to receive an annual report and information on appeals and JRs • the majority of the work was centred on the sub-committee • there was discussion whether the regulatory committee could consider licencing of Houses of Multiple Occupation, the legal options around this would be explored	No need for a separate regulatory committee. Planning committee can be the licencing committee too. Retain use of subcommittee. No additional function for planning as delegated to subcommittee and officers. Licensing of HMOs is an executive function would require a cabinet committee

	Question	Working group response
		and not having a licence is a criminal offence so overseen by the magistrates court. Licensing of HMOs should remain with officers.
37.	Should committee size change to enable that? Feedback from focus group: • it was felt that the current arrangement worked well, no changes should be made	Yes (See question 63 for options.)
38.	Does the use of a sub committee work? Feedback from focus group: • it was felt that the current arrangement worked well, no changes should be made	Agreed – the use of subcommittee works well.
39.	Should the name of the sub committee be changed to licensing? Feedback from focus group: • it was felt that the name should not be changed	Agreed.
Scrutiny Functions		
40.	Is the balance of functions correct if we are to maintain two committees? (eg should education and community safety go to HSCOSC?) Feedback from focus group: • It was noted that a suggestion had previously been made of designating three scrutiny committees to reflect the three directorates of the council • Concerns were raised about whether there would be enough interest from councillor to sit on more committees. Members could end up making up the numbers on a committee in whose remit they had little interest. • The chair of HOSC stated she did not feel that an additional scrutiny committee was required • Concern was expressed over the large remit and workload of HOSC	Split functions between 3 scrutiny committees. **Planning and regulatory committee** – existing planning functions and forms the pool from which the regulatory subcommittee is drawn. **Children's wellbeing overview and scrutiny committee** – children's social

	Question	Working group response
	• The view was expressed that the overview function needed to be more prominent and that the scrutiny committees should not purely react to decisions made or to be made • Current practice allowed any member to bring forward issues to the chairmen of the scrutiny committees but this needed setting out explicitly in the constitution • It was noted that council would make the final decision on the number of scrutiny committees so there would need to be majority support for any change. • The planning section on public participation should make it clearer when and where members of the public can engage. It will also set out what a ward member can and cannot do to support members of the public. • There was discussion on the workload of the scrutiny committees. It was noted that the workload for councillors would remain unchanged regardless of the number of committees. There was a suggestion that having three committees would allow each to have a clear remit and would help to manage the workload, while accepting that there would be a cross over in membership of each committee. • It was suggested that the existing two scrutiny committees might need to meet more frequently in order to keep the number of items per agenda lower. There was concern that long agendas did not give adequate time for all items to be properly debated. • There were a variety of reasons why the majority did not support increasing the number of scrutiny committees. • It was noted that there is no statutory number of councillors who must sit on a scrutiny committee.	care and safeguarding, transition from children's to adult social care, children's specific statutory health scrutiny, education. **Adults and wellbeing overview and scrutiny committee** – adult social care and safeguarding, housing, public health, adult and cross cutting statutory health scrutiny, housing. **General overview and scrutiny committee** – services within the economy, communities and corporate directorate, corporate performance, corporate budget and policy development, statutory scrutiny functions re flood management and community safety/policing. **Audit and governance** – retains existing functions **Employment Panel** – retains existing functions
41.	Are the call-in provisions sufficiently clear?	Agreed – clarity required on criteria used by monitoring

	Question	Working group response
	Feedback from focus group: • It was felt that the provisions could be clearer. • Better communication was required so that all members were clear when a decision was made and how long they had to call it in • Chairs of task and finish groups would like to receive feedback on recommendations going to cabinet ahead of publication to allow dialogue with relevant cabinet members. • The importance of the forward plan was stressed in identifying upcoming decisions. • There was discussion regarding who could sign call in papers. It was stated that the current process required three members of the relevant scrutiny committee who could not all be members of the same political group. It was felt that this should be expanded so that any members could sign the papers so long as they were not all members of the same political group.	officer to decide if call-in is valid. Agreed – call in period should be extended to 4 days to allow time for councillors to formulate an argument and gather evidence.
42.	Should officer decisions taken under delegated authority in relation to executive functions be subject to call in? Feedback from focus group: • It was felt that these decisions should be subject to call in. • It was noted that as the statutory scrutiny officer was currently the Director for Economy Communities and Corporate there could be some conflict where decisions were made by him in his capacity as a director of the council. The reallocation of the scrutiny officer role is currently under consideration.	Agreed – officer decisions should be subject to call in.
43.	Are the public speaking arrangements proportionate? Feedback from focus group: • It was noted that public participation was the exception rather than the rule. • It was felt that the arrangements were not explicit and that a long and complicated set of rules around public speaking would deter engagement. • Where members of the public do currently speak there was felt to be generally good practice in place. • The potential of requiring a written copy of the question in advance and imposing a limit on the number of words was discussed. This was felt to be too restrictive. It was noted that the chairman should control the meeting and intervene if speakers were too long or rambling.	Agreed – arrangements are proportionate. There should be some flexibility with the chairman exercising discretion.

	Question	Working group response
	• It was suggested that the public speaking section of the constitution should make it clear that the chairman could limit the length of questions at his or her disrection • It was noted that the aim was to achieve consistency across all committees with the exception of planning which has specific rules regarding public participation.	
44.	Do task and finish groups work well? Any improvements? Feedback from focus group: • It was felt that the constitution should clarify that the chair of the group must be a scrutiny committee member but that the other members did not have to be. • There was concern that members feel they are not able to influence the outcome of task and finish groups in the way they would like. This may result in a lack of volunteers. • It was noted that those individuals with the most interest or relevant experience can make the best contribution, regardless of their other roles. • There was a request to clarify the status of co-optees on the scrutiny committees and on task and finish groups.	Agreed – make clear that any councillor can sit on a task and finish group without being a member of the parent committee. Agreed – make clear that the parent committee would set the membership, chair, desired outcome and time frame for the group. Parent committee would also determine if special responsibility allowance was appropriate.
45.	Should we specify how all members can get involved in scrutiny? Feedback from focus group: • It was agreed this should be added to the constitution.	Agreed – yes make clear in constitution.
46.	Should we define other types of reviews ie spotlight? Feedback from focus group: • It was agreed this needed greater clarity.	Agreed – needs greater clarity as terminology may not be familiar to all.
	General Comments: • There was discussion whether the educational co-optees should reflect the various types as well as categories of schools e.g. academies and maintained schools.	

	Question	Working group response
	• There was also discussion on whether a representative of NHS England should be a co-optee on HOSC. However it was noted that in the past there had been difficulty getting consistent attendance from such bodies. • It was noted that some councils have the ability on their website to register interest in a particular topic or subject area so interested parties can be prompted when items are coming forward. This might also result in a pool of interested persons who could be drawn up to contribute to discussion on a particular topic. • It was noted that some of the proposed changes to the functions of the scrutiny committees reflect changes in legislation. • Where scrutiny was seeking to influence policy the committees needed to be proactive and have input early in the process. Where scrutiny took place too late in the process there was limited opportunity to effect meaningful change to recommendations. • It was commented that the work programme might need adjusting to reflect the different types of work undertaken by the scrutiny committees and to highlight the balance between overview functions and scrutiny work. • It was noted that in order for scrutiny committees to make a positive contribution to policy formation the executive needed to be willing to delegate items for review.	
Cabinet Functions		
47.	Is the explanation of where executive decisions are taken /scheme of delegation sufficiently clear? Feedback from leader's briefing: Yes – but clarity on when officers take an executive decision is needed.	Agreed – greater clarify needed on which decisions were taken by officers.
48.	Is the definition of operational and executive functions clear? Feedback from leader's briefing: Needs more clarity – and see above. Also need to ensure all members and officers understand once the constitution is adopted.	Agreed – definitions were clear but extra clarity might help.

	Question	Working group response
49.	Is the role of cabinet support members clear? Feedback from leader's briefing: Yes – they have no decision-taking or executive responsibility. They provide an additional perspective to the cabinet member and support e.g. with attendance at some external meetings. Also useful as succession planning, particularly if support roles are periodically rotated.	Agreed – role is clear but needs describing in the constitution.
50.	The current cabinet rules require cabinet members to be seated separately from officers and other members to make it clear to those in attendance who is taking the decision – should this be retained? Feedback from leader's briefing: Yes – and also change layout of meetings to provide greater transparency of roles. Consider colour code name plates? Include explanation at beginning of each meeting of who is there and why.	Suggested that consideration be given to ways to improve clarity such as colour coded nameplates and changes to seating arrangements.
51.	Is the role of those entitled to speak at cabinet meetings clear? Feedback from leader's briefing: Yes – but this needs to be clarified (see above) and managed. Consider providing a mechanism for including group views in the consultation section of a key decision report or otherwise tabling as a supplement to the agenda. Member guide to how to get involved in decision-making to be produced – don't want to stifle or block consideration of other views or contributions but do want these to be raised appropriately and in a timely manner – Cabinet meetings are not the forum for scrutinising decisions and any substantial concerns or questions on content should be raised with the cabinet member or lead director before the meeting to enable those concerns or questions to be properly addressed. All members should make more effective use of the information available to them such as the forward plan.	Suggested – political groups to be consulted for views as part of report writing process.
52.	Are the proposed arrangements for public questions at cabinet clear? (See also question 8) Feedback from leader's briefing: • Prefer not to allow public or member questions as concern that this will duplicate the process already in place at Council.	Suggested – questions would be limited to the function of the committee or items on the agenda on that day. Questions would be submitted 2 days in advance of the

	Question	Working group response
	• Would be helpful to include provision for members of the public to make representation/statements. • Consider giving ward member the role of asking the question/making representation on behalf of the constituent. Feedback from chairman of the council: • Query if a limit on the number of questions that can be asked per year is necessary Feedback from seminar • Limit of 50 words for questions is too restrictive	meeting and limited to 70 words. An individual would only be allowed to ask 6 questions per municipal year across all committees.
Audit and Governance Functions		
53.	Is it clear the role of the committee in relation to governance (i.e. to assure effectiveness rather than approve)? Feedback from focus group: • It was noted that the Audit and Governance committee was primarily concerned with ensuring that correct processes were being followed • The guidance gives the role of the committee as to review and approve – the scope and nature of the approval role needs to be clear • It was noted that some items have been delegated to the committee to approve, these need to be made clear • There was consensus that details in the constitution should be given in one place only to avoid duplication and improve clarity. • It was stated that the language used should be clear and consistent. • There was a comment that the information presented to the committee must include all the necessary evidence and be presented in such a way as to enable the committee to make a clear judgement and decision. • It was suggested that the responsibilities with regard to the LEP should be referenced.	Agreed – guidance does not need to be included in the constitution but remains available to assist committee. Suggested – that contract procedure and finance rules could be delegated to audit and governance committee. Clarity needed to ensure there is not an overlap between the audit and governance functions and the scrutiny functions.
54.	Is an audit and governance code necessary if the functions scheme is explicit? Feedback from focus group:	Include in function of committee ability to adopt own code.

	Question	Working group response
	• It was stated that the code was useful to elaborate on the details of the functions of the committee. • It was suggested that having a separate sub-document or appendix containing the detailed responsibilities allowed updates to be made to reflect new or altered responsibilities without having to change the whole constitution. • There was discussion of the role of the committee in relation to the waste management contact. The current role was associated with the risk around one particular element of borrowing rather than the management of the contract itself. It was noted that other authorities had chosen to create a specific body for this function but Herefordshire had chosen to add it to an existing committee. • There was discussion of the scrutiny functions which could potentially fit with work carried out by the audit and governance committee. It was stated that the committee was not a scrutiny committee, although it did follow some of the rules relating to scrutiny. • It was noted that the status of working groups established by the committee needed clarification. • It was noted that any additional responsibilities or functions delegated to the committee must be reflected in the constitution and/or code.	
55.	Is responsibility for appointment of external and internal audit functions clear? Feedback from focus group: • It was felt that the responsibility was clear. • There was discussion around the degree of independence of the internal and external auditors. It was noted that there would always be some kind of contractual arrangement with auditors and that it was a matter of having confidence in their work. • It was noted that the chairman of the audit and governance committee had been appointed to the members' board of the south west audit partnership and that part of this role was to ensure that the auditors were appropriately independent. • It was noted that audit and governance committee could choose to examine if they were happy with the audit process and the work of the auditors. • There was discussion as to whether the committee could only audit the information provided or whether it could request other information.	Agreed – the responsibility is clear.

	Question	Working group response
56.	Are the differing roles and responsibilities of AGC and scrutiny sufficiently clear? Feedback from focus group: • It was stated that the role of the audit and governance committee was to consider processes and ensure they were followed correctly. It was noted that the committee did query information that was presented where necessary but that it must fall short of querying the operational work of the council. • It was felt that the distinction between the audit and governance functions and scrutiny could be clarified further.	Agreed – the roles and responsibilities are clear.
57.	It is proposed that the code of corporate governance be moved from the introduction of the constitution to part 5 to give a higher profile; is that supported? Feedback from focus group: • It was noted that there was an intention to only state information once in the constitution and not duplicate in different sections. • It was felt that corporate governance was an important role and that it should be prominent at the beginning of the constitution, even if this was then explained more fully in part 5.	Agreed – that the preamble be removed and that the code of corporate governance be moved to the code section.
58.	What should the annual report from the monitoring officer achieve? Feedback from focus group: • It was noted that there was no legal requirement for this report to be put to the audit and governance committee. Around 50% of councils did produce an annual report. There was no guidance on what the content should be and no consistent practice within those councils that did produce one. This also applied to the report from the S151 officer. • There was agreement that the committee should continue to receive the annual reports. • It was suggested that the reports should reflect the statutory functions of the officers and summarise how these functions had been carried out. The report should also draw attention to anything that the officers feel is important. • It was stated that the reports should not be formulaic, merely reiterating what had already been discussed at previous committee meetings, but must add to previous discussions.	Suggested – that contents of reports from monitoring officer and S151 officer be incorporated into the annual governance statement.

	Question	Working group response
59.	Should there be a stand-alone committee or sub-committee or working group of AGC to maintain oversight of the constitution going forward? Feedback from focus group: • It was noted that there was a standing delegation to the monitoring officer to make technical changes as required. • It was also noted that the constitution was not set in stone and would need to change from time to time to reflect circumstances. The exact frequency of changes could not be predicted. • There was a consensus that a standing group was not required. The audit and governance committee should be responsible for future review of the constitution and could establish a working group as necessary to deal with issues as they arose.	A standing working group was not required. A&G would continue to review the constitution with a suggested annual review period.
60a	It could be that finance rules and contractual rules are delegated to audit and governance rather than being retained by full council. What are the views on this? Feedback from focus group: • It was stated that if this was what the council chose to do the audit and governance committee would take it on. • There was concern whether the committee was able to give these matters the attention required. The subjects considered could be complex and required clear explanation so that members of the committee could form a considered judgement. • It was noted that members needed training to fulfil the responsibilities of the committee and that the training should be as accessible as possible.	Agreed – these rules should be delegated to A&G. Noted that the committee would have the option to refer items back to council if it felt the issue was too significant for it to determine.
60b	Are the finance procedure rules and contract procedure rules clear and provide adequate controls? Feedback from focus group: • It was stated that the committee expected to be thorough and deliberate and would take expert guidance as necessary. • It was noted that as the council was looking at contracting out more services this could be an area that the committee needed to examine in greater detail to ensure procedures were robust. • It was suggested that a reprise of recent audit work might help to identify weakness or gaps.	Agreed – A&G would review the finance procedure rules and contract procedure rules outside of this constitution review.

	Question	Working group response
61.	Is the committee size correct? Feedback from focus group: • It was stated that the committee functioned adequately at the present time so there was no functional reason to change the size. • It was noted that turnout for the committee was sometimes disappointing and that finding substitutes was challenging as members needed a familiarity with the constitution and a depth of understanding of the matters for discussion.	Suggested – committee could be made smaller so long as cost neutral and no overall increase in number of meetings.
	General Comments • It was noted that the aims of the review were to make the constitution fit for purpose and easy to understand. It had always been planned to review all areas of the constitution as this is good practice but it also provided an opportunity to pick up on any issues that had been identified. • Councillors were reminded to comment on the tracked changed documents through their group representative on the working group. • It was noted that 3 members of the working group were present to hear the discussion.	
Modelling Change to Committee Structure		
62.	Is the proposed allocation of functions between the committees as set out below correct? **Planning and regulatory committee** – existing planning functions and forms the pool from which the regulatory subcommittee is drawn. (The regulatory subcommittee could have a 'standing chair' who could be the vice chair of planning, with the planning chair acting as vice chair to the regulatory sub on those occasions where the standing chair has a conflict of interest.) **Children's wellbeing overview and scrutiny committee** – children's social care and safeguarding, transition from children's to adult social care, children's specific statutory health scrutiny, education. **Adults and wellbeing overview and scrutiny committee** – adult social care and safeguarding, housing, public health, adult and cross cutting statutory health scrutiny, housing.	Yes

<table>
<tr><th></th><th>Question</th><th>Working group response</th></tr>
<tr><td></td><td>General overview and scrutiny committee – services within the economy, communities and corporate directorate, corporate performance, corporate budget and policy development, statutory scrutiny functions re flood management and community safety/policing.

Audit and governance – retains existing functions

Employment Panel – retains existing functions</td><td></td></tr>
<tr><td>63.</td><td>What is the preferred option for committee sizes?

Option 1
<table>
<tr><th></th><th>Con (29)</th><th>IOC (11)</th><th>Ind (8)</th><th>Grn (2)</th><th>Lib dem (2)</th><th>Ungrouped</th></tr>
<tr><td>Planning & Reg (15)</td><td>8</td><td>3</td><td>2</td><td>1</td><td>1</td><td>0</td></tr>
<tr><td>General OSC (7)</td><td>4</td><td>1</td><td>1</td><td>1</td><td>0</td><td>0</td></tr>
<tr><td>Adults and Wellbeing OSC (7)</td><td>4</td><td>1</td><td>1</td><td>0</td><td>1</td><td>0</td></tr>
<tr><td>Childrens Wellbeing (7)</td><td>4</td><td>2</td><td>1</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>Audit (7)</td><td>4</td><td>2</td><td>1</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>Employment (5)</td><td>3</td><td>1</td><td>1</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>Total (48)</td><td>27</td><td>10</td><td>7</td><td>2</td><td>2</td><td>0</td></tr>
</table>
Option 2
<table>
<tr><th></th><th>Con (29)</th><th>IOC (11)</th><th>Ind (8)</th><th>Grn (2)</th><th>Lib dem (2)</th><th>Ungrouped</th></tr>
<tr><td>Planning & Reg (15)</td><td>8</td><td>3</td><td>2</td><td>1</td><td>1</td><td>0</td></tr>
<tr><td>General OSC (9)</td><td>5</td><td>2</td><td>1</td><td>1</td><td>0</td><td>0</td></tr>
<tr><td>Adults and Wellbeing OSC (9)</td><td>5</td><td>2</td><td>1</td><td>0</td><td>1</td><td>0</td></tr>
<tr><td>Childrens Wellbeing (9)</td><td>5</td><td>2</td><td>2</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>Audit (7)</td><td>4</td><td>2</td><td>1</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>Employment (5)</td><td>3</td><td>1</td><td>1</td><td>0</td><td>0</td><td>0</td></tr>
</table></td><td>Members of working group to gather views from political groups on whether 7 or 9 members for scrutiny committees is preferred. This can be a decision for the AGM</td></tr>
</table>

	Question	Working group response
	Total (54) **30** **12** **8** **2** **2** **0**	
64.	It is proposed that any councillor will be able to be a signatory to a call in request with a four day call in period. How many signatures should be required to trigger a call in? Other councils with this model vary between 5 and 15 signatures.	Agreed – 7 signatories to be required, must be from more than one political group
65.	Should role profiles for members be included in the constitution?	Yes
Additional questions arising from members seminar Amended recommendations were also made to previous questions following discussion at the seminar.		
66.	Under article 2 should the constitution include examples of quasi-judicial functions e.g. planning?	Yes
67.	Should the constitution detail alternative arrangements that could be put in place for executive and management functions?	No. The constitution must reflect the arrangements currently in place. If council agrees changes to structures in future then a statutory process must be followed.
68.	Should proposed amendments to the budget and alternative budgets be subject to the same process?	No. Alternative budgets are different and should be subject to scrutiny. The Section 151 officer will advise if multiple amendments constitute an alternative budget.
69.	Should cabinet support members be prevented from sitting on overview and scrutiny committee?	No. Preventing cabinet support members from sitting on scrutiny committees would make the pool of available members from the majority group very small.

	Question	Working group response
		The constitution clarifies that members should not be involved in scrutinising decisions in which they had a direct input.
70.	Any member of an overview and scrutiny committee can propose an item they wish the committee to consider and it will be included on the next available agenda. Should we define the term next available and the role of the chairman?	Yes - clarify this wording following g the law. Must be on an agenda and discussed at meeting.
71.	Does the reference to party whipping in relation to scrutiny committees need updating?	Agreed that paragraph should be reworded to clarify that whipping arrangements should not apply.
72.	Should the function of the audit committee in overseeing governance of joint arrangements be made clearer?	Yes - the function is already included but needs clarification. Link to adopted partnership governance framework. Risks identified through the framework assessments will be reported to audit and governance.
73.	Should members be required to specify the relevant paragraph of the constitution when raising points of order?	Members should be required to specify the section of the constitution but not the exact paragraph reference.
74.	Should ward members be limited in the length of time they can speak on planning applications?	No – it is for the chairman to manage the meeting. Remove any reference to time limit for ward members.

	Question	Working group response

Appendix 4

	Governance design principle	Constitution action	Action update	Other action	Action update
1.	Members and officers perform effectively in clearly defined functions and roles	a) Review functions scheme b) Review scheme of delegation c) Focus for member decision making on strategy and policy, with officer decision-making focussed on operations/implementation d) Clear purpose and vision for the organisation focussed on outcomes e) Partnership roles and responsibilities clear	a) Reviewed to ensure roles and functions clear b) Reviewed to ensure clear c) Functions and delegations make the respective roles clear and new guide on member roles included. Consultation with groups on key decisions to be reflected in decision reports d) Link to corporate plan clear within articles e) New framework for partnership governance referenced in constitution	a) Training and development for members and officers b) Communications/web site – ensure people know the information and support available and can find it c) Plain English/easy guides	a) Scheduled for after adoption of revised constitution b) New website commissioned and scheduled to go live in new year c) New guides to public participation and member roles in new constitution. Draft guide to member participation being developed to accompany the new constitution
2.	Maximise member engagement and participation, including the involvement of all members in the	a) Clarify/strengthen role of members in performance management and improvement b) Confirm budget and policy framework items	a) Role of GOSC re performance clarified b) Framework items confirmed and role of GOSC in relation	a) With regard to policy development - clear process flow / timescales to ensure all stakeholders included and at the	a) Existing procedure on policy adoption to be reviewed in light of new constitution and communicated; new guides to effective

	Governance design principle	Constitution action	Action update	Other action	Action update
	development of key policies	c) Scrutiny structure reviewed and/or policy panels supporting cabinet members	to framework items clarified c) Scrutiny structure reviewed and proposals for three committee system made	right point, e.g. unions, partners etc. b) Ensure feedback is given to those contributing	scrutiny to be developed. b) Guidance to report authors to include feedback to consultees.
3.	Decision making is informed, transparent and efficient	a) Clear scheme of delegation b) Presumption of openness c) Set threshold below which officer decisions do not need to be recorded d) Review key decision financial threshold	a) Scheme of delegation clarifies b) Explicit within code of corporate governance and principles of good decision making c) Proposed as £50k d) Remain at £500k for both capital and revenue	a) Forward plan robust and clearly understood and identifies type of decision /strategy, policy b) Decision reports proportionate to scale of decision c) Training for report authors d) Identify evidence sources and demonstrate how they are being used e) Maximise use of technology to minimise bureaucracy and cost	a) Role of plan made clear in constitution and guides; to be covered in member and officer training. b) To be covered in report author guidance and training c) Scheduled to follow implementation of online report management system and adoption of the new constitution d) Included within report author guidance e) Implementation of online report management system currently being tested for implementation in 2017
4.	The council welcomes public engagement and	a) Public involvement at meetings (questions at all meetings/questions without notice)	a) Provision for public questions included together with a	a) Use of webcasting/technology to improve public access	a) Costs of webcasting not possible within available resources but trial of

	Governance design principle	Constitution action	Action update	Other action	Action update
	makes accountability real.	b) Forward plan publication arrangements c) Scrutiny arrangements robust and resourced d) Standards of behaviour (members and officers) clearly articulated e) Locality arrangements	guide to participation b) Forward plan of key decisions published. c) Revised scrutiny arrangements proposed d) Review of both codes scheduled as phase 2 e) Working group not recommending formal locality arrangements	b) Timing/location of scrutiny and Cabinet meetings flexible at Chairman's discretion c) Website and communications make information easy to access d) Forward plan understood and accessible e) Improved customer feedback and use of information held to inform improvement	audiocasting facility planned for end 2016 b) Confirmed timing of meetings remains flexible c) Accessibility a key element of new website design and a guide to public participation will include live links for ease of navigation d) Forward plan of key decisions published on the website. e) Public participation guide includes information about providing feedback. Scrutiny training to include use of data.

The Local Government Act 2000 (Constitutions) (England) Direction 2000

The Secretary of State for the Environment, Transport and the Regions, in the exercise of his powers under sections 37(1)(a) and 48(7) of the Local Government Act 2000 (c.22) (the Act) and all other powers enabling him in that behalf, hereby directs all local authorities in England to which Part II of the Act applies as follows:

Miscellaneous and interpretation

1. In the direction:

   "constitution" has the meaning given by section 37(1) of the Act,

   "overview and scrutiny committee":

   a. in the case of a local authority which is operating executive arrangements has the meaning given by section 21(1) of the Act; or
   b. in the case of a local authority which is operating alternative arrangements means any committee or sub-committee appointed by the authority in accordance with regulations made under section 32(1)(b) of the Act to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority.

2. In complying with this direction a local authority must have regard to any guidance issued for the time being by the Secretary of State under section 38 of the Act.

The constitution

3. The constitution prepared and kept up to date in accordance with section 37(1) of the Act by a local authority which is operating executive arrangements or, as the case may be, alternative arrangements must include:

	Requirement of Direction	Relevant part of Council's Constitution	Comment
a	a summary and explanation of the purpose and content of the constitution;	Article 1	
b	a description of the composition of the council, the scheme of ordinary elections for members of the council and their terms of office;	Article 2	
c	a description of the principal roles and functions of the members of the council under executive arrangements or, as the case may be, alternative arrangements including the rights and duties of	Article 5, Part 7	

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	those members;		
d	the scheme of allowances for members of the authority drawn up in accordance with regulations made under section 18 of the Local Government and Housing Act 1989 (c.42);	Part 6	Phase 2 recommendation c
e	a description of the rights and responsibilities of inhabitants of the authority's area including: i. their rights to vote in elections for the return of members of the authority; ii. their rights to access to information about the authority's activities; iii. their rights of access to meetings of the council, its committees and sub-committees and any joint committees established with any other authority; and iv. their rights of access to meetings of the executive and committees of the executive,	Article 3 Access to information rules Council and cabinet procedure rules	
f	a description of the roles of the authority itself under executive arrangements or, as the case may be, alternative arrangements including: i. the functions which may be exercised only by the authority itself or which may to some extent be exercised only by the authority itself (including, in the case of a local authority operating executive arrangements any plans and strategies which are subject to approval or adoption by the authority itself by virtue of regulation 5 of, and paragraph 1 of Schedule 4 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853)); and ii. any rules governing the conduct and proceedings of meetings of the authority itself whether specified in the authority's standing orders or otherwise;	Function scheme – cabinet Council and cabinet procedure rules	
g	a description of the roles and functions of the chairman of the council (including a chairman entitled to the style of mayor);	Article 4	

	Requirement of Direction	Relevant part of Council's Constitution	Comment
h	a description of the functions of the local authority executive which, for the time being, are exercisable by individual members of the local authority executive stating as respects each function, the name of the member by whom it is exercisable;	Functions scheme – cabinet Part 7	
i	a description of the functions of the local authority executive which, for the time being, are exercisable by the executive collectively or a committee of the executive, stating as respects each function, the membership of the body by who it is exercisable	Cabinet functions	
j	a description of those powers of the executive which for the time being are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for the time being exercisable, other than any power exercisable by the officer for a specified period not exceeding six months	Officer function	
k	a description of the arrangements for the operation of overview and scrutiny committees including: i. the terms of reference and membership of those committees and any rules governing the exercise of their functions; and ii. any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise;	Article 6 Function scheme – overview and scrutiny Overview and scrutiny rules	
l	in the case of a local authority which is operating executive arrangements, a description of the roles of the executive, committees of the executive and members of the executive including: i. the roles, functions, rights, responsibilities and duties of members of the executive; ii. in the case of a local authority which is operating executive arrangements which include a leader and cabinet form of executive, any rules governing the election of the executive leader; iii. any rules governing the appointment of members of the executive; iv. any provisions in the local authority's executive arrangements with respect to the quorum, proceedings and location of meetings of the executive;	Article 5 Function scheme – cabinet cabinet rules	

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	v. any provisions in the local authority's executive arrangements with respect to the quorum, proceedings and location of meetings of any committees of the executive; vi. any provisions in the local authority's executive arrangements with respect to the appointment of committees of the executive; and vii. in the case of a local authority which is operating executive arrangements which include a mayor and council manager form of executive, any roles of committees appointed by the elected mayor to advise the executive in accordance with paragraphs 3(14) and (15) of Schedule 1 to the Act;		
m	in the case of a local authority which is operating executive arrangements which include a mayor and council manager form of executive, a description of the roles, functions, rights, responsibilities and duties of the deputy mayor appointed in accordance with paragraph 3(3) of Schedule 1 to the Act;	N/a	
n	a description of the roles of any committees or sub-committees appointed by the authority in accordance with section 101 of the Local Government Act 1972 (c.70) including: i. the membership, terms of reference and functions of such committees or sub-committees; and ii. any rules governing the conduct and proceedings of meetings of those committees or sub-committees whether specified in the authority's standing orders or otherwise;	Article 8 Functions scheme – other Council rules Planning rules	
o	a description of those powers of the council which for the time being are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for the time being exercisable, other than any power exercisable by the officer for a specified period not exceeding six months;	Functions scheme – officer	
p	a description of the roles of the local authority's Standards Committee and any parish council sub-committee of the Standards Committee appointed in accordance with sections 53 or 55 of the Act including: i. the membership, terms of reference and functions of that committee or sub-committee; and	Article 8 Function scheme - other	

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	ii. any rules governing the conduct and proceedings of meetings of that committee or sub-committee whether specified in the authority's standing orders or otherwise;	Council procedure rules	
q	a description of the roles of any area committees appointed by the authority to exercise functions in accordance with regulations 16A of the Local Government (Committees and Political Groups) Regulations 1990 (SI 1990/1553) or, as the case may be, section 18 of the Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (SI 2000/2851) including: i. the membership, terms of reference and functions of such committees; and ii. any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise;	N/a	
r	a description of any joint arrangements made with any other local authorities under section 101(5) of the Local Government Act 1972 including: i. the terms of those arrangements; ii. the membership, terms of reference and functions of any joint committees established under those arrangements; and iii. any rules governing the conduct and proceedings of meetings of those joint committees whether specified in the authority's standing orders or otherwise	Article 9	Need live link
s	a description of any arrangements made with another local authority for the discharge of functions by that other local authority or the executive of that other local authority in accordance with section 101(1)(b) of the Local Government Act 1972 or, as the case may be, Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000;	Article 9	Need live link
t	a description of the roles of officers of the local authority including: i. the management structure for officers of the authority; ii. any arrangements made under section 101 of the Local Government Act 1972 or, as the case may be, section 14, 15 or 16 of the Act for the discharge of functions by officers	Part 7 Article 10	Need live link to transparency

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	of the authority; iii. the roles and functions of the head of paid service, monitoring officer and chief finance officer; iv. the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Act; v. any rules governing the recruitment, appointment, dismissal and disciplinary action for officers of the authority; vi. any protocol established by the authority in respect of relationships between members of the authority and officers of the authority;	Codes Function scheme – council Function scheme – other – employment panel Protocol	Phase 2 Phase 2
u	a description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to meetings of the authority, committees and sub-committees of the authority, joint committees established with any other local authority, the executive and committees of the executive;	Access to information rules	
v	a description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to information about the decisions made or to be made by in respect of local authority's functions and activities;	Access to information rules	
w	a register stating: i. the name and address of every member of the local authority executive for the time being and the ward or division (if any) which he represents; and ii. the name of every member of each committee of the local authority's executive for the time being;	Part 7	
x	a description of the rules and procedures for the management of its financial, contractual and legal affairs including: i. procedures for auditing of the local authority; ii. the local authority's financial rules or regulations or such equivalent provisions as the local authority may have in place whether specified in the authority's standing orders or otherwise; iii. rules, regulations and procedures in respect of contracts	Finance and contract procedure rules Article 10 Functions scheme- council	Phase 2

	Requirement of Direction	Relevant part of Council's Constitution	Comment
	and procurement including authentication of documents whether specified in the authority's standing orders or otherwise; and iv. rules and procedures in respect of legal proceedings brought by and against the local authority;	Functions scheme - officers	
y	a description of the register of interests of members and co-opted members of the authority required under section 81 of the Act, together with the procedures for publicising, maintaining and updating that register.	Code of conduct	Phase 2
x	a description of the rules and procedures for review and revision of the authority's constitution and executive arrangements or, as the case may be, alternative arrangements	Article 1 Functions scheme- other –audit	

4. This direction shall have effect from 19th December 2000.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Herefordshire Council

Meeting:	**Council**
Meeting date:	**16 December 2016**
Title of report:	**Changes to arrangements for appointment of external auditors**
Report by:	**Chairman, audit and governance committee**

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To approve arrangements for the appointment of external auditors..

Recommendation

THAT: Herefordshire Council advises the Local Government Association (LGA) of its intention to 'opt-in' to a national sector led body for the procurement of external auditors .

Alternative options

1 The council has the following alternative options that are not recommended for the reasons detailed in this report:

a) Establishing a stand-alone auditor panel to make the appointment on behalf of the council.

b) Commencing work on exploring the establishment of local joint procurement arrangements with neighbouring authorities.

c) Using an existing independent panel of the authority (this will only be applicable where a suitably constituted panel already exists).

Reasons for recommendations

2 The LGA are working on developing a sector led body (SLB). In a recent survey, 58% of respondents expressed an interest in this option. Greatest economies of scale will come from the maximum number of councils acting collectively and opting-in to a SLB. In order to the strengthen the LGA's negotiating position and enable it to more accurately evaluate the offering the committee is asked to register an interest in the option of opting in to a SLB. A formal decision to opt-in will be required at a later stage.

Key considerations

Background

3 The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.

4 The council's current external auditor is Grant Thornton, this appointment having been made under a contract let by the Audit Commission. Following closure of the Audit Commission the contract is currently managed by Public Sector Audit Appointments Limited (PSAA), the transitional body set up by the LGA with delegated authority form the Secretary of State CLG. Over recent years the council has benefited from reduction in fees in the order of 50% compared with historic levels. This has been the result of a combination of factors including new contracts negotiated nationally with the firms of accountants and savings from closure of the Audit Commission. The council's current external audit fees are £124k per annum.

5 When the current transitional arrangements come to an end on 31 March 2018 the council will be able to move to a local appointment of its external auditor. There are a number of routes by which this can be achieved, each with varying risks and opportunities. Current fees are based on discounted rates offered by the firms in return for substantial market share. When the contracts were last negotiated nationally by the Audit Commission they covered NHS and local government bodies and offered maximum economies of scale.

6 The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the council's audit must follow. Not all accounting firms will be eligible to compete for the work, they will need to demonstrate that they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council. The registration process has not yet commenced and so the number of firms is not known but it is reasonable to expect that the list of eligible firms may include the top 10 or 12 firms in the country, including our current auditor. It is unlikely that small local independent firms will meet the eligibility criteria.

7 The council have until December 2017 to make an appointment. In practical terms this means one of the options outlined in this report will need to be in place by spring 2017 in order that the contract negotiation process can be carried out during 2017.

Options for local appointment of External Auditors

8 There are three broad options open to the council under the Local Audit and Accountability Act 2014 (the Act), these are detailed below and option 3 is the recommended option:

Option 1 - To make a stand-alone appointment

9 In order to make a stand-alone appointment the council will need to set up an Auditor Panel. The members of the panel must be wholly or a majority independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the council's external audit. A new independent auditor panel established by the council will be responsible for selecting the auditor.

Advantages

10 Setting up an auditor panel allows the council to take maximum advantage of the new local appointment regime and have local input to the decision.

Disadvantages

11 Recruitment and servicing of the Auditor Panel and, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15k plus on going expenses and allowances.

12 The council will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.

13 The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by elected members.

Option 2 - Set up a Joint Auditor Panel / local joint procurement arrangements

14 The Act enables the council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice will be required on the exact constitution of such a panel having regard to the obligations of each council under the Act and the council would need to liaise with other local authorities to assess the appetite for such an arrangement.

Advantages

15 The costs of setting up the panel and running the bidding exercise will be shared across a number of authorities.

16 There is greater opportunity for achieving economies of scale by being able to offer a larger combined contract value to the firms.

Disadvantages

17 The decision making body will be further removed from local input, with potentially no input from elected members where a wholly independent auditor panel is used or only one elected member representing each council, depending on the constitution agreed with the other bodies involved.

18 The choice of auditor could be complicated where individual councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for the council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint auditor panel choose a firm that is conflicted for this council then the council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

Option 3 - Opt-in to a sector led body

19 In response to the consultation on the new arrangement the LGA successfully lobbied for councils to be able to 'opt-in' to a Sector Led Body (SLB) appointed by the Secretary of State under the Act. An SLB would have the ability to negotiate contracts with accountancy firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector.

Advantages

20 The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities.

21 By offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation.

22 Any conflicts at individual authorities would be managed by the SLB who would have a number of contracted firms to call upon.

23 The appointment process would not be ceded to locally appointed independent members. Instead a separate body set up to act in the collective interests of the 'opt-in' authorities. The LGA are considering setting up such a body utilising the knowledge and experience acquired through the setting up of the transitional arrangements.

Disadvantages

24 Individual elected members will have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.

25 In order for the SLB to be viable and to be placed in the strongest possible negotiating position the SLB will need councils to indicate their intention to opt-in before final contract prices are known.

Conclusion

26 The council will need to take action to implement new arrangements for the appointment of external auditors from April 2018. In order that more detailed proposals can be developed the committee is asked to give early consideration to the preferred approach.

27 The council has been asked by the LGA for an indication of the preferred approach in order that it can invest resources in providing appropriate support to councils. The LGA is strongly supportive of the SLB approach as it believes this offers best value to councils by reducing set-up costs and having to potential to negotiate lowest fees.

Community impact

28 Effective audit helps ensure the council is transparent about the way in which it conducts business and that it does so efficiently and effectively in line with the values of the council and the corporate plan priority to secure better services, quality of life and value for money.

Equality duty

29 As this is a decision on back office functions we do not believe that it will have an impact on our Equality duty.

Financial implications

30 Current external fees levels are likely to increase when the current contracts end in 2018.

31 The cost of establishing a local or joint Auditor Panel outlined in options 1 and 2 above will need to be estimated and included in the council's budget. This will include the cost of recruiting independent appointees (members), servicing the Panel, running a bidding and tender evaluation process, letting a contract and paying members fees and allowances.

32 Opting-in to a national SLB provides maximum opportunity to limit the extent of any increases by entering in to a large scale collective procurement arrangement and would remove the costs of establishing an auditor panel.

Legal implications

33 Section 7 of the Local Audit and Accountability Act 2014 (the Act) requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements; it also specifies that Council may not delegate the appointment to another body.

34 Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.

35 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.

Risk management

36 There is no immediate risk to the council, however, early consideration by the council of its preferred approach will enable detailed planning to take place so as to achieve successful transition to the new arrangement in a timely and efficient manner.

37 Providing the LGA with a realistic assessment of our likely way forward will enable the LGA to invest in developing appropriate arrangements to support the council.

Consultees

38 Consultation with neighbouring authorities indicate that they intend to follow the SLB option recommended in this report. The audit and governance committee considered this matter at its meeting on 22 September and recommended approval to Council.

Appendices

None.

Background papers

None identified.

Meeting:	**Council**
Meeting date:	**16 December 2016**
Title of report:	**Leader's report**
Report by:	**Leader of the council**

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To receive a report from the leader on the activities of cabinet since the meeting of Council in September.

Recommendations

THAT: the report be noted.

Alternative options

1 There are no alternative options; it is a requirement of the council's constitution.

Reasons for recommendations

2 To ensure members are aware of the activities of cabinet.

Key considerations

3 A list of the decisions taken by cabinet and cabinet members since the last report to Council (covering the period between 16 September and 30 November) is provided at appendix 1; three were taken under the general exception provision (less than

twenty-eight but more than five days' notice) and the relevant overview and scrutiny committee chairman was notified. None were taken under the urgency provision (less than five days' notice). No decisions were subject to call in.

4 As is usual at this period in the corporate planning cycle the cabinet have been focussed on the ongoing development of the medium term financial strategy and in particular detailed budgets for 2017/18. I welcome the engagement of all members in the process and in particular the members of the scrutiny committees for their input. Its easy to feel despondent when contemplating the continued financial challenge for the country and the county but I would like to take this opportunity to remind members of the significant achievements of this council in recent years, which have been delivered in the context of those continuing challenges and should give us confidence in our ability to deliver in the future. These include:

- Children's safeguarding services in the county coming out of special measures, with recognition of positive direction of travel and ambition for the county.
- Approval of a school capital investment strategy guiding £100m of public/private investment over 20 years – and securing £7m of that within the first year.
- Development of 'New Horizons' to enable young adults with learning disabilities to stay in Herefordshire to build their independence rather than have to go to out county residential colleges
- An increase in local foster carers by 9%, against a national backdrop of reducing numbers
- Reduction in use of agency staffing in the past year by 50% - and in the last three years from 60 to 16 in children's social care.
- Commitment to support unaccompanied asylum seeking children despite wider financial pressures.
- Development of family based short breaks for children with a disability to give parents more choice.
- Reduction in adults and wellbeing spend of around 9%, despite pressure from demographic trends and increasing unit costs in delivering care (such as introduction of the national living wage)
- External peer challenges in 2014 and 2015, both of which concluded that the adult social care service was improving and on the right trajectory
- 2016/17 being the fourth successive year that we have worked within the agreed budget whilst building reserves to meet the pinch-points and pressures we know are yet to come
- Following the adoption of the core strategy and the local transport plan, plans for a new city bypass coming to fruition after decades of debate.
- £45m funding secured through the local enterprise partnership for investment in essential infrastructure
- Following delivery of a new, high quality livestock market, the opening of a major new retail centre in Hereford.
- With our partners in Worcestershire, delivery of a new energy-from-waste plant, ahead of time and on budget.
- In the context of an agreed corporate property strategy considerable progress made in rationalising our corporate accommodation, disposing of high cost or inappropriate property, and developing plans to share accommodation with public sector partners including DWP, police and fire and rescue bodies.
- Delivery of public realm improvements in Hereford's centre to improve the shopper and visitor experience and connect the historic core to the new retail development

- Filled over 200,000 pot-holes in the past three years
- Roll out of Fastershire broadband to over 80% of county, by the end of 2016/17
- Completion of the replacement of all council owned street lights with 12,000 street lights now being LED creating significant saving on running costs and reducing light pollution
- With support from our communities, retained the library network across the county without significant closures, investing in self-serve, and with new models of delivery including community run libraries
- Using capital investment to ensure leisure facilities can thrive without public subsidy

5 In addition to these activities and achievements, we have also seen a year on year improvement in a number of education outcomes, particularly for our youngest children, setting them up for the best start in life.

6 All of this whilst delivering savings of £59m over the past six years. I am not suggesting that everything is easy and certainly there is more work to be done – but we should recognise the progress made to date and build on that progress with confidence so that the resources of the council and the county continue to be directed to improving outcomes and quality of life for our residents.

7 We will undoubtedly have more difficult decisions to take in the future, not least about how best to work with partners in the wider local government family and in health in order to maximise resources available to Herefordshire and to operate as efficiently as possible. In taking those decisions we must continue to keep the future wellbeing of Herefordshire residents in the foremost of our minds.

Community impact

8 The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Equality duty

9 Cabinet and cabinet members have paid due regard to the public sector equality duty in their decision-making, as set out in the relevant decision reports.

Financial implications

10 The financial implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Legal implications

11 The legal implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Risk management

12 The risks associated with any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Consultees

13 None.

Appendices

Appendix 1 – Executive decisions taken

Background papers

- None identified.

Further information on the subject of this report is available from
Councillor T Johnson, leader of the council on Tel (01432) 260494

Executive decisions taken between 22 September 2016 and 30 November 2016 **Appendix 1**

	Decision and purpose	Decision date	Taken by
1.	**Healthy Child programme 0-19 years** To agree procurement of Health Visiting and School Nursing Service	15 September	Cabinet
2.	**Section 75 agreement** To agree a Section 75 agreement between Local Authority and CCG	15 September	Cabinet
3.	**Recommissioning short breaks for disabled children** To brief Cabinet on the duties to provide short breaks for disabled children and their carers, and the level of need for such services in Herefordshire. To recommend the continuation of funding up to £450,000 per year for 2017-2020 to procure services for Herefordshire's short breaks offer for disabled children. This is as part of a continued pooled funding arrangement with £427,000 per year contributed by the BCF (Better Care Fund), which is subject to the governance of the Herefordshire CCG (Clinical Commissioning Group)	15 September	Cabinet
4.	**Four year funding settlement** To consider acceptance and implications of the four year funding settlement offered by central government	21 September	Cabinet
5.	**Communications strategy for the period 2016-2019** To agree the communications strategy for the period 2016-2019. The communication strategy will align with the corporate plan, the core strategy, and the emerging economic plan to form a suite of documents designed to guide a programme of change.	21 September	Cabinet
6.	**Interim position statement upon housing delivery**	21 September	Cabinet

	Decision and purpose	Decision date	Taken by
	To recommend the approval of an interim position statement upon housing delivery in accordance with policy SS3 of the Herefordshire local plan - core strategy.		
7.	**Mental health day** To respond to the resolution passed by Council on 15 July 2016	30 September	Cabinet Member: Health & Wellbeing
8.	**Delivery of communication services using the Enterprise Zone broadband network** To seek Cabinet Member approval of arrangements for the delivery of communication services using the Enterprise Zone broadband network	03-October	Cabinet member Corporate Strategy & Finance
9.	**Flood Alleviation works at Lower Hill Farm** To approve flood alleviation measures at Lower Hill Farm Hereford, to be funded via an Environment Agency grant and existing budgets. Works to be delivered by Fayre Oaks Home Park on behalf of the local community.	03-October	Cabinet Member Infrastructure
10.	**Adoption of the Eardisland neighbourhood development plan and consequential updates to the countywide policies map** To recommend the Eardisland neighbourhood development plan and the consequential changes to the countywide policies map to the Cabinet member - infrastructure for adoption as part of the statutory development plan for Herefordshire.	06-October	Cabinet Member Infrastructure
11.	**Adoption of the Marden neighbourhood development plan and consequential updates to the countywide policies map** To recommend the Marden neighbourhood development plan and the consequential changes to the countywide policies map to the Cabinet member - infrastructure for adoption as part of the statutory development plan for Herefordshire.	06-October	Cabinet Member Infrastructure
12.	**High Town Post Refurbishment Trading Review** To approve the proposals for the revised street trading, markets and hire of space activities in High Town following the refurbishment project	10-October	Cabinet Member Economy & Corporate Services

Executive decisions taken between 22 September 2016 and 30 November 2016 **Appendix 1**

	Decision and purpose	Decision date	Taken by
13.	**Customer Services and Libraries** **(General exception)** To agree the model for future operation of customer services and libraries across the county	13/10/2016	Economy, Communities & Corporate
14.	**Herefordshire Safeguarding Children Board (HSCB) Annual Report 2015/16 Herefordshire Safeguarding Adult Board (HSAB) Annual Report 2015/16** To report on the annual reports of the HSCB and HSAB, which address the work of multi-agency partners in Herefordshire in safeguarding and promoting the welfare of children, young people and vulnerable adults within the county, including achievements and areas for improvement, and priorities identified for 2016/17	13/10/2016	Economy, Communities & Corporate
15.	**Executive response to the review of early years provision and children's centres** To agree the executive response to the recommendations from the task and finish group	13/10/2016	Economy, Communities & Corporate
16.	**Smallholdings Disposal Plan** **(General exception)** To approve a detailed smallholdings disposal programme	13/10/2016	Economy, Communities & Corporate
17.	**Revised Procedures for parish led deployment of Speed Indicator Devices** To approve the adoption of new procedures for the delivery of a parish Council led Speed	13/10/2016	Cabinet Member – Transport & Roads
18.	**LEP Scheme of Delegation** To agree a Scheme of Delegation for the Marches LEP	11/10/2016	Marches Enterprise Joint Committee
19.	**SWTP CPO & SRO** To seek authority to acquire by negotiation the land, properties, easements and rights of access over land needed for the construction of the Southern Link Road and for in principle approval for the making of Compulsory Purchase Order (CPO) and Side Roads Order (SRO) if required, for the same purpose	20/10/2016	Cabinet

Executive decisions taken between 22 September 2016 and 30 November 2016 **Appendix 1**

	Decision and purpose	Decision date	Taken by
20.	**Early Help Strategy** To approve the early help strategy 2016-18	20/10/2016	Cabinet
21.	**Annual fostering report – April 2015-2016** To review fostering service performance and approve related documents.	20/10/2016	Cabinet
22.	**Partnership governance framework** To approve a framework setting out the council's approach to partnership working, helping to strengthen accountability and ensure working arrangements are as efficient as possible	20/10/2016	Cabinet
23.	**Highways Maintenance Plan** To approve the Council's Highways Maintenance Plan	24/10/2016	Cabinet Member Transport and Roads
24.	**Approval to grant new 5 year lease for Nelson House** Approval to grant new 5 year lease for Nelson House	4/11/2016	Cabinet member contracts and assets
25.	**Revised governance arrangements for West Mercia Energy**. To approve the revised, joint agreement following consultation with Shropshire Council, the Borough of Telford and Wrekin and Worcestershire County Council.	3/11/2016	Cabinet
26.	**Redesign and commissioning of Home Care and Reablement services** Redesign and commissioning of Home Care and Reablement services	3/11/2016	Cabinet
27.	**End of September Corporate Budget and Performance Report** To invite cabinet members to consider performance for the first six months of 2016/17 and the projected budget outturn for the year.	3/11/2016	Cabinet

Executive decisions taken between 22 September 2016 and 30 November 2016 **Appendix 1**

	Decision and purpose	Decision date	Taken by
28.	**Statement of Community Involvement – Adoption** To recommend the adoption of the SCI having regard to the outcome of public consultation, on a revised draft statement of community involvement.	3/11/2016	Cabinet
29.	**Variation to the Large Scale Voluntary Transfer Agreement with Herefordshire Housing ltd** **(General exception)** To approve the variation of the LSVT with Herefordshire Housing to waive the council's right to clawback on property disposals, so as to enable increased housing development consistent with the council's strategic priorities.	3/11/2016	Cabinet
30.	**Approve the installation of height restriction barriers at Red Meadow car park in Ross-on-Wye** To approve the installation of height restriction barrier(s) at red meadow car park, Ross-on-Wye, to deter motorists with camper vans, motor homes or similar style vehicles from sleeping, cooking or camping overnight which is contrary to the off-street parking places consolidation order 2014	10/11/2016	CM – Transport & Roads