

Corporate Support Centre
Paul Walker - Chief Executive

To: All members of the Council

our ref: Council - 28 May 2021
contact: Matthew Evans, Democratic Services
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20 May 2021

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 28 May 2021** at the Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP at **10.30 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

AGENDA

Council

Date: **Friday 28 May 2021**

Time: **10.30 am**

Place: **Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP**

Notes: Please note the time, date and venue of the meeting. The meeting can be viewed through the link below:

<https://youtu.be/GEmFtUKIZfQ>,

For any further information please contact:

Matthew Evans, Democratic Services

Tel: 01432 383690

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If you would like help to understand this document, or would like it in another format or language, please call Matthew Evans, Democratic Services on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor Sebastian Bowen

Councillor Kema Guthrie

Councillor Graham Andrews

Councillor Polly Andrews

Councillor Chris Bartrum

Councillor Dave Boulter

Councillor Ellie Chowns

Councillor Gemma Davies

Councillor Toni Fagan

Councillor Carole Gandy

Councillor John Harrington

Councillor Jennie Hewitt

Councillor David Hitchiner

Councillor Helen l'Anson

Councillor Peter Jinman

Councillor Graham Jones

Councillor Jim Kenyon

Councillor Trish Marsh

Councillor Mark Millmore

Councillor Felicity Norman

Councillor Tim Price

Councillor Paul Rone

Councillor Nigel Shaw

Councillor John Stone

Councillor Elissa Swinglehurst

Councillor Kevin Tillett

Councillor Ange Tyler

Councillor William Wilding

Councillor Paul Andrews

Councillor Jenny Bartlett

Councillor Christy Bolderson

Councillor Tracy Bowes

Councillor Pauline Crockett

Councillor Barry Durkin

Councillor Elizabeth Foxton

Councillor John Hardwick

Councillor Liz Harvey

Councillor Kath Hey

Councillor Phillip Howells

Councillor Terry James

Councillor Tony Johnson

Councillor Mike Jones

Councillor Jonathan Lester

Councillor Bob Matthews

Councillor Jeremy Milln

Councillor Roger Phillips

Councillor Ann-Marie Probert

Councillor Alan Seldon

Councillor Louis Stark

Councillor David Summers

Councillor Paul Symonds

Councillor Diana Toynbee

Councillor Yolande Watson

Agenda

		Pages
1.	ELECTION OF CHAIRPERSON To elect a Chairperson of the Council for the municipal year.	
2.	APPOINTMENT OF VICE-CHAIRPERSON To appoint the Vice-Chairperson of the Council.	
3.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
4.	DECLARATIONS OF INTEREST To receive any declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members of the Council in respect of items on the agenda.	
5.	MINUTES To approve and sign the Minutes of the ordinary meeting held on 5 March 2021 and the extraordinary meeting on 27 April 2021.	9 - 40
6.	CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS To receive the Chairman and Chief Executive's announcements.	41 - 46
7.	ELECTION OF LEADER OF THE COUNCIL To elect the Leader of the Council.	
8.	APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES To make appointments to the committees of the Council and outside bodies in line with the rules of political proportionality.	47 - 62
9.	COUNCILLORS ALLOWANCE SCHEME To approve the Herefordshire councillors allowances scheme having regard to the recommendations of the council's independent remuneration panel.	63 - 122

The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 260201 / 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

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 access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Public transport links

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.

Minutes of the meeting of Council held at Online meeting only on Friday 5 March 2021 at 10.00 am

Present: Councillor Sebastian Bowen (chairperson)
Councillor Kema Guthrie (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen l'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Director for children and families, Interim Head of Legal Services, Democratic services manager, Director for adults and communities, Acting Deputy Chief Executive and Acting Assistant Director for Regulatory, Environment and Waste Services

47. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Graham Andrews.

48. DECLARATIONS OF INTEREST

There were no declarations of interest.

49. MINUTES

The Chairman referred the meeting to the minutes of the extraordinary meeting on 2 February and the budget meeting on 12 February as contained in the correction supplement published on 2 March.

RESOLVED: That the minutes of the extraordinary meeting held on 2 February and the budget meeting held on 12 February, as contained in the correction supplement, be confirmed as a correct record and signed by the Chairman.

50. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman's announcements and the schedule of emergency decisions as printed in the agenda papers.

A request was raised that recording of all votes cast at meetings of the Council was undertaken to ensure transparency of decision making. The Chairman committed to consider the request following the meeting.

51. QUESTIONS FROM MEMBERS OF THE PUBLIC (Appendix 1 – Public Questions – Pages 7 - 12)

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.

52. QUESTIONS FROM MEMBERS OF THE COUNCIL (Appendix 2 – Member Questions – Pages 13 - 16)

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.

53. 2021/22 COUNCIL TAX SETTING REPORT

Council considered a report by the Leader of the Council to set the Council tax and precepts for 2020/21.

The Chairman referred the meeting to the correction supplement published on the 4 March containing a corrected version of the 2021/22 council tax setting report. The Chairman outlined two corrections to the detail contained in the correction supplement: the cover to the correction supplement should state that the title of column 6 of appendix 1 was *% change from 2020/21 to 2021/22*; and the pound sign in advance of the net tax base of band D equivalent properties in recommendation (b) should be discounted.

The cabinet member finance and corporate services introduced the report and proposed the recommendations. In introducing the report she explained that the council was the billing authority and collected council tax. The report sought approval to set the precepts for each category of dwelling taking account of the council's precept, parish council's precepts, the police and crime commissioner's precept and the Hereford and Worcester Fire Authority precept. The support provided by parish councils in the provision of services was highlighted and it was noted that the tax base had reduced from the 2020/21 year which affected the percentage change of parish council precepts.

The Leader seconded the recommendations in the report and explained the variable precepts across parish councils. The decision before Council was a formal process to agree the council tax liability for households in the county.

The monitoring officer clarified that a liability on the part of members to pay council tax did not create a disclosable pecuniary interest. As council tax payers there was no need for a dispensation for members to participate in council tax setting.

The following principal points were raised during the debate:

- Equivalent rural sparsity arrangements for the police and crime commissioner and the fire authority. The provision of a £100k rural grant to the fire and rescue service but no equivalent arrangement for the police force.
- Initiatives to build stronger relationships with parish councils to help the sharing of best practice in areas such as drainage and flooding response.
- Tribute was paid to the work of parish councils and the increasing role they played locally.
- The value for money assessment of parish councils and the criteria for audits of parish councils applied by the external auditor.
- The need for a correction to the police and crime commissioner's precept contained in appendix 4.

The report and recommendations in the correction supplement were put to the recorded vote and were carried by a simple majority of the Council.

For (37): Councillors Paul Andrews, Bartlett, Bolderson, Boulter, Bowen, Bowes, Chowns, Crockett, Davies, Fagan, Foxton, Gandy, Guthrie, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, l'Anson, Jinman, Graham Jones, Lester, Marsh, Milln, Norman, Phillips, Rone, Seldon, Shaw, Stone, Summers, Swinglehurst, Toynbee, Tyler, Watson and Wilding.

Against (14): Councillors Polly Andrews, Bartrum, Durkin, Howells, James, Johnson, Mike Jones, Kenyon, Matthews, Millmore, Price, Stark, Symonds and Tillett.

Abstain (0)

RESOLVED – That:

- a) **The precepting authority details incorporated in appendices 1 to 5, relating to town and parishes, West Mercia Police and Hereford and Worcester Fire Authority be approved in accordance with sections 30(2), 34(3), 36(1) and section 40 of the Local Government Finance Act 1992 (as amended) and that the following amounts be approved for the year 2021/22 in accordance with sections 31 to 36 of the Local Government Finance Act 1992, regulation 6 (as amended by the Localism Act 2011):**
 - a. **£386,183,501 being the estimated aggregate expenditure of the council in accordance with section 31A (2) of the act, including all precepts issued to it by parish councils;**
 - b. **£268,356,670 being the estimated aggregate income of the council for the items set out in section 31A (3) of the act (including revenue support grant);**
 - c. **£117,826,831 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the council in accordance with section 31A(4) of the act, as its council tax requirement for the year (including parish precepts); [Item R in the formula in Section 31B of the Act]**
 - d. **£1,723.74 being the amount at (c) above divided by the amount of the council tax base calculated by the council, in accordance with section 31B of the act, as the basic amount of its council tax for the year (including parish precepts);**
 - e. **£4,883,501 being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act;**
 - f. **£1,652.30 being the amount at (d) above less the result given by dividing the amount at (e) above by the amount of the council tax base calculated by the council, in accordance with section 34(2) of the act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates (Herefordshire Council band D council tax, excluding parishes)**
- b) **it is agreed that the net tax base of 68,355.22 band D equivalent properties (being the gross tax base adjusted for an assumed collection rate) used for setting the budget requirement for 2021/22;**
 - a. **is allocated to band D equivalent dwellings per precept area as shown in appendix 1; and**
 - b. **the individual council tax allocations per valuation band of dwelling by parish (including fire and police precepts) as set out in appendix 5.**

54. LEADER'S REPORT TO COUNCIL

Council received and noted the Leader's report which provided an update of the work of the cabinet since the previous ordinary meeting of Council in December 2020. The Leader introduced his report and explained that as lockdown restrictions were easing there was concern for the impact of the restrictions on the mental health of children and young people. The cabinet were taking forward the delivery of the priorities in the corporate plan which was evidenced by the proposed transfer of the freehold of the town hall and the work that scrutiny was requested to undertake concerning the incidence of flooding on the highway.

The following issues were raised:

- The active travel measures and the level of modal shift required to achieve a reduction in the level of congestion. A written response would be provided.
- The ongoing and future costs of Maylords Orchard and the value of the facility to the community.
- The need for an alternative council chamber in the event of a resumption of physical meetings.
- A request for an update on the wetlands project. A written response would be provided.
- A request for an independent assessment of the service provided by HOPE in Bromyard. The extension of the current contract enabled a more detailed review.
- The work undertaken to propose a second river crossing and support from local parties.
- Progress with the West Midlands Rail Executive.
- Flooding on Herefordshire highways.
- Available statistics to detail the level of unemployment among young people. A written response would be provided.
- The re-procurement of the advocacy service and the possible inclusion of mediation services in the tender.
- Guidance from Natural England regarding phosphate pollution and the status of emerging Neighbourhood Development Plans (NDPs). A briefing note for all members would be compiled and circulated.
- The transfer of the freehold of the Town Hall and if essential maintenance work would be completed prior to handover. A written response would be provided.
- The closure of the C1055 and the urgent need for its reopening. A written response would be sought from Balfour Beatty Living Places as to the priority afforded to the road in the works programme.
- Consultancy costs involved in the destination bid for the county. A full update on the project would be provided in the next edition of the newsletter from the cabinet member for environment, economy and skills.
- Methods to keep members up to date regarding the latest council tax collection rate and the level of arrears in council tax and business tax. Details were available in the quarterly update and the latest details could be sent in a written response.

55. NOTICES OF MOTION UNDER STANDING ORDERS

Motion – Flooding and Phosphate Management Resourcing

In moving the motion Cllr Fagan outlined the principal points below:

- The motion was a plea to ensure that agencies were properly resourced and able to convene with urgency to address flooding and phosphate pollution.
- There had been a recent history of severe flooding in Herefordshire.
- The moratorium on house building caused by phosphate levels came at a significant cost to the local community.
- There had been a significant increase in the number of chickens in the Upper Wye with an attendant increase in the level of pollution in rivers.
- The impact on the tourism sector and income from tourism resulting from pollution.

The following principal points were raised during the debate:

- Environmental land management schemes were urgently needed.
- Local experts needed to work alongside national agencies to address issues.
- A co-ordinated approach with other affected local authorities was encouraged.
- Support for farmers was necessary to address phosphate levels and spread good practice in the county. Enforcement by national agencies was also important where irresponsible practices were taking place.
- An update would be provided to all members regarding the introduction of the phosphate calculator.
- A review of the legal situation relating to house building was crucial to determine the risk to the council.
- Lobbying of government to strengthen farming rules for water was encouraged.
- Cross-party and cross-border support was essential to realise progress.
- A partnership approach to work with the agricultural sector was required.
- Levels of pollution in water courses was also affected by village sewage works.
- Natural England and the Environment Agency needed to be sufficiently resourced to be effective and proactive.

Councillor Swinglehurst seconded the motion and explained that it was essential that all agencies, political sides and interested parties in Herefordshire work together. Meetings were taking place with MPs and cross border representatives. The resources available to the county in local agencies were not sufficient. There was a political will and support from the council to resolve the issues.

Councillor Fagan as the mover of the motion closed the debate and explained that an approach was necessary which drew the government into partnership working and which placed an importance upon cross border working.

A recorded vote was requested which was supported by eight members of the Council.

The motion was put to the recorded vote and carried unanimously.

For (46): Councillors Polly Andrews, Bartlett, Bartrum, Boulter, Bowen, Bowes, Chowns, Crockett, Davies, Durkin, Fagan, Foxton, Gandy, Guthrie, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, l'Anson, James, Jinman, Johnson, Graham Jones, Mike Jones, Lester, Marsh, Matthews, Millmore, Milln, Norman, Phillips, Price, Seldon, Shaw, Stark, Stone, Summers, Swinglehurst, Symonds, Toynbee, Tyler, Watson and Wilding.

Against (0)

Abstain (0)

RESOLVED – that:

We request that the executive of Herefordshire Council to write to our MP's and government ministers requesting urgent intervention and immediate resourcing for our statutory agencies to address the issues of flooding and phosphate overload which is ravaging Herefordshire's economy, ecology and communities.

The meeting ended at 1.07 pm

Chairperson

Appendix 1 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Ms Miller, Rowlestone	Further to a promise by the Conservative Prime Minister are the roads in Herefordshire subject to any imminent repairs? With regards to potholes and resurfacing to prevent dangerous travel issues, I refer especially to the road named the Wigga road in Rowlestone, repairs for which requests have repeatedly been sent to the council asking for some attention. This must be the very worse road in the whole of the county.	Cabinet member infrastructure and transport
<p>Response: The overall condition of our roads, the scale of the task to return to a good condition and the finite sums available for the task, means that we have to prioritise our programme for delivery, our network, after a decade of cuts to Central Government Funding, is approximately £100 million behind in returning it to optimal condition. By delivering what little we have in accordance with our asset management strategy, we are maximising the impact that we have for the money available. We will continue to meet our duty toward the safety of all roads, including the Wigga road in Rowlestone, but the optimal use of funds to deliver the best overall condition for all is our objective.</p> <p>Whilst the pothole funding recently announced is welcome, when considered alongside the drop in the regular funds that we receive from Government for highway maintenance, Herefordshire will have received approximately £4.5m less to spend on its roads in 2021/22 than in 2020/21.</p> <p>The Wigga road (U74418) has been assessed by the BBLP asset management team for consideration of localised patching. The assessed priority is too far down our current programme works list to receive any works at this present time, nor would it be included in the annual plan for the next few years at current budget levels. However we will continue to monitor this road and should increased deterioration be observed then we will review and update the priority score.</p>			
<p>Supplementary Question: Our property is adjacent to the Wigga road in Rowlestone (running from the church to Balls Cross) - The Old Vicarage, Rowlestone. Over the last 20 years since we have lived here the road has become increasingly potholed and dangerous for driving - now even for walking on. It is frequently flooded as the drains cannot cope with the amount of water running down the road and is too often covered in debris. A response to my last complaint initiated some markings on the road for proposed filling in of some potholes - these markings have now worn off due to the recent inclement weather. Since then 2 letters have been received from Balfour Beatty indicating repairs to the main roads out of Rowlestone but completely ignoring the Wigga road, which is in a much worse state than those indicated on their maps (with perhaps the exception of the end of the road which runs to the A465.) These references are C1219-A465 to The Vroe Rowlestone & C1219-The Vineyard/Court Road Rowlestone. Surely if road repairs are to be done in the immediate vicinity, then why not complete the job in Rowlestone and finally repair the Wigga road whilst Balfour Beatty are in the area?</p>			
<p>Response from the cabinet member:</p>			

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The Council had £4.5 million less to spend on the public realm for pothole repair and resurfacing. Roads are surveyed and assessed on a risk matrix and are ranked on a priority work programme for resurfacing. Potholes are ranked by severity and limited resources are focused on addressing the most critical repairs. Two roads in Rowlestone, the lower and upper roads, were being addressed due to the damage suffered and the increasing priority. Contact would be made with Ms Miller to discuss the latest situation.

PQ 2	Ms Rudge, Hereford	What plans are the council making to ensure the electricity infrastructure in Herefordshire is able to provide enough available power for all the charging points that are going to be needed to power the huge rise in electric cars ownership that will happen over the next decade?	Cabinet member environment, economy and skills
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Response:

As a key stakeholder Herefordshire Council has been actively engaging with Western Power Distribution, who are the district network operator in Herefordshire, through the development of their future investment planning process.

The Council has strongly outlined the importance of ensuring the electricity network is fit for purpose and supports the county's ambition to achieve net zero carbon by 2030 and has specifically identified the requirement to meet the future needs for the transition to electric personal transportation and the future electrification of heat for our homes and offices.

As well as meeting with Western Power Distribution and formally responding to their consultation, Herefordshire Council is also a partner of the Marches Energy Strategy Steering Group which is a subgroup of the Marches Local Enterprise Partnership. Through this group we have also formally met with both Western Power Distribution and SP Energy Networks (the network operator for north Shropshire) outlining all three authorities ambitious carbon zero targets for 2030 and have responded to the WPD RII0-ED2 consultation.

PQ 3	Mr North, Bromyard	We have serious concerns about the residential occupation of a 'Distinctive Environmental Asset' known as Quay Head, Tedstone Delamere HR7 4PU. In particular, with reference to the Adopted Herefordshire Local Plan Core Strategy Appendix 8, the environmental impact on adjacent Local Wildlife Sites SO75/001 & 017 (Woodland Adjoining Sapey Brook & Sapey Brook) and 1504415 Ancient Replanted Woodland. Is the Herefordshire Council satisfied that no illegal occupation and activity is occurring?	Cabinet member infrastructure and transport
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Response:

Our Planning Enforcement Team is investigating this matter and I understand that the officers are currently awaiting a retrospective planning application. Such an application can then be considered by the planning service and determined accordingly, having regard to our planning policy.

PQ 4	Mr McMorran, Bromyard	Is the Council aware that, although an enforcement complaint form was issued on April 14th 2020, together with subsequent supporting documentation, and despite the manifest on-going harm to a 'Distinctive Environmental Asset' of the County, no material action has been taken. Will the Council ensure that the Planning Supplementary Enforcement Policy (Appendix C) Procedures are carried out?	Cabinet member infrastructure and transport
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Response:

The Planning Enforcement Team has been resourced as far as the council's budgetary position currently allows, although like many other council services a reduction in level of service has been necessary in order for the council to balance its budget for the coming financial year. Within available resources officers will still have regard to the Planning Supplementary Enforcement Policy that forms Appendix C of the council's 2018 Overarching Enforcement Prosecution Policy, which can be found at https://www.herefordshire.gov.uk/downloads/file/1472/enforcement_and_prosecution_policy although the team may take longer to respond than previously would have been the case. I understand that officers have provided a more detailed letter to you this week. We will not let anyone disregard planning laws, we may be under pressure through budgets to address reported breaches as quickly as we would like but we will address them; planning rules are to be applied to everyone.

Supplementary Question:

It would appear that because of the budgetary cuts referred to, anyone is now able to establish a residential development in open countryside and sort out the details later. If I and others would like to reside in this way, on land we own within the County, what is the Council's position?

Response from the cabinet member:

Unrestricted development was not permitted in the county and enforcement would occur where necessary. There was limited resource which might delay investigation but cases would be addressed and consequences applied.

PQ 5	Mr Butler, Whitbourne	The state of the County roads is disgraceful. What are the plans to upgrade the roads in 2021/22 – not just a bit of back filling of pot holes but in general making the roads safer to travel?	Cabinet member infrastructure and transport
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Response:

We know the County's roads are not in the condition that we want them to be. The highway network is an extensive (over 2000 miles of roads) and aged asset. It will take time and sustained investment in surfacing works to put it into the condition that we would like to see. In the past, adequate and appropriate Central Government funding has allowed us to do that to a much more satisfactory degree. Unfortunately, this past decade, the government has steadily withdrawn funding to authorities like Herefordshire, roughly equating to 60p in every pound given prior to 2010. Even more unfortunate perhaps is Bill Wiggin, MP, has chosen to vote at every opportunity to reduce one of those vital funding streams to Herefordshire, the Revenue Support Grant, resulting in a reduction from £62 million per annum received in 2010 to £600K this year. Further, despite assurances from both our MPs – and public statements from Mr Wiggin about increased funding - we will suffer a further reduction of approximately £4.5m from Central Government for our roads in 2021/22 than in 2020/21. In 2021/22 we will be continuing to invest the resources that we have in line with an asset management strategy that has seen an increase in the proportion of the network that is in good condition, albeit that we still have a very significant proportion of the network that is in need of maintenance. As is our duty, we will continue to respond to potholes.

PQ 6	Mr Alexander, Dilwyn	Will the Council now commit to making no increase in City centre car parking charges and no decrease in the number of car parking slots available in the City at least until the next County Council elections?	Cabinet member infrastructure and transport
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Response:

No I cannot commit to that and I will not. The council is committed to the effective management of the demand for parking spaces which not only protects our historic city and town centres, but also help to reduce congestion, improve air quality and provides the Council with vital income at a time of historic

cuts of funding from Central Government. We are going through a parking charge review currently. Having not been reviewed for some years all charges will now be reviewed annually to ensure that they continue to be effective and meet local needs.

The council control over 2,100 off street parking spaces in Hereford city, with over 100 on street pay and display parking spaces. Any adjustments to the parking arrangements in and around the city are carefully considered against the benefits that such adjustment may bring to the wider safety, environmental or economic factors involved in providing public services. Our charges remain in line with those of our neighbouring authorities.

Supplementary Question:

After close to a year of taxpayer funding and council ownership what, if any, fully costed renovation plans for Maylord are now being considered?

Cabinet member response (cabinet member commissioning, procurement and assets):

Only two units are currently vacant which shows the influx of small independent operators, including arts and culture which is bringing a new lease of life to the facility. A review will be undertaken of Maylords to develop a longer term strategy which should be available in May. The focus will be on independent operators, social value, town investment plan (including the use of educational and skills training) and culture.

PQ 7	Mrs Alexander, Dilwyn	Please confirm there will be no reduction in the current frequency of domestic rubbish collection throughout the County for the duration of this Council.	Cabinet member commissioning, procurement and assets
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Response:

The current waste collection contract runs until November 2023 and cannot be altered until this contract expires. I can therefore confirm that the frequency of domestic rubbish collection cannot be altered for the duration of this council.

Supplementary Question:

Thank you for your reply. I am delighted to learn the current frequency of rubbish collection cannot be reduced for at least the next 2 years though it sounds that the service could be cut once the contract ends. My concern also focuses on fly-tipping; according to Hereford's Domestic Services Manager – the incidence of reported fly tipping – after lockdown in June last year – increased by 95% in July, 41% in August and a further 87% in September – and by 52% in the final quarter of the year – and unfortunately has increased at a faster rate still this January. This is a health threatening blight in the countryside and provides a breeding ground for rats. How does this environmentally sensitive Council propose to eliminate the causes of AND the dangers from this illegal dumping.

Cabinet member response;

The figures in the supplementary question were queried and there was doubt about who the domestic services manager was; clarification was required on both points. The incidence of fly tipping was scandalous and a focus was required on its causes. Austerity had reduced the resources in the anti-social behaviour team and the capacity to undertake enforcement. A cross-party discussion was in progress concerning fly tipping and littering to determine how the littering policy could be updated and what enforcement could be undertaken against fly tipping. There was a suggestion that fly tipping was undertaken consistently by rogue traders. Scrutiny would be engaged in future arrangements to address the problem.

PQ 8	Mr Harwood, Ross-on-Wye	As announced on the Council's website on 26 th February 2019, the much needed development of Ross Enterprise Park was scheduled to start in late spring of that year. This has not	Cabinet member
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		happened and the Council has stated a core issue is that the development costs do not provide value for money. Is it possible to have a clear definition of what value for money is in this instance?	environment, economy and skills
<p>Response: The council considers each proposed capital project through the assessment of a detailed business case in terms of what it will deliver against strategic priorities such as the County Plan 2020 to 2024, likely outputs and outcomes, and return on investment. In February 2019 the council took a decision to develop phase 1 of the proposed Ross Enterprise Park development on the Model Farm site in Ross on Wye. In approving the £7.07 million capital allocation the business case identified that the project would develop 8.5 net developable acres of employment land, forecast to create circa 250 jobs and a future land receipt of £1.7m (through the sale of the serviced plots). Following finalisation of the detailed design and the full tendering of the project, the development costs rose to £11.5m (49% increase) delivering the same levels of outputs/outcomes and return. This equates to a cost of circa £46,000 per job or £1.35m per acre of net developable land. Given the very significant increase in costs against the original business case for the same outcomes, the project is no longer considered value for money.</p>			
<p>Supplementary Question: Thank you for the answer detailing the development cost of the Ross Enterprise Park as an outcome of circa £46k per job or £1.35M per acre of developable land. Can you please provide the benchmark figure in the same terms of outcome value per job that is considered cost effective by the Council for the project to proceed?</p>			
<p>Cabinet member response: A written answer would be provided.</p> <p><u><i>Written response provided on 15 March:</i></u></p> <p>The cost per job is only one factor considered in the assessment of a business case for a project, it is not the sole determinant. The council's business case assessment is compliant with the 'The Green Book', the government's guidance for appraisal and evaluation (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938046/The_Green_Book_2020.pdf). For example, a business case for each project considers the financial return on investment, how a project contributes to the strategic priorities of the council, any other outputs or outcomes a project may deliver as well as jobs created. Therefore, given the range of factors, neither the council nor government has a specific job created benchmark figure per level of investment. It should also be noted that the cost per job identified (£46K) in the initial answer is only based on a project to establish development ready plots, it does not include the cost of developing the buildings required to create the actual jobs. Therefore, the overall cost per job would be higher than indicated.</p>			
PQ 9	Ms Miller, Bromyard	When will the cabinet member responsible do something about the lack of planning enforcement seen in this county as is evidenced by the wide-scale disregard of the planning process locally here in Tedstone Delamere, with challenging behaviour by a handful of people to the detriment of our natural environment putting frustration and confusion in the minds of law-abiding neighbours.	Cabinet member infrastructure and transport
<p>Response: Thank you Ms Miller, I have answered similar questions around this site in my earlier responses here which I hope you will find useful and I am very aware of the level of public interest in this case and will now follow it closely. I understand that the planning enforcement officers are aware of this</p>			

complaint, presuming this is the case reported to the council about caravans on land adjacent to the woodland near the Sapey Valley. Planning laws apply to all and I will ensure that that is understood by all residents.

Appendix 2 - Questions from members of the Council

Question Number	Questioner	Question	Question to
MQ 1	Councillor Nigel Shaw, Bromyard Bringsty	<p>IAT21424 returned a reply last October that a section 278 still hadn't been entered into for Porthouse Rise, Bromyard. Planning legal officers subsequently confirmed that they had not been instructed on the matter. Planning approval was nearly seven years ago. An enhancement to the roadside pavement is shown in approved drawing EII-146-KM-B-183 and refers to detail 617-03F of a zebra crossing.</p> <p>The planning officer confirmed verbally in November that he was hoping to deliver the scheme in negotiation with the developer, Keepmoat. Despite asking since I have heard nothing more, and the developer has long left the site. Bromyard residents are reasonably asking me where their improvements are.</p> <p>When will the Council's planning department confirm the timetable for the delivery of these vital infrastructure improvements which should have gone hand in hand with the delivery of the development?</p>	Cabinet member infrastructure and transport
<p>Response: The applicant submitted a revised planning proposal for the delivery of cycle and pedestrian improvements to serve the development at the Porthouse site (application reference 190732). The submitted plans include the provision of a zebra crossing on the B4214. A report recommending approval of the revised scheme has been drafted and will be issued by 12 March. This will require by condition the delivery of the improvements within 12 months of the date of the decision.</p>			
<p>Supplementary Question: Will assurance be provided that a review of planning and planning enforcement resourcing will now be undertaken to ensure that statutory services can be delivered and recommendations arising from the peer review report can be implemented and public confidence restored? Further funding for the planning resource was supported.</p>			
<p>Cabinet Member Response: Robust conditions in applications was important to ensure that developer obligations were clear and could be enforced. Ensuring robust conditions would be addressed in future to ensure obligations to the local community are fulfilled. Additional funding was required to increase the capacity of the service but this would need to be taken from another area of the council if external support was not forthcoming. A written response would be provided.</p>			

Written response provided on 8 April 2021:

At the end of 2020, we commissioned the Local government Association's Planning Advisory Service (PAS) to undertake an independent review of the council's planning service and in early 2021 we received their recommendations. We are currently working through this and have already briefed the teams. However, and like the rest of the council, the planning service has to play its part in helping to find the savings required to ensure that budgets are balanced. That said, I have made it very clear to senior management that enforcement is vital to maintain resident's confidence in local democracy and to ensure everyone plays by the same rules. I am striving to ensure that the planning directorate savings we have to make will be done in a way that does not negatively impact on enforcement and makes enforcement more efficient and effective. My view is enforcement is somewhere we will need to put extra focus on and we will probably need to consider undertaking more enforcement action over the next few years, not less.

MQ 2	Councillor Christy Bolderson, Wormside	I understand that there is currently an employment freeze within the planning department and vacant posts for enforcement officer positions. I have a number of long outstanding enforcement issues within my ward and given the number of recommendations raised within the Planning Peer Review (PAS report), how does the administration plan to ensure there is sufficient resources to address these issues?	Cabinet member infrastructure and transport
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Response:
The Planning Service and its enforcement team have been resourced as far as the council's budgetary position currently allows although, like many other council services, we are having to review the level of service in order for the council to balance its budget for the coming financial year. Posts have not therefore been deleted. Please also be assured that the recommendations made by the PAS report have been taken on board and that the planning service will be adopting as many of these as possible in order to improve our efficiency, although we will still need to ensure that the service remains within budget.

Supplementary Question:
Planning officer caseloads were concerning and had been identified as an issue in the PAS review. There was currently a large backlog of planning applications to be processed. The employment freeze was having an adverse impact on planning services and enforcement in the Wormside ward. If the income from the service exceeded its full cost base why were vacant posts not being filled?

Cabinet Member Response:
There was an essential need for a planning service to be well funded and robust. A distinction was drawn between the planning process which was statutory and enforcement which was discretionary. There was a current delay to the filling of vacant posts due to a restructure which was in progress to determine how the service could be more efficient in future and where savings could be realised. A similar backlog of applications existed at local authorities across the country which was the result of a consistent reduction in funding for local government since 2010.

Section 151 officer response – A written response would be provided on the financial position of the planning service but it was confirmed that it was not cash-positive.

Minutes of the meeting of Council held at Online meeting on Tuesday 27 April 2021 at 10.00 am

Present: Councillor Sebastian Bowen (chairperson)
Councillor Kema Guthrie (vice-chairperson)

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen l'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Interim Head of Legal Services, Democratic services manager, Interim DCS, Chief Executive and Acting Deputy Chief Executive – Solicitor to the Council, Acting Deputy Chief Executive – Chief Finance Officer, Assistant Director Children’s Safeguarding Quality and Improvement, Lawyer 2 Advocate, Senior Solicitor, Senior Solicitor

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Tracey Bowes and Nigel Shaw.

57. DECLARATIONS OF INTEREST

There were no declarations of interest.

58. QUESTIONS FROM MEMBERS OF THE PUBLIC (Appendix 1 – Public Questions – Pages 7 - 12)

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.

59. HIGH COURT JUDGEMENT RELATING TO CHILDREN AND FAMILIES (Appendix 2 – Member Voting Choices – Pages 13 - 16)

Council considered a report by the Acting Joint deputy Chief Executives and the Interim Director Children Services concerning the High Court judgement April 2021 relating to Children and Families.

The report and recommendations were proposed and introduced by the Leader. He apologised to the children and families failed by the actions of the local authority that had been the focus of the High Court judgement. He explained that there had been longstanding failures of leadership at the council that were being addressed with the appointment of a new Chief Executive and the appointment of an interim Director of

Children's Services. He referred to the Secretary of State appointment of a Department for Education (DFE) advisor and the requirement for cultural change at the council.

During the course of the debate the following points were raised:

- The findings of the judgement were shocking and upsetting and the council needed to restore faith in children's services;
- The role of all councillors as corporate parents and the need to insist upon improvement for the benefit of looked after children;
- The difficult working relationship with children's services and the need to change a culture of evasion and lack of transparency;
- An acknowledgement that there were excellent social workers in Herefordshire who needed help and support.
- Recommendations and learning from earlier judgements that had not been applied or implemented;
- The root-and-branch approach to achieve improvement and change were welcomed and the funding that would be required was acknowledged. It was hoped there would be assistance from local MPs to secure government support.
- The planned reviews needed to identify and highlight bad practice to facilitate cultural change;
- The role and accountability of cabinet members on the Council;
- The importance of scrutiny and the requirement for greater training of scrutiny members. The requirement for members of the children and young people scrutiny committee to be updated on current issues of significance. Councillors were provided with significant data regarding the performance of children's services but without fully understanding the detail;
- A culture existed across children's, legal and democratic services at the council to block access to information;
- The outcomes of the task and finish group in 2019 in response to the 2018 judgement and recommendations that had not been implemented;
- Elected members had felt that they were not listened to and should have been more forthright in raising concerns. Improvements were necessary to ensure that members were listened to;
- Longstanding issues had been identified in previous Ofsted judgements, over the previous 10 years, which included a lack of supervision of frontline staff and poor record keeping;
- The review of all cases in the system would be a long process that could take 3 – 5 years;
- The need for appropriate checks and balances to support social workers;
- Improvements to processes concerning the provision of legal advice in complex cases and work to improve the contact between legal and social workers;
- The role of Independent Reviewing Officers (IROs) and the need to review the effectiveness of the service;
- The governance arrangement of the improvement board and how it would coordinate with scrutiny and the corporate parenting panel;
- The need to reconsider the functions and responsibilities of the corporate parenting panel;
- The importance of hearing the child's voice;
- There was concern regarding the late presentation of a significant number of documents to the court whilst the hearing was in progress;
- The importance of updating members through progress reports to meetings of the full Council to evidence commitment and improvement to external partners and stakeholders;
- The ongoing coroner's inquest and the potential criminal culpability of individuals in the judgement.

Councillor Felicity Norman seconded the recommendations in the report and explained that there was a focus on ensuring that the necessary changes would be undertaken. A number of actions were being progressed including the long term review of all current cases. Support had come from the local government association and partners and the new chief executive and interim director of children's services. It was important to listen, in particular to the voice of the child, and it was essential to rebuild trust. The mistakes and failures in the judgement were understood and they would be put right.

There was a brief adjournment at 12:34 p.m.; the meeting reconvened at 12:45 p.m.

Amendment 1

To add recommendation (i):

Given the lack of firm recommendations for Councillors to approve for the next steps from here following the Family Court Judgment, we would like to propose that the Leader commissions a firm and clear action plan with action ownership and timescales to be presented to an extraordinary meeting of the Children and young people scrutiny committee to be held no later than 28th May 2021 for discussion and to make recommendations to full Council.

Councillor Phillip Howells proposed the amendment above and explained that the inclusion of the additional recommendation would allow for more immediate implementation of improvements. The amendment would help provide clarity on the co-ordination and management of the planned improvements and detail of the timescales.

Councillor Roger Phillips seconded the amendment and explained that he supported it as a mechanism to keep the full Council updated.

During the course of the debate the following points were raised:

- The action plans that would emerge from the Improvement Board would be shared and advice from the DFE would be sought on the timescales;
- There was concern that the timescales in the amendment were not practicable.

Councillor Roger Phillips withdrew as the seconder of the amendment.

Councillor Terry James seconded the motion but requested an alteration to the wording to replace the words no later than 28th May 2021 with the words with urgency.

Councillor Phillip Howells as the proposer of the amendment agreed to the alteration above.

The debate continued and the following points were raised:

- The amendment would achieve an overarching plan that would co-ordinate a number of areas of work. It would assist all members understanding and provide updates to the children and young people scrutiny committee;
- There was concern that the amendment would delay the introduction of improvement initiatives;
- It was important that full Council retained an oversight of the progress of the improvements;
- The amendment would enable the children and young people scrutiny committee to see the next steps on the introduction of improvements and to provide comment;
- It was confirmed that the chairperson of the children and young people scrutiny committee would be a member of the Improvement Board.

The Leader, as the mover of the original report recommendations, explained that he was encouraged that the chairperson of the children and young people scrutiny committee would be a member of the Improvement Board and was content with the amendment as it would act as a useful prompt for updates to be provided to meetings of the full Council.

The amendment was put to the vote and was carried by a simple majority of Council.

RESOLVED – That the following is added to the original report recommendations as recommendation (i):

Given the lack of firm recommendations for Councillors to approve for the next steps from here following the Family Court Judgment, we would like to propose that the Leader commissions a firm and clear action plan with action ownership and timescales to be presented to an extraordinary meeting of the Children and young people scrutiny committee to be held with urgency for discussion and to make recommendations to full Council.

Amendment 2

To add recommendation (j):

That all staff resigning from Herefordshire children's services are required to undertake an exit interview conducted by a children's social care specialist outside Herefordshire Council, to understand the reasons for their resignation. This process to be implemented no later than 1st July 2021 with the outcome of all such exit interviews reported to the Children & Young People Scrutiny committee. This could be a stand-alone arrangement with an external consultant, or a reciprocal arrangement with another authority.

Councillor Paul Symonds proposed the amendment and explained that he had confidence in the action plans and proposals for improvement in the report. The amendment was intended as a 'safety net' to alert the council to problems and issues reported by people leaving children's services.

Councillor Terry James seconded the amendment and explained concerns that departing employees felt constrained in exit interviews as to what they could say. Exit interviews should be an opportunity for outgoing staff to explain what was wrong with children's services.

During the course of the debate the following points were raised:

- There was support for the amendment;
- It was important that employees were heard and the conduct of exit interviews by an external person was supported;
- The exit interviews needed to be conducted face-to-face in preference to use of online facilities; and
- Officers should feel able to approach management at any time during their employment to outline concerns they might have.

The Leader, as the mover of the original report recommendations, explained that he understood that the exit interview would be for the benefit of management and any changes to the service resulting from the outcomes of the interview would be reported to the children and young people scrutiny committee.

The amendment was put to vote and was carried by a simple majority of the Council.

RESOLVED – That the following is added to the original report recommendations as recommendation (j):

That all staff resigning from Herefordshire children’s services are required to undertake an exit interview conducted by a children’s social care specialist outside Herefordshire Council, to understand the reasons for their resignation. This process to be implemented no later than 1st July 2021 with the outcome of all such exit interviews reported to the Children & Young People Scrutiny committee.

This could be a stand-alone arrangement with an external consultant, or a reciprocal arrangement with another authority.

The Leader closed the debate and explained that this was a watershed moment for the Council. This was an opportunity to reinforce a new relationship between officers, members and the public. The family in the judgement had been let down with a number of lives affected and those children who had been failed would feel the impact throughout their lives.

The substantive recommendations, including those additional recommendations contained in the amendments carried above, were put to the vote and were carried unanimously.

RESOLVED – That Council:

- a) Notes the contents of the report;**
- b) Notes the Judgement set out in appendix 1 of the report;**
- c) Notes the Assurance and Improvement Strategy set out in appendix 2;**
- d) Agrees the establishment of an Improvement Board;**
- e) Approves the appointment of an Independent Chair for the Children and Families Improvement Board;**
- f) Notes the Secretary of State will approve the appointment of a DFE advisor to act as the Independent Chair of the Children and Families Improvement Board;**
- g) Approves the commission of External Reviews as determined necessary by the head of paid service;**
- h) Approves the Financial Provision to support the Review and Improvement Strategy, as set out in para 24 and appendix 3 of this report;**
- i) Given the lack of firm recommendations for Councillors to approve for the next steps from here following the Family Court Judgment, we would like to propose that the Leader commissions a firm and clear action plan with action ownership and timescales to be presented to an extraordinary meeting of the Children and young people scrutiny committee to be held with urgency for discussion and to make recommendations to full Council.**
- j) All staff resigning from Herefordshire childrens’ services are required to undertake an exit interview conducted by a children’s social care specialist outside Herefordshire Council, to understand the reasons for their resignation. This process to be implemented no later than 1st July 2021 with the outcome of all such exit interviews reported to the Children & Young People Scrutiny committee.**

This could be a stand-alone arrangement with an external consultant, or a reciprocal arrangement with another authority.

The meeting ended at 1.51 pm

Chairperson

Appendix 1 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Anonymous	How will social services investigate and correct other potential injustices that may have occurred over the past decade? In cases where legal aid is unobtainable families have likely been unable to question poor or unjust decisions made.	Cabinet member children and families
<p>Response: We will be undertaking an external independent review of all open cases across children’s services, including children in care, to assure ourselves that assessments and care plans are child focussed, are meeting the welfare needs of the child and that care plans are evidencing good safe care and parents are included and have a voice to the greatest extent possible. Citizen’s Advice Bureau can provide free expert legal advice to anyone who feels a case has resulted in the wrong decision, which subsequently resulted in their being denied legal advice. We are committed to reviewing such cases on a case-by-case basis. And to support this, we have set up a dedicated email where you can submit ‘cases of concern’, the link of which is attached here: www.herefordshire.gov.uk/careconcerns or email careconcerns@herefordshire.gov.uk</p>			
<p>Supplementary Question: Who will be undertaking the independent review, what are their competencies and will affected parties be advised of any errors, mistakes or poor practices, as well as their rights without having to contact Herefordshire Social Services/Herefordshire Council first?</p>			
<p>Response from Cabinet member children and families: A written response would be provided.</p> <p><u>Written response provided on 12 May:</u></p> <p><i>There are a series of reviews that have been commissioned as follows:</i></p> <p>1) <i>We have created an independent assurance team that is specifically focussing on a review of practice and learning arising from this judgement. The team are comprised of experienced consultants who bring together a range of skills and expertise in the field of child protection, children in care and family care proceedings. As part of their work, this team are also reviewing and responding to members of the public who through our dedicated email for the public ‘cases of concern’, to help our ongoing learning. We remain committed to being transparent with members of the public, therefore if any errors or poor practice the independent team will contact individuals direct as indicated above.</i></p> <p>2) <i>The Director of Children’s Services commissioned a forensic review around the quality of practice and leadership and management across the service, which is being undertaken by two highly experienced former HM Ofsted Inspectors, who now work with Council’s who are on an improvement journey. The outcome and findings of this review will be shared with the independently chaired improvement board, and through the improvement plan, which the DfE advisor will maintain overview and scrutiny, that is reported to the Minister within the DfE on a six-weekly basis. This work commenced on the 12 April 2021.</i></p> <p>3) <i>We are in the process of commissioning an external audit review of all current open cases within the directorate, findings and any actions arising from these audits will be made shared with the Improvement board and identified within the improvement plan and any affected parties will be advised</i></p>			

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PQ 2	Anonymous	To provide some public confidence, when and how will you ensure that false records on your mosaic system, doctors, health centers, hospitals, schools, and teachers in this case are corrected and updated and reflect truthful and objective information, especially facts that have been established in court?	Cabinet member children and families
<p>Response: The Council's Access to Information team can be contacted to request access to personal records. Information can be found here: Access to information – Herefordshire Council. If there is information that is incorrect then we as a council have a duty under UK General Data Protection Regulations (UK GDPR) to ensure that the records are updated and corrected; You can challenge the accuracy of personal data held about you by an organisation and ask for it to be corrected or deleted. This is known as the 'right to rectification'. If your data is incomplete, you can ask for the organisation to complete it by adding more details.</p>			
<p>Supplementary Question: As it clear from the judgement, incorrect records with doctors were established as fact in court in this case. Have these been corrected since the judgement was served a month ago?</p>			
<p>Response from Cabinet member children and families: A written response would be provided.</p> <p><i>Written response provided on 12 May:</i></p> <p><i>Children's and Legal services and relevant staff involved within the case are correcting any factual inaccuracies and will ensure these are shared with relevant agencies to ensure their records are updated. This work will be completed by June 12th 2021.</i></p>			
PQ 3	Anonymous	To provide some public confidence, when and how will all relevant professionals who have been given false information historically in this case, and who may interact with these children or Carers in the future, be made aware that false information had been given previously to them by the local authority?	Cabinet member children and families
<p>Response: As part of our independent review of all cases, if incorrect information has been identified within records, this will be corrected in this case and others and disseminated to all professionals involved with the case to ensure their records are updated. As indicated in the previous question we as a council have a duty under GDPR to ensure that the records are updated and corrected; You can challenge the accuracy of personal data held about you by an organisation and ask for it to be corrected or deleted. This is known as the 'right to rectification'. If your data is incomplete, you can ask for the organisation to complete it by adding more details.</p>			
<p>Supplementary Question: As it clear from the judgement, professionals, particularly doctors in 2014 and 2019, were given false information by the social worker / foster carer. Have these been corrected since the judgement was served a month ago?</p>			
<p>Response from Cabinet member children and families:</p>			

A written response would be provided.

Written response provided on 12 May:

Children's and Legal services and relevant staff involved within the case are correcting any factual inaccuracies and will ensure these are shared with relevant agencies to ensure their records are updated. This work will be completed by June 12th 2021.

PQ 4

Anonymous

It is evident from the judgment that the failure of these foster carers' acceptance of the 2013 judgement was a major factor of the long-standing failures. What specific immediate actions are you going to take with these foster carers, or any other carers, who do not follow court rulings?

Cabinet member children and families

Response:

Foster care is an incredibly difficult and challenging job, as many of these children have suffered significant trauma in their lives, which has left them with complex and challenging needs. As a council and corporate parent, we recognise and value the importance that our foster carers make every day to 'our' children's lives. The need to ensure our foster carers are supported and provided with additional resources and training as and when required is of the paramount importance.

We have been introducing new policies and procedures to support practice development in the fostering team since the 2018 High Court Judgements. This will continue as part of the improvement plan to address learning from this case. Training for foster carers, including the current carers is continuing and future training is planned to improve the service needs. All this work has been undertaken jointly with colleagues within Legal Services, so we can assure adherence with court rulings, and the improvement work which has been undertaken will be overseen by the independent improvement board.

In addition, in January 2021 we recruited a Fostering Independent Reviewing Officer (who is a qualified social worker) who is providing independent oversight of our foster carers to ensure their assessments are robust, they are provided with the right level of training and support, and that they adhere to established policy and procedures for looking after children in our care and this will include support to the current carers.

Supplementary Question:

Your legal department has been content for 8 years with the foster carers' non-acceptance of the 2013 judgement. Their entrenched views was highlighted in court in the court case 2015-2017. What specific training will continue and which one is planned for these foster carers and your legal team?

Response from Cabinet member children and families:

A written response would be provided.

Written response provided on 12 May:

Like social work, being a foster carer is a difficult and challenging role, and as a Council we remain grateful for the valuable role they undertake in caring for children who are unable to live with their families. Providing good support and training to equip them to undertake this invaluable role is essential. There is a commitment to deliver specific training for all foster carers, including the carers within this judgement, which will be developed and delivered through the role of the fostering reviewing officer (FIRO), the Independent Assurance team, who are leading on the learning from this case, together with legal colleagues. This training will consider learning from the 2015-2017 and this more recent judgement.

PQ 5	Anonymous	The Foster Care Providers and the independent review officer treated Court findings with contempt over many years and have harmed the children as a result, due in part of the very disturbing longstanding mindset that is evidently present at the council. Beside the direct actions to address the conduct of Social Workers and Carers, what immediate steps will you take to assure that there is a proper and independent functioning Foster Carer Review Panel and IRO department?	Cabinet member children and families
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Response: The appointment of a Fostering Independent Reviewing Officer (FIRO), will ensure adherence to court decisions, consistency and balance in decision making and the role of the Foster Carers re- parental responsibility and the wishes and feelings of children and young people in our care. The FIRO will be chairing reviews with Foster Carers and will undertake audit work on the robustness of plans for looked after children placed in foster care. The post holder commenced in January 2021.

Concerning the IRO service, following a vacancy, a new experienced Head of Service has been appointed from a council judged by OFSTED to be 'outstanding'. They commenced their role in November 2020. Further work is underway on learning lessons from the review with a specific focus on independent support and challenge to social workers in terms of childcare planning and using the escalation policy to improve consistency of practice, and quality assuring and auditing of cases as part of the shared learning and improving practice

Supplementary Question:
What has the FIRO done in this case over the last 4 months?

Response from Cabinet member children and families:
A written response would be provided.

Written response provided on 12 May:

The fostering independent reviewing officer (FIRO) is a new post that has been established. Their role is ensuring a quality assurance scrutiny of work within the team, but also around wider practice development on the importance and value, of a positive relationship between the birth family and foster carers. A significant part of this work, is being clear and consistent in the way we understand, recognise, and ensure parents' rights and voices in the care of their children is consistently applied. The FIRO has been clearly sighted on this case and the learning and is working closely with the independent assurance team who is leading on a review of this case.

PQ 6	Mr J Roberts Lea Lawton	Many of the issues identified and some of the Council employees named in the High Court judgement of HH Justice Keehan were previously identified as a result of an earlier police investigation, circa 2017, which resulted in the conviction, at Worcester Crown Court, of a Social Care Manager from the same Looked After Children Team and is a matter of public record. Why was the culture in Children's Services not recognised and addressed effectively at this time when it was clearly evident?	Cabinet member children and families
<p>Response:</p> <p>Although a number of changes in procedures, including the 'Abuse of Position of Trust (Sexual Offences Act 2013) a 'conflict of interest policy' and the Council's whistleblowing policy has been revised to include an anonymous procedure. It is clear that our previous commitments to improve our social care services for children have fallen sadly short of the standards expected.</p> <p>Looking forward, our newly recruited Principal Social Worker (PSW), who has come from an outstanding authority, will hold a critical role as a voice for social workers and has in place regular meetings with practitioners and managers to gain insight into some of the management issues highlighted in this and past judgements. Where a culture of mismanagement is identified, the PSW will be raising this with senior managers and the new Interim Director to ensure these are addressed accordingly.</p>			
PQ 7	Ms T Jeyasingham Ross on Wye	Why is the children's service structured so managerial top heavy?	Cabinet member children and families
<p>Response:</p> <p>Our senior management structure consists of three Assistant Directors, who each have reporting to them three heads of services, with front line team managers reporting to them. We do not consider that this is disproportionate for our social work. Having sufficient management oversight is key to providing robust oversight and critical reflection on the quality of support we provide to children and young people as well as to practitioners working to help them. Through our new Signs of Safety practice framework, we are working to improve how we foster a culture of learning and open reflection, as well as improving how we work with children and families in a strength based and relationship approach to avoid the difficulties highlighted in the judgement in future.</p>			
<p>Supplementary Question: How does this structure reduce the experience of micro management and bullying within the service?</p>			
<p>Response from Cabinet member children and families: A written response would be provided.</p> <p><u>Written response provided on 12 May:</u></p> <p><i>As indicated in my first response, the children's services management structure is less top heavy in comparison to most other local authorities. The importance of management oversight cannot and should not be underestimated, this not only ensures staff are supported in their thinking, decision</i></p>			

making and judgement as social workers, but allows manager's to appropriately scrutinise the quality of assessments, care planning and decision making that has an impact on a child's future.

As part of our commitment to supporting our staff, we have trained individuals to take on Bullying & Harassment Advisor (B&HA) roles. B&HAs are colleagues who are trained to offer confidential information on issues relating to bullying and harassment.

Appendix 2 - Member Voting Choices

Report Generated:

27/04/21 14:11

Topic

Meeting ID

Council - Extraordinary Meeting

885 5385 7561

27-Apr-21

Amendment 1

User Name

Paul Rone	For
Sebastian Bowen	For
Yolande Watson	For
Mark Millmore	For
Carole Gandy	Against
Ellie Chowns	For
Barry Durkin	For
Jonathan Lester	For
Terry James	For
Dave Boulter	Against
Roger Phillips	For
Jim Kenyon	For
Christy Bolderson	For
Toni Fagan	For
Gemma Davies	Against
Polly Andrews	For
Phillip Howells	For
Michael Jones	For
Paul Symonds	For
John Hardwick	Against
Tony Johnson	Against
Kevin Tillet	For
Felicity Norman	Against
Louis Stark	For
Chris Bartrum	For
Jennie Hewitt	Against
David Summers	Against
Elizabeth Foxton	For
Kema Guthrie	For
Jeremy Milln	For
Pauline Crockett	Against
Kath Hey	Against
Tim Price	For
Peter Jinman	Against
William Wilding	Against
John Harrington	For
Trish Marsh	Against
Graham Jones	Against
David Hitchiner	For
Elissa Swinglehurst	Against
Bob Matthews	For
Ange Tyler	Against
Jenny Bartlett	For

Amendment 2

Helen I'Anson	For
Liz Harvey	For
Paul Andrews	For
Graham Andrews	For
Jonathan Lester	For
Gemma Davies	For
Yolande Watson	For
Barry Durkin	For
Mark Millmore	For
David Hitchiner	For
Jim Kenyon	For
Jennie Hewitt	For
Paul Symonds	For
Jeremy Milln	For
Louis Stark	For
Michael Jones	For
Ellie Chowns	For
Terry James	For
Polly Andrews	For
Elizabeth Foxton	For
David Summers	For
Paul Rone	For
Ange Tyler	For
Tim Price	For
Pauline Crockett	For
Felicity Norman	For
Kath Hey	For
Graham Jones	For
Elissa Swinglehurst	For
Trish Marsh	Abstain
John Harrington	For
Carole Gandy	For
John Hardwick	For
Paul Andrews	For
Kevin Tillett	For
Christy Bolderson	For
Toni Fagan	For
William Wilding	For
Kema Guthrie	For
Phillip Howells	For
Helen I'Anson	For
Tony Johnson	For
Bob Matthews	For
Roger Phillips	For
Chris Bartrum	For
Jenny Bartlett	For
Sebastian Bowen	For
Peter Jinman	For
Liz Harvey	For

Substantive Recommendations

Paul Symonds	For
Louis Stark	For
Gemma Davies	For
Peter Jinman	For
Toni Fagan	For
Polly Andrews	For
Roger Phillips	For
Barry Durkin	For
David Hitchiner	For
Terry James	For
Ellie Chowns	For
Tim Price	For
Carole Gandy	For
Jeremy Milln	For
Jennie Hewitt	For
Paul Rone	For
Jim Kenyon	For
Tony Johnson	For
Christy Bolderson	For
John Hardwick	For
Elizabeth Foxtan	For
Mark Millmore	For
Elissa Swinglehurst	For
Pauline Crockett	For
William Wilding	For
Helen I'Anson	For
Michael Jones	For
David Summers	For
Jonathan Lester	For
Felicity Norman	For
Kema Guthrie	For
Phillip Howells	For
Kath Hey	For
Ange Tyler	For
Bob Matthews	For
Graham Jones	For
Sebastian Bowen	For
Jenny Bartlett	For
Kevin Tillett	For
Chris Bartrum	For
Paul Andrews	For
John Harrington	For
Liz Harvey	For
Trish Marsh	For

Chairman's Announcements – Council Meeting – 21st May 2021
Events attended by the Chairman since the last ordinary
Council meeting on 5 March 2021

10 May 2021 - I attended the Herefordshire Women's Institute Annual General Meeting held on zoom this week. Presenting were two inspirational speakers, Mary-jess Leaverland who after a year in a Chinese university participated in China has Talent and won the competition, a phenomenal achievement. As well as Kevin lisle a doctor who gave a heartening talk discussing how the medical professionals and volunteers were coping with the roll out of the vaccine program, it was a pleasure to be there.

Chief Executive's announcement

As you know, my arrival at Herefordshire Council has coincided with the judgment on Children's Services. As a Father, and as Chief Executive, I am disturbed and saddened by the way the family were treated. I am committed to ensure that we make all the necessary improvements to our Children's Social Care Services. We have received a non-statutory improvement notice by the Department for Education and have been allocated an Improvement Advisor for at least the next year. We welcome Gladys Rhodes White OBE to support us on our improvement journey and to provide accountability and reassurance to Government that we are making the necessary changes.

I am enjoying getting to know Herefordshire and learning more about this beautiful county. Over the next few weeks I will be meeting more councillors and their wards, and look forward to attending group meetings. I met with all staff on my first day to introduce myself and share my approach, along with my initial thoughts and areas of focus for the coming months. I also held directorate staff presentations and 'question and answer' sessions during my first two weeks. I am learning more about our teams and services and visiting our work 'on the ground'. I am keen to progress my learning to help shape and inform where we can make organisational improvements, along with opportunities for immediate and sustainable changes, and to set my key priorities for action. I've posed the question to staff, councillors, parish councillors and partners on what I can do, as Chief Executive, to make their role better. I have had many useful and informative responses and look forward to discussing more with individuals to learn more about the suggestions and identifying possible improvements. I will also be meeting with our partners from across the county and the wider area – learning more about the work we do together, finding opportunities for further development and building stronger relationships.

I look forward to bringing forward the Covid Economic Recovery Plan to you in the coming weeks. It is important we look at the wider impact of Covid on our community- on education, mental health, physical health, as well as the economy. We will work to keep the things we valued throughout the pandemic such as the environmental benefits, work/home life, and family time during lockdown, while ensuring there are opportunities to provide a more resilient county, with support for specific issues that have been created or exacerbated by Covid and lockdowns. We also need to prepare for the impact any variants of concern may have on our vulnerable residents and health services, and the related lockdowns that impact our whole community. I would like to pay a personal tribute to the fantastic effort and commitment that staff have put in over the last year to deliver services – during this time the Council had additional £10m of Covid related costs and achieved a financial outturn for the year of a £38k overspend. We have also provided £106m in business grants with over 25,000 payments to businesses and our discretionary grant is still open for applications.

Like many organisations, our staff are keen to understand what the requirement for returning to work in offices, following the national unlocking as part of the Covid roadmap. I am keen to combine the positive aspects of remote working that staff have developed during lockdown, alongside the opportunity for collaborative working in person and the support for those who are not able to, or prefer not to, work from home. We will be working with staff to develop the most suitable approach and are piloting an approach at Plough Lane to allow staff to work together in a Covid safe way.

Finally, I'd like to take a moment to thank each and every person working for Herefordshire Council for their commitment and effort throughout the pandemic over the last year. The word is often overused, but last year has truly been unprecedented. Staff have been working hard through the pandemic response, for public health, community response, and to continue to provide essential services for local people. We have been through lockdowns, outbreaks, and the

tier system which led to Herefordshire being in different restrictions every week during December. Herefordshire has sadly lost 337 people to Covid-19, with our health and social care staff working on the front line. We are exploring ways that we can recognise and mark this important time in an appropriate way for our staff and our community.

Thank you for your support and I look forward to working with you.

All necessary decisions in cases of emergency

Under paragraph 3.7.9 of the constitution the chief executive is authorised to take necessary decisions in cases of emergency.

‘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.

An emergency is defined as 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.

In the chief executives scheme of delegation emergency decisions are delegated to the chief executive and directors. Before exercising this delegated authority any officer shall use their endeavours if, in their opinion, time or circumstances permit, to consult the Leader, or, in their absence, the appropriate cabinet member, and the chairman of the relevant scrutiny committee and in any case, inform them of their actions as soon as practicable.

Since the beginning of 2020 there have been 2 emergencies: the February 2020 floods and the coronavirus pandemic. Schedules of emergency decisions taken in response to these emergencies were presented to meetings of the full Council on 17 July 2020, 11 September 2020, 9 October 2020, 11 December 2020, 12 February 2021 and 5 March 2021.

Paragraph 15 of the chief executive scheme of delegation, requires that all emergency decisions taken by officers are reported to full Council at the next meeting, including the extent to which it has been necessary to operate outside the contract and financial procedure rules. Each decision contains an assessment of risk including finance, legal and equality considerations.

Below is a schedule of all necessary decisions in cases of emergency published since the ordinary meeting of full Council on 5 March 2021.

Covid-19 – February 2021

Decision to use Covid-19 grant money to invest in a Herefordshire digital marketplace to support local retail recovery following lockdown

Decision Maker: Chief Executive

Date of decision: 26/02/2021

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7698&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7698&LLL=0)

Covid-19 – March 2021

Decision to approve spending of the extended Covid 19 Winter Grant

Decision Maker: Chief Finance Officer

Date of decision: 10/03/2021

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7713&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7713&LLL=0)

Introduction of 'click & collect' library service and collection of green garden waste sacks at Leintwardine Library

Decision Maker: Director of Economy and Place

Date of decision: 15/03/2021

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7724&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7724&LLL=0)

Refreshed Local Outbreak Management Plan 30.03.21

Decision Maker: Chief Executive

Date of decision: 30/03/2021

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7817&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7817&LLL=0)



Title of report: Appointments to Council Committees and Outside Bodies

Meeting: Council

Meeting date: 28 May 2021

Report by: The Monitoring Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To exercise those powers reserved to Council at its annual meeting:

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees;
- (b) To review the representation and determine the allocation of seats on committees and relevant outside bodies to political groups for the coming year;
- (c) To make appointments to the positions of chairpersons and vice-chairpersons of committees; and
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.
- (e) To agree that dispensations are given to members who have indicated that, for Covid 19 related personal and/or health reasons they are unable to attend in person meetings.

Recommendation(s)

That:

- (a) the list of ordinary committees listed at paragraph 11 be confirmed with their terms of reference as set out in the Council's constitution;
- (b) the number of seats on each committee as set out at paragraph 11, and the allocation of those seats to political groups as set out at appendix 1 be approved;
- (c) the allocation of seats on outside bodies to political groups as set out at appendix 2 be approved;
- (d) the appointment of five co-opted members of children and young people scrutiny committee be approved as follows:
 - 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;
- (e) the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Internal Drainage Board, and the Wye Valley AONB Joint Advisory Committee be approved;
- (f) the appointment of committee chairpersons and vice chairpersons of the committees listed at appendix 3 be approved.
- (g) waives the requirements of Section 85(1) of the Local Government Act 1972 and agrees that any councillor unable to attend a meeting for a period greater than six months for Covid 19 related reasons, receives a dispensation from the requirements of section 85 until 28 November 2020.
- (h) authorises the Monitoring Officer to approve the individual dispensations requests of any councillor who is unable to attend a council meeting for Covid19 related reasons and notes that the Monitoring Officer will retain a list of those councillors who apply for this dispensation.

Alternative options

1. To draw up a different set of committees of a different size and composition with different terms of reference.
2. Council could decide to not suspend the rules of proportionality with respect to the outside bodies; the River Lugg Internal Drainage Board, and the Wye Valley AONB Joint Advisory Committee. This may result in those members with a local interest in the work of these bodies being unable to contribute to their discussions and decision-making. If the rules of proportionality were not suspended for the standards panel then only members of the largest political groupings would be eligible to sit on the panel or the size of the panel would need to increase to ensure that political proportionality could be achieved.

3. Council could decide to suspend the rules of proportionality for all committees and establish its own criteria for appointing members to its committees. This would require a vote to do so in respect of each committee to which these rules apply and without any member of the council voting against each proposal. However such a blanket approach is inconsistent with the spirit of political proportionality within the Local Government and Housing Act 1989 and would additionally require Council to approve which councillor would take each individual seat on the relevant committees and outside bodies.
4. To not approve dispensations to members would unfairly trigger councillor disqualifications. This is not recommended because the proposal in this report is made to avoid Members being disqualified from office for non-attendance during the Coronavirus Pandemic and, therefore, no other option has been considered.

Key considerations

5. Council is required to review its political composition and how this is applied to appointments to committees and sub-committees of the council at each annual meeting of Council. Similarly, the constitution requires Council to review its ordinary committees at the annual meeting and make appointments to them.
6. The membership of the respective political groups at the council is shown in the table below:

Group	Number
Conservative group	14
Independents for Herefordshire	19
Liberal Democrats	7
The Green Party	7
True Independents	5
Not aligned	1
<i>Total</i>	<i>53</i>

7. Council is under a duty to ensure membership of those committees and outside bodies covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to political groups in proportion to their numerical strength on the council, whilst also maintaining a similar proportional balance of overall seat numbers. Once Council has approved the allocation of seats to political groups, it is a matter for the relevant political group leaders to confirm which of their members will take up any seats allocated to their group. Cabinet (as the executive), the licensing sub committee (a statutory committee) and the health and wellbeing board (with a membership set out by statute) are exempt from the requirements of political proportionality.
8. Any member who is not aligned to a group is not entitled to an allocation of seats within these rules. It is only where the proportionality calculations have been made and if any seats remain unallocated that Council may determine to appoint a member that is not a member of one of the political groups on the Council.

9. These rules of political proportionality should also be applied when allocating seats on outside bodies to which the council makes three or more appointments.
10. It is open to Council to suspend the rules of political proportionality in relation to allocation of seats on any particular body. To do so requires approval by Council with no member voting against the proposal; this is known as a *nem con* vote. Abstentions do not invalidate such a vote.
11. Council has agreed to establish committees of council as listed in the table below. The terms of reference for these committees are set out within the functions scheme of the constitution:

<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=332&MId=6384&Ver=4&Info=1>

Committee	Seats
Adults and wellbeing scrutiny	7
Audit and governance	7
Children and young people scrutiny	7
Employment panel	5
General scrutiny	7
Planning and regulatory	15
<i>Total seats</i>	<i>48</i>

12. The table in appendix 1 details the allocation of seats on the above committees based on the political proportionality of the council as set out in the table in paragraph 6 above. Appendix 1 reflects the current allocation of seats on the Council's committees. The proportionality of the Council has changed since the previous calculation of proportionality and allocation of seats at the annual meeting on 11 September 2020. Since the previous annual meeting of Council: a by-election has taken place for the electoral ward of Newton Farm which resulted in an additional member for the Conservative Group; one member has left the Herefordshire Independents Group and joined the True Independents Group; and the Herefordshire Independents Group and It's Our County Group have merged to form a new group, Independents for Herefordshire, consisting of 19 members.
13. Those outside bodies to which three or more appointments are currently made on a politically proportionate basis are detailed in the table in appendix 2, with the allocation of seats based on the political proportionality of the council as set out in paragraph 6 above.
14. The council is required to appoint certain education representatives onto the scrutiny committee at which educational matters are considered; in Herefordshire's case this is the children and young people scrutiny committee. Specifically the council must co-opt representatives from parent governors and relevant diocesan representatives (Church of England and Roman Catholic). There is a statutory election process by which the

parent governor representatives are selected, with one representative being sought from each of the primary, secondary and special school sectors. Each relevant diocese is asked to nominate a diocesan representative. All appointments of co optees follows the council's appointment process set out in the co optee protocol.

15. In line with previous practice, it is proposed to suspend the rules of political proportionality in relation to a small number of specified bodies. These are detailed in the table below together with the reason for seeking the suspension.

Body	Seats	Reason for suspension
Standards panel	Up to 3 seats	This panel is formed on an as required basis; its elected membership is drawn from the membership of the audit and governance committee which is itself politically proportionate.
River Lugg Internal Drainage Board	7	This is a geographically focused body therefore it is appropriate to nominate members from relevant wards.
Wye Valley AONB Joint Advisory Committee	4	This is a geographically focused body therefore it is appropriate to nominate members from relevant wards.

16. Council is required to appoint the chairpersons and vice chairpersons of committees listed at paragraph 11 above. The Leader of the Council has delegated authority to appoint the Chairperson of the Health and Wellbeing Board. The Council Chairperson will call for nominations to each post in turn and in the event of there being more than one nominee for any one post a vote will be held in accordance with council procedure rules.
17. Under section 30 and 31 of the Localism Act 2011 ('the Act'), any members who are nominated for positions which attract a special responsibility allowance under the councillors' allowances scheme have a schedule 1 disclosable pecuniary interest in that item. As a result the members may not participate in any discussion or vote on the matter.
18. However the monitoring officer, having received a written request on behalf of all members affected by the preceding paragraph, has granted a dispensation to all members who have a schedule 1 interest.
19. The dispensation is granted under section 33 (2)(a) of the Act, as it is considered that without the dispensations the number of persons prohibited by section 31(4) from participating in the item in question would be so great a proportion of the members of Council as to impede the transaction of the business. This dispensation is from both section 31(4)(a) and section 31(4)(b) of the Act.
20. Those members affected may therefore participate in the discussion and vote on all of the recommendations, although individual members should refrain from voting in respect of recommendation (f) where they are nominated.

21. Section 85(1) of the Local Government Act 1972 ('Vacation of office by failure to attend meetings') requires that, if a member of a local authority fails to attend any meeting of the authority throughout a period of six consecutive months from the date of their last attendance at a meeting, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
22. Attendance in an official capacity at a relevant meeting of the Council is defined as attendance at Cabinet, a Committee or a Sub-Committee of the Council or at any meeting of a joint Committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a meeting of the Council.
23. As a result of the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on 6 May 2021 remote attendance is no longer lawful for members to be present and voting.
24. Until there is any further legislation authorising remote attendance, then public meetings of the council must now take place in a public space, and so members are required to attend these meetings 'in person'. It may be that for Covid19 related reasons that some members will not be able to attend meetings in public and therefore non attendance would be recorded against them and if new the 'legislation is not introduced and/or further lockdown's and/or a reduced roadmap within the next 6 months then non attending members risk disqualification as a member.
25. Waiving the requirements of Section 85 now and approving a comprehensive reason for any non-attendance if that reason is Covid19 related, will avoid councillors feeling compelled to attend in person meetings.
26. Covid19 circumstances include when a member or close family members, are suffering from Covid19 including any side effects or they have tested positive for Covid19, or they or their close family members are required to self-isolate or they or a close member of their family need to shield from public engagement because of health vulnerabilities and Covid19.
27. It is therefore proposed that dispensations be granted for any councillor who provides the Monitoring Officer with prior written notice that they will be unable to attend a public meeting of the Council due to a Covid19 reasons set out above.
28. In the meantime, meetings that are not required to be held in public, will continue to be held remotely so that all members of the council are able to participate and all meetings in public will be available to view via the Youtube channel.

Community impact

29. In accordance with the council's adopted code of corporate governance, Herefordshire Council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an

overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.

Environmental Impact

30. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to how it is in line with the Council's Environmental Policy.

Equality duty

31. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
32. 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 policies and in the delivery of services. As this is a decision on the administrative functions of the Council, we do not believe that it will have an impact on our equality duty however the council will seek to ensure that all appointments are made fairly (i.e. no discrimination on the basis of protected characteristics) and that committee meetings are physically accessible to all.

Resource implications

33. Budgets are in place to cover allowances for any appointments made. In the event that Council decides on the establishment of additional committees a budget will need to be identified to meet the cost of any special responsibility allowance associated with the new committee. If Council agrees additional committees, appointments to the position of chairperson and vice chairperson will be agreed, if appropriate, during consideration of this report. All members appointed to positions of special responsibility and to committees are provided with training to enable them to fulfil their duties.

Legal implications

34. The council is required to ensure that the allocation of seats to committees is compliant with relevant rules contained in the Local Government and Housing Act 1989 and regulations made under that act.

35. In summary these regulations require that in determining the allocation of seats the council must apply the following four principles as far as reasonably practicable:
- a. that not all the seats on the body are allocated to the same political group;
 - b. that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - c. subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
 - d. subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
36. The proposals in this report comply with these requirements. Once the proportionate allocation of seats has been made in accordance with the above principles, if any seats remain unallocated Council may determine to appoint a not aligned grouped member to fill the seat.
37. Alternative arrangements not complying with these requirements as set out in paragraph 10 may be made so long as no member of the council votes against it.
38. The requirements for political balance apply to ordinary committees of the council. The licensing sub committee is appointed under the Licensing Act 2003 and is not included in the definition of an ordinary committee. As a result the rules of political proportionality do not apply and there is no need to suspend the rules of proportionality for this committee.
39. The chairperson of the licensing sub committee will be a member of the planning and regulatory committee. The vice chairperson of the planning and regulatory committee is not necessarily the standing chairperson of the licensing sub committee. Whilst the two posts may be held by the same member this is not a constitutional requirement.

Risk management

	Risk / opportunity	Mitigation
	Failure to appoint to committees and outside bodies could render them inquorate or unlawful	The recommendations in this report mitigate these risks
	Failure to obey the rules of political proportionality could similarly render a committee or body unlawful	The recommendations in this report mitigate these risks

Consultees

40. No consultees.

Appendices

Appendix 1: Table of allocation of seats on committees of council

Appendix 2: Table of outside bodies with politically proportionate appointments

Appendix 3: Chairperson/vice chairperson posts

Background papers

None identified

Please include a glossary of terms, abbreviations and acronyms used in this report.

Appendix 1: Table of allocation of seats on committees of Council

	Conservatives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Independents	Not aligned *	Total committee seats
Adults and wellbeing scrutiny	2	2	1	1	1	0	7
Audit and governance	2	3	0	1	1	0	7
Children and young people scrutiny	1	3	1	1	1	0	7
Employment panel	1	2	1	1	0	0	5
General scrutiny	2	3	1	0	1	0	7
Planning and regulatory	4	5	2	2	1	1	15
<i>Total</i>	12	18	6	6	5	1	48

* In respect of the allocation of seats to ungrouped members Council is required to make an individual appointment to each vacancy and therefore, having sought a nomination the following recommendation should be made in respect of the vacancy on the Planning and Regulatory Committee:

Councillor XXX be appointed to serve on the Planning and Regulatory Committee

Appendix 2: Table of outside bodies with politically proportionate appointments

	Conserv atives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Indepen dents	Not aligned	Total seats on body
Fire authority	2	2	1	1	0	0	6
Standing advisory council for religious education	1	2	0	0	0	0	3
<i>Total</i>	3	4	1	1	0	0	9

Appendix 3: Committee chairperson and vice chairperson posts

Committee	Post
Adults and wellbeing scrutiny	Chairperson
	Vice chairperson
Audit and governance	Chairperson
	Vice chairperson
Children and young people scrutiny	Chairperson
	Vice chairperson
Employment panel	Chairperson
	Vice chairperson
General scrutiny	Chairperson
	Vice chairperson
Planning and regulatory	Chairperson
	Vice chairperson
Licensing sub-committee	Chairperson



Title of report: Councillors Allowance Scheme

Meeting: Council

Meeting date: Friday 28 May 2021

Report by: The Monitoring Officer;

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the Herefordshire councillors allowances scheme having regard to the recommendations of the council's independent remuneration panel (IRP). The council must have regard to the report when making or amending the allowances scheme.

Recommendation(s)

That:

- a) having regard to the recommendations of the independent remuneration panel, council adopts a scheme of basic and special responsibility allowances as set out in appendix G;**
- b) a two step mandatory training element be maintained in relation to the basic allowance;**
- c) basic and special responsibility allowances be updated annually in line with the national joint council for local government services pay award for a period of not more than four years; and**
- d) the current schemes of travel and subsistence, and childcare and dependants' carers' allowances be retained with a requirement that expenses must be claimed within 12 months of being incurred.**

Alternative options

1. The council may wish to suggest an alternative scheme to those proposed by the IRP to the basic and special responsibility allowances. A number of alternative options have been offered at Appendix G (and are summarised in para. 11), but it is for councillors to debate and determine their preferred way forward.
2. The council can decide to accept the IRP recommendations in full or in part and or such allowances scheme as it sees fit, subject to possible referral back to the panel in relation to any matters on which the panel has not made a recommendation. The council has historically relied on an index for the annual adjustment of allowances. Regulations state that where a council does rely on an index, it must not do so for more than four years before seeking a further recommendation from the independent remuneration panel on the application of the scheme.
3. Council could agree to:
 - a. the adoption of a different index – this is not recommended because other indices do not provide a natural link to local government pay restraints.
 - b. no index link at all – this is not recommended because it would require an annual assessment of the allowance levels in place of the automatic adjustment.

Key considerations

4. To comply with the requirement that, under the Local Authorities (Members' Allowances) (England) Regulations 2003, before amending its councillors' allowances scheme, the council must have regard to the recommendations made in relation to it by an IRP.
5. The council is required to establish and maintain an IRP to make recommendations on the scheme of allowances for members. The council is also required to publish details of the panel's recommendations and the main features of any scheme that the council adopts.
6. The IRP have concluded their review and have produced the attached report (see appendix A). The monitoring officer is grateful to the panel members for the work they have undertaken.
7. The IRP agreed the following principles to underpin their review:
 - a. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors.
 - b. Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
 - c. Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles.
 - d. The system should be transparent, simple to operate and understandable.
 - e. The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary. And,
 - f. The level of remuneration should relate to a commonly accepted benchmark.
8. The main differences between the allowances recommended by the panel and those contained within the current scheme are:

- a. The method of calculation for the basic allowance has historically been an estimated monthly average hours worked of 90, less a public service discount of 33.3% (50% for the basic rate if mandatory training has not been completed), multiplied by the Herefordshire median hourly earnings confirmed by the Office for National Statistics (ONS), multiplied by 12 (months). The Panel have retained this formula applying a 33% discount owing to the fact that all members have completed their mandatory training.
- b. The Panel did not use the estimated monthly average hours figure of 90, instead opting to use the results from the members survey to provide a monthly average of hours worked by Herefordshire Councillors of 71.5 hours per month. The Panel noted the wide variation in hours worked by councillors – with a significant number of councillors working substantially more hours a months the mean average figure.
- c. After discussion and review, the Panel considered the annual survey of hours and earnings – as the ‘rate’ to apply to the calculation – this presented two hourly rate figures for Herefordshire – as follows:
 - i. The hourly rates for 2020 from the where they live data presented an hourly rate of £14.54p
 - ii. The hourly rates for 2020 from the where they work data presented an hourly rate of £14.96p

The Panel noted that both of these rates were lower, in real terms, than the hourly rate used in the previous IRP. The last IRP considerations noted that the rate of £15.72, used in the last IRP report, *sat between HC8 SCP35 and SCP36 and was not out of line with officer pay*. The Panel noted that the mean hourly figure, within this current HC8 range, for 2020 was £16.44p. Given that the Basic Allowance has, like officers pay, over the last four years increased by National Joint Council (NJC) uplift rates, the Panel felt that the hourly rate paid to officers (at the HC8 mid-point equivalent) was an appropriate figure to apply to their calculations to instead adopting the Herefordshire mean hourly earnings provisionally issued by ONS.

- d. The Panel have maintained the previous process to rate the roles that may be eligible for a special responsibility allowance (SRA), having regard to the consultation they undertook with all elected councillors. Having rated the roles the panel adopted a multiplier approach based on the basic allowance.

9. The Panel concluded that the formula for calculating the Basic Allowance should be: 71.5 monthly average hours less a public services discount of 33.3% multiplied by the mean HC8 officers hourly rate multiplied by 12 (months). As follows:

$$((71.5 - 33.3\%) \times £16.44) \times 12 = £9,394.28$$

10. In applying this calculation to both the Basic Allowance and the multiplier calculation applied to Special Responsibility Allowances – The Panel are recommending the following:

	Current allowance rates	New calculated figures applying IRP recommended rate
Basic Allowance	£7,935.00	£9,394.28
Leaders SRA	£31,741.00	£32,879.98
Cabinet Members	£13,887.00	£16,439.99
Cabinet Support	Unchanged - an allowance of up to 50% of the band 2 allowance	
Chairperson of the council	£9,920.00	£11,273.14

Chairpersons of Scrutiny	£9,920.00	£11,273.14
Chairperson of the Planning and regulatory Committee	£9,920.00	£11,273.14
Chairperson of Licensing Sub-Committee	£5,951.00	£7,045.71
Chairperson of A+G	£5,951.00	£7,045.71
Member of the adoption panel	£5,951.00	£7,045.71
Group Leader	No change to the allowance rate, but decreasing the threshold from 5 group members or more to 3 members or more.	

11. Given that the recommendations of the IRP result in an new budget requirement, of approximately £145k., a range of alternative options have been provided in appendix G. The basis for each of these alternative options is as follows:
12. The full year effect of the recommendations of the IRP would equate to an unfunded budget pressure in the region of £145k, a range of alternative options have been provided in appendix G. The basis for each of these alternative options is as follows:
- a. **Option 1: Council could accept the recommendation in full, but look to deliver the full increase incrementally over a four year period and accept the recommendation to continue to link the annual uplift to the NJC.** This would allow Herefordshire Council to elevate its position, in comparison to its cohort benchmark authorities, over a four year period. This would result in an in year unfunded budget pressure in 2021/22 of £37k
 - b. **Option 2: Council accept the recommendation in full, but defer the new allowance scheme to begin in 2023/24 (following all-out local elections)** to deliver the new increase. This would allow Herefordshire Council to elevate its position, in comparison to its cohort benchmark authorities, by 1 April, 2023. This has the desired intention that those considering standing for election have certainty about the level of remuneration they may expect if successfully elected. The budget implications of this option would be picked up as part of the 2023/24 budget setting process.
 - c. **Option 3: Council accept the recommendation in full, but defer the new allowances scheme to begin in 2022/23 to deliver the full increase.** This would allow Herefordshire Council to elevate its position, in comparison to its cohort benchmark authorities, by 1 April, 2022. The budget implications of this option would be dealt would be picked up as part of the 2022/23 budget setting process.
 - d. **Option 4: Council accepts the IRP recommendation but instead opts to apply a different hourly rate to the IRPs calculation.**
 - i. **Scenario 1:** Council chooses to use the hourly rates for 2020 from the ONS 'where they live data' using that hourly rate of £14.54p as the basis of a revised calculation. All other elements of the IRPs recommendations/calculations staying the same. This reduces the increase of the basic allowance to £8,308. The unfunded budget pressure for 2021/22 would be in the order of £25k.
 - ii. **Scenario 2:** Council chooses to use the hourly rates for 2020 from the ONS 'where they work data' using that hourly rate of £14.96p as the basis of a revised calculation. All other elements of the IRPs recommendations and calculations staying the same. This reduces the increase of the basic allowance

to £8,548. The unfunded budget pressure for 2021/22 would be in the order of £44k.

e. **Option 5: Council simply rejects the IRP recommendations around the basic and special responsibility allowance, adopts the existing scheme and adopts the annual uplift link to the NJC.** This would maintain the status quo. No new or unanticipated budget requirements would be created. But it would fail to address the central principles that the IRP were asked to address.

13. Under section 30 and 31 of the Localism Act 2011 ('the Act'), members have a pecuniary interest discussion of this item as basic allowances are required to be paid to all members. Members nominated to posts attracting an SRA have a further pecuniary interest. As a result the members may not participate in any discussion or vote on the matter.
14. The monitoring officer, having received a written request on behalf of all members affected by the preceding paragraph, has granted a dispensation to all members.
15. The dispensation is granted under section 33 (2)(a) of the Act, as it is considered that without the dispensations the number of persons prohibited by section 31(4) from participating in the item in question would be so great a proportion of the members of Council as to impede the transaction of the business. This dispensation is from both section 31(4)(a) and section 31(4)(b) of the Act.
16. Those members affected may therefore participate in the discussion and vote on all of the recommendations.

Community impact

17. Consideration of members' allowances needs to take account of the current financial climate. The independent remuneration panel members are independent of the council and represent the wider interests of the county. The adoption and publication of a scheme of allowances ensures there is transparency regarding the remuneration of elected members.

Environmental Impact

There are no direct environmental impacts linked with this decision.

Equality duty

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

19. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
20. In support of delivery of the public sector equality duty the current childcare and dependants' carers' allowance scheme already seeks to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Further, the Independent Remuneration Panel recommendations are underpinned by seeking to ensure that its recommended basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors. And that those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
21. The stated principles that underpinned the work of the IRP were as follows:
 - a. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
 - b. Those who participate in, and contribute to, the democratic process should not suffer unreasonable financial disadvantage
 - c. Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
 - d. The system should be transparent, simple to operate and understand
 - e. The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary.
 - f. The level of remuneration should relate to a commonly accepted benchmark

Resource implications

22. The budget for members' allowances for 2020/21 is £674k made up of £450k for the basic allowance (inclusive of National Insurance payments) and £224k for special responsibility allowances.
23. The budget for 2021/22 was set before the IRP had concluded their work and made their recommendations. As detailed in the report if Council agrees to implement some or all of the recommendations this will lead to an unfunded budget pressure for 2021/22. Any pressures for subsequent years will be picked up as part of the Councils annual budget setting process.

Legal implications

24. In order to comply with the Local Authorities (Members' Allowances) (England) Regulations 2003, it is necessary for council to have regard to the IRP recommendations.

Risk management

Risk / opportunity	Mitigation
If allowances are not established in an open and transparent way the reputation of the council and public service in general may be brought into disrepute.	The IRP recommendations will be debated, openly, in public. Councillors will determine whether or not to accept the proposed allowances schemes. The accepted schemes will be published and open to all to review.
Failure to appropriately remunerate elected members for the responsibilities they take on and the expenses they incur may act as a disincentive to stand for public office.	The IRP recommendations are set out to mitigate this risk. It is for Councillors to determine whether or not to accept the proposed allowances schemes.

Consultees

The report of the IRP sets out what consultation was undertaken to inform their recommendations.

Political group leaders and the Chairman have been consulted directly.

Appendices

- Appendix A - The Report of the Herefordshire Independent Remuneration Panel, 13 May 2021
- Appendix B - Independent Remuneration Panel – Members Survey, April 2021
- Appendix C - Independent Remuneration Panel - follow up enquiry, 26 April to 6 May 2021
- Appendix D – Benchmarking Data
- Appendix E – IRP RATE Review
- Appendix F – Hourly Earnings Survey, ONS – NOMIS Labour Market Data
- Appendix G – Alternative options paper

Background papers

None Identified.

Appendix A:

**The Report of the Herefordshire
Independent Remuneration Panel**

13 May 2021

Introduction

1. The following is a synopsis of the proceedings and recommendations made by the independent remuneration panel (the Panel) appointed by Herefordshire Council to review the current Members' Allowances Scheme. The Panel has been set up and convened under the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI1021) and subsequent amendments to the regulations (SI2003/1022 and SI 2003/1692 (the Regulations)).
2. The Regulations require all local authorities to set up and maintain an independent remuneration panel to review and provide advice about the allowances to be paid to Members. All councils are required to convene their remuneration panel and have due regard to their recommendations before setting a new or amended Members' Allowances Scheme (the Scheme).

The Independent Remuneration Panel

3. Herefordshire Council's Independent Remuneration Panel consists of the following Members:
 - **Richard Garnett** – Chairperson
 - **Rowena Green** – Panel Member
 - **Val Ainsworth** – Panel Member
4. Two Panel Members, Rowena Green and Val Ainsworth were appointed following a recruitment exercise in 2021 and in accordance with the council's recruitment policy. Richard Garnett, the Chairperson, was appointed in 2017 and is an existing member of the independent panel.
5. The Panel were supported by the democratic services manager and a trainee solicitor from the council's legal and democratic services team. Their roles were to record proceedings, take the organisational lead in providing the evidence base and provide technical support and advice. In addition, officers provided opportunities for the Panel to meet with the political group leaders and the Chairman of the Council to consider their view in relation to the roles and responsibilities of councillors.
6. The panel would like to record their thanks to all those who provided evidence during the review. Their insights and evidence has been considered with care and attention in the deliberations of the Panel.

Panel proceedings

Date	Items considered
14 April, 2021	<ul style="list-style-type: none">• Training presentation• Agreeing terms of reference and principles for the review• Agreeing Chairperson
22 April, 2021	<ul style="list-style-type: none">• Consideration of the online members survey• Meeting Group Leaders
28 April, 2021	<ul style="list-style-type: none">• Consideration of the benchmarking evidence collated in relation to the Basic Allowance and Special Responsibility Allowances• Triangulation with the results of the members online survey

	<ul style="list-style-type: none"> • Considering the feedback provided by the Group Leaders following the meeting on 22 April, 2021. • Consideration of additional survey of members.
5 May, 2021	<ul style="list-style-type: none"> • Basic Allowance calculation • Agreeing recommendations for the Basic Allowance and Special Responsibility Allowance
6 May, 2021	<ul style="list-style-type: none"> • Agreeing draft report and recommendations • Agreeing the 'other recommendations'
7 May, 2021	<ul style="list-style-type: none"> • Agreeing the final report
11 -12 May, 2021	<ul style="list-style-type: none"> • Email correspondence to sign off final draft report

The Independent Panel: Terms of Reference

7. At the meeting of the Independent Remuneration Panel held on 14/04/2021, the panel agreed that it would retain, from the 2017 IRP, the following terms of reference:
- (i) The Panel has been convened to make recommendations to consider:
 - a) The amount of the Basic Allowance for all Members.
 - b) Whether special responsibility allowances should be payable and the amount of such an allowance.
 - c) Whether childcare and Dependant Carers' allowance should be payable and the amount of such an allowance.
 - d) Whether adjustments to the level of allowances should continue to be linked to the National Joint Council (NJC) index, and if so, which index and how long that index should apply.
 - e) Whether payment of allowances should be backdated in cases where a scheme is amended at a time which would affect allowances payable in that year.
 - f) Whether travelling and subsistence allowances should be payable and the amount of such an allowance.
 - (ii) The Panel were required to conduct their work in time for the council meeting scheduled for 21 May 2021.
 - (iii) The panel will reconvene at such other times as may be required over the next 4 years.
8. It is not within the panel's remit to take into consideration the budget implications of its recommendations.

Underpinning Principles of the Review

9. The Panel confirmed that their deliberations should also continue to be underpinned by the following principles set out by the [Dame Jane Roberts Councillors Commission](#), Members Remuneration, Models, Issues, Incentives and Barriers, 2007:
- P1:** The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- P2:** Those who participate in, and contribute to, the democratic process should not suffer unreasonable financial disadvantage
- P3:** Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- P4:** The system should be transparent, simple to operate and understand
- P5:** The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary.

P6: The level of remuneration should relate to a commonly accepted benchmark

The Panel - operational Context:

10. The Panel emphasises that its role is to undertake an independent review of Herefordshire Council's Scheme of Allowances, with a view to determining the appropriate level of remuneration for the role of a Member.
11. The Panel understands that the council has faced, like all local authorities, significant new financial pressures following recent flooding events and managing the local response to the public health emergency. As such the panel acknowledges that in recommending any increase to the allowances there will be a budgetary impact.
12. The Panel balanced their considerations by recognising that Herefordshire Councillors provide a community leadership role, representing their electorate, and many are responsible for taking informed local decisions. Many of those decisions carry with them statutory and regulatory responsibilities. Never has it been more important to have the right calibre of councillor providing local leadership in our county.
13. The Panel were made aware of the forthcoming constitutional considerations that the council will be considering later this year (2021). While it is not possible to pre-determine any changes that may result from the full Council deliberations, where it has been practical to do so, the Panel have sought to 'future proof' their recommendations.

The evidence base presented to the panel.

Quantitative Data:

14. An online questionnaire was sent to all members on behalf of the panel. It gathered information on the views and experiences of member in relation to the time commitment given to the role of being a councillor and the levels of remuneration members receive. 34 out of 52 councillors¹ responded, a return rate of just over 65%. A summary of the responses is attached at Appendix B.
15. In the first survey councillors returned a significantly higher number of responses in the 12+ hour's worked category. Following the first questionnaire, it was not possible to ascertain a reliable 'average' figure of the time members spent on their respective tasks. A repeat survey was undertaken of questions 1 and 3 which focussed the amount of hours spent by members on their principal councillor related duties.
16. The second survey differed by providing a wider range of time allocations for members to select. It was sent out on 30 April, 2021 and ran until 6 May. The updated questions allowed members of the panel a greater ability to analyse and aggregate the data to produce a more reliable average monthly figure of hours spent by members. The results of that survey are set out in Appendix C.
17. The Panel also considered statistical benchmarking data from a range of other local authority settings. This cohort of local authorities had been selected on the basis that they

¹ Both surveys were undertaken before the 6 May 2021 local by-election in Newton Farm Ward.- therefore only 52 members were able to respond.

are statistically similar to Herefordshire. The data included comparisons of Herefordshire Council's² data in the following areas:

- I. Basic and special responsibility allowance (actuals)
- II. Special Responsibility Allowance (SRA) calculations (as a multiple of the basic allowance)
- III. Allowance cost to the public purse – per local resident
- IV. Mileage and subsistence rates
- V. Miscellaneous - ICT provision; parish councils per county and dependency allowances provided
- VI. Comparisons of the frequency of meetings from data from May 2015 to December 2016 with data from May 2019 to September 2020³ and data September 2020 to May 2021.

18. The benchmarking data – which is publicly available via each of the respective council's website – is set out in Appendix D.
19. In considering the benchmarking information the Panel acknowledged that each local authority had unique characteristics and measuring similarities was subjective and not always directly comparable. However, the Panel did take into account Herefordshire's relative position within the benchmarking data.

Qualitative data.

20. At the outset of the review the Panel agreed that they wished to conduct face to face meetings with the political group leaders and the Chairman of the Council.
21. All group leaders were invited to meet the panel on 22 April. The Panel met with the Chairman on 6 May.
22. In addition, a number of members volunteered their comments, questions and views via email correspondence with the Democratic Services Manager and in conjunction with the member's survey. The principal points raised by those members were summarised and shared with the Panel. It was explained that this additional information may be taken in to account as part of the Panel considerations.

Triangulation.

23. Benchmarking data alone was not wholly reliable given the variation in local authority working and remuneration. The Panel triangulated their evidence where it was helpful, and in some instances, essential to do so. For example, comparing qualitative evidence from councillors within the surveys and meetings, with quantitative evidence presented in the benchmarking data and member surveys.

Discussion and Recommendations

Applying the changes set out in this report.

24. In reviewing the scheme of allowances, the panel recommends that its proposals are implemented from 21st May 2021.

² To note: LA working practices vary considerably, comparisons have therefore been made on a 'closest match' principle
³ To note: On 25 March 2020, in response to the Covid-19 pandemic, Parliament passed the Coronavirus Act 2020 ("the 2020 Act"), This enabled LAs to temporarily suspend their requirement to hold an annual meeting in March/April/May. Herefordshire council's annual meeting was held in September 2020

RECOMMENDATIONS

1. That the Members' Allowance Scheme be implemented following the 21st May 2021 council meeting.
2. That the Independent Remuneration Panel reconvene after new constitutional arrangements have been confirmed to explore whether there are any further changes required.

Considerations of the Basic Allowance

25. In accordance with the Regulations, each local authority must make provision in its scheme of allowances for a basic, flat rate, allowance payable to all elected Members of the authority.
26. The Regulations set out that the Basic Allowance states that this should include: "*the time commitment of all councillors, including such inevitable calls on their time as meetings with officers, constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their home. Having established what local councillors do and the hours which are devoted to these tasks local authorities will need to take a view on the rate at which and the number of hours for which a councillor ought to be remunerated*".
27. The Panel was advised that in accordance with statutory guidance, an element of the role of an elected councillor must be viewed as voluntary and unpaid.
28. The Panel heard representations from councillors who challenged this categorisation. It was asserted that the role of a councillor is driven by public service. Moreover, that over time, those who choose to stand and are committed to serve as a councillor are often drawn in to taking on increasing levels of responsibility. These combining factors often mean that the 'voluntary' aspects of the role generates unrealistic expectations on members in terms of the time they spend in relation to the remuneration councillors can expect to receive.
29. In coming to its proposal in relation to the basic allowance, the Panel considered the:
 - (a) Time taken to carry out the role.
 - (b) Proportion of the allowance which is voluntary and unpaid
 - (c) Rate at which Members' time should be valued. And,
 - (d) Any other items which should be included in the basic allowance.

(A) Time taken to carry out the role

30. In order for the panel to assess the time taken to carry out the role the panel considered the results of the Member online survey of which there were 34 (out of 52) responses. As noted above, it was not possible to provide an accurate average figure for the time members spend on councillor duties over the course of a month.
31. The second recorded survey, where 26 members (a 50% return) responded, showed that the average number of hours per month required to carry out their roles was 71.5 hours.

The Panel noted that 71.5 hours was a decrease of 23.5 hours per month from the previous members' survey in 2016.

Triangulating this evidence:

32. The Panel balanced the survey results in conjunction with their discussions with Group Leaders. It was noted that many members do above and beyond their expected duties. Group Leaders noted their required attendance at parish council meetings and responding to community/constituency based enquiries which are routinely outside of normal working hours.
33. Further, that some members, particularly those in more rural wards often have a high number of parish councils distributed over a wide geographic range. This means that those members have relatively higher costs than members in market town or city wards.
34. It was clear that in responses provided by a number of members in both member surveys that their time allocations were only a partial picture of the total hours that they give to their roles. Specific examples were provided to contextualise this – noting the amount of reading time, briefings as being significant in terms of time required by members.
35. The Panel recognised that 2020 to 2021 has been an 'atypical' year. On the one hand the relative success of virtual working has helped to address the rural/urban dimension to ward member working practices. All members have been attending their parish council meetings remotely and constituency work has been impacted during the Covid 19 public health emergency. This has dramatically reduced the amount of travel time required for some members who have large geographic range of their respective wards. It was conceivable that this may be a factor in the relative reduction in hours presented within the data from the members survey.
36. While virtual public meetings are no longer possible it is highly likely that council business will, over the longer term, have greater flexibility to allow members and members of the public to attend meetings remotely. The Panel noted the Government's commitment to changing primary legislation with the anticipated effect of allowing remote attendance at local authority meetings.
37. The panel were also advised that 2020 and 2021 had seen reasonably significant increases in additional public meetings. Notably:
 - I. A number of significant decisions taken by Cabinet during November to February 2020 to 2021;
 - II. An increase in extraordinary council meetings, since August 2020,
 - III. Increases in the number of Planning and Regulatory meetings and
 - IV. Increasing numbers of Audit and Governance meetings

The proportion of the allowance which is voluntary and unpaid

38. The Panel was unable to gain conclusive evidence to support a specific percentage in respect of the voluntary part of the role. However, the Panel were persuaded by the evidence presented in both surveys and from group leaders that, in some cases, members are giving significant higher amounts of time per month to their role as a councillor.
39. In light of this evidence and that a 50% and 33.3% voluntary discount had been approved at the council meeting on 22 May 2015, the Panel decided that a 33.3% discount was a more

appropriate and realistic given that all members had completed their mandatory training. In reaching this conclusion the Panel considered two further triangulation points.

- I. That applying 50% discount to the average monthly hours of 71.5hrs would actually equate to a 'real term' decrease in the basic allowance. The opinion of the Panel is that Herefordshire is second to bottom in many of the comparisons with the councils included in the benchmarking exercise. To reduce the basic allowance further is not in the best interest of the council or electors of Herefordshire and agreed that a modest and justified increase in allowances shall be recommended.
- II. That applying the 33.3% discount provided a more suitable recognition of the time members give to their roles as councillors and that all members had completed their mandatory training. In applying this discount, the Panel felt that this gave a more consistent weighting (47 hours per month) when compared to previous surveys of members. The Panel recognised the considerable lengths all councillors go to in serving their community, often during unsociable hours. In addition, that this element of public service was more significant than was reflected in the survey of members.

Rate at which Members' time should be valued

40. From a review of the benchmarking data, Herefordshire Council pays our members the 9th lowest basic allowance within the cohort of comparator local authorities. Only Rutland, a much smaller local authority and county to Herefordshire, has a lower basic allowance. The Panel were unanimously of the view that this position needed correcting and that Herefordshire Councillors should receive a basic allowance more commensurate to other local authorities within the benchmarking cohort.
41. After discussion and review, the Panel considered the annual survey of hours and earnings - resident analysis (i.e. based on where people work regardless of where they live) as the monetary basis of the calculation. They also considered the Annual survey of hours and earnings - resident analysis (i.e. based on where people live, regardless of where they work). See also appendix F. Both sets of data are produced by the Office of National Statistics, NOMIS⁴.
 - I. The hourly rates for 2020 from the where they live data presented an hourly rate of £14.54p
 - II. The hourly rates for 2020 from the where they work data presented an hourly rate of £14.96p
42. Both of these rates were lower, in real terms, than the hourly rate used in the previous IRP. The last IRP considerations noted that the rate of £15.72, used in the last IRP report, sat between HC8 SCP35 and SCP36 and was not out of line with officer pay. The Panel noted that the mean hourly figure, within this current HC8 range, for 2020 was £16.44p. Given that the Basic Allowance has, like officers pay, over the last four years increased by National Joint Council (NJC) uplift rates, the Panel felt that the hourly rate paid to officers (at the HC8 mid-point equivalent) was an appropriate figure to apply to their calculations to.

Calculating the Basic Allowance

43. The Panel concluded that the formula for calculating the Basic Allowance should be as follows:

⁴ This is the source for official labour market statistics.

71.5 monthly hours less a public services discount of 33.3% multiplied by the mean HC8 officers hourly rate multiplied by 12 (months). As follows:

$$((71.5 - 33.3\%) \times \text{£}16.44) \times 12 = \text{£}9,394.28$$

Any other items that should be included in the Basic Allowance

44. In order for the Panel to assess any other items that should be included in the Basic Allowance, the panel considered the All Member online survey (Appendix B) of which there were 34 responses.
45. Members raised the following items that the Panel felt compelled to consider as part of the Basic Allowance:
 - I. Attendance at parish council meetings
 - II. Attendance at cabinet meeting
 - III. Incidental cost involved in conducting the role from their homes
46. The Panel considered each of the above points and concluded that all three items were included within the Basic Allowance. Given the reduced need for travel as a result of Covid 19, the fact that the council provides lap-tops and, since May 2019, smart phone technology to support members working from home.
47. While in the short term councillors will be required to return to physical committee and parish council meetings, the Panel were content that the recommended Basic Allowance is sufficient to cover these aspects of the role.

Benchmarking

48. The Panel acknowledges that the proposed Basic Allowance of £9,394.28 represents an increase of 15.5% compared to the current Basic Allowance of £7,935.00.
49. The Panel recognises that, in isolation, this increase looks large. However, it believes it can be justified due to the following reasons:
 - I. Benchmarking showed that it was not out of line with other comparative authorities. The average basic allowance, within the cohort of local authorities, is £10,020.95
 - II. It corrects, in the Panels view, the disproportionately low position of Herefordshire Councils Basic Allowance within the benchmarking cohort – raising Herefordshire position to 7th lowest basic allowance (if the recommendation is accepted).
 - III. The Panel considered that a 47 hour per month role paid at HC8 mean hourly earnings should not deter any individual from standing for Council at the May 2023 local elections.
 - IV. This hourly rate per month was also very similar to the previous calculation, and there was consistent with previous panel considerations.
 - V. The compelling evidence that 21 councillors responding to the first members survey noted that the rate of allowances was a significant factor in their consideration to stand as a councillor. Some going further to say they simply couldn't carry out the role without financial support.
 - VI. That in real terms, the basic allowance has only increased by inflationary rates for the last eight years. As such, the Panel felt that a correction is well overdue.

50. The Panel were satisfied that the basic allowance proposed was in line with other comparative authorities, brings about an overdue correction to the position of Herefordshire, and recognises the considerable work that Herefordshire Councillors undertake on behalf of their communities.

Indexing

51. In order that the proposed rate keeps pace with the future earnings, the Panel proposes that the Basic Allowance continues to be indexed by the annual pay award of Herefordshire Council officers for the next four years, the National Joint Council (NJC).

Mandatory Training Element of Basic Allowance

52. It was noted that the Panel's last report had recommended a lower rate basic allowance be payable to all members until all relevant mandatory training had been completed. This recommendation was adopted and put into practice following the last local elections, May 2019. The Panel recommends this practice continues and endorses the proposals currently being considered to hold refresher training for members two years into the electoral term of the council.
53. The views of the Panel remain that good democracy is based on good processes for meetings and decision making and that all councillors should receive either refreshed mandatory training or new training (dependent on their experience) to ensure their Continuing Professional Development (CPD). Further, that a number of members, notably the new intake of councillors, have indicated that their initial training following election was quite a lot to take in, especially for those members new to local authority working.
54. The panel was also pleased to note the introduction of a Member Development Strategy and development that is underway for a members training programme.

RECOMMENDATIONS

- 3: That the Basic Allowance be increased to £9394.28 from 21 May, 2021**
- 4. That the Basic Allowance continue to be (NJC) indexed linked by the annual pay award for Herefordshire Council officers until 2023/24, or until such time the IRP reconvenes to review allowances**
- 5. That the two-step mandatory training, introduced in May 2019, is repeated two years after local elections and linked to maintaining the full basic allowance upon completion. For example, following local elections in May 2023, the first wave of mandatory training is undertaken in line with current practices; this training is then required to be undertaken again (in May 2025) after two years of being in position.**
- 6. That if a secondary mandatory training programme is implemented that this is also linked to maintaining the full Basic Allowance, If members fail to complete a second round of mandatory training the basic allowance will revert back to 75% of the recommended Basic Allowance (£7,045.71) until such time that all training has been completed.**

Special Responsibility Allowances - Legislation and Guidance

55. The Government legislation prescribes that the following roles may be eligible for a Special Responsibility Allowance (SRA):
- I. Group Leader
 - II. Executive (Cabinet) Member
 - III. Chair of a committee or sub committee
 - IV. Representative of the council
 - V. Member of a committee or sub-committee meeting with exceptional frequency or over an exceptional period
 - VI. Political Group Spokesperson
 - VII. Member of an Adoption Panel
 - VIII. Member of a committee dealing with a function relating to licensing activity
 - IX. Any other activities – requiring an amount of time and equal to or greater than the other roles described
56. It is the role of the Panel to assess the eligible roles and determine if SRAs should be attributed to the role and what level of remuneration should be recommended.
57. In assessing the roles and their eligibility to attract an SRA the Panel acknowledges that the Allowances are to remunerate elected Members who perform additional responsibilities over and above the roles and expenses covered by the Basic Allowance.

Process for arriving at the SRA

58. The Panel had discussions in relation to assessing the roles, considered the remuneration that was appropriate for the varied roles and agreed the following approach:
- X. Review the roles and responsibilities details supplied
 - XI. Set the criteria for assessing the roles
 - XII. Score each role against the criteria
 - XIII. Total the scores and rank the roles in order and into bands
 - XIV. Consider which (if any) of the roles meet criteria for an SRA
 - XV. Agree how the remuneration would be reached
 - XVI. Compare the remuneration against the benchmarking information

Gather and Review Evidence

59. The Panel was keen to gain a good understanding of the nature of the roles that the SRA was paid for and ascertain a factual position of the requirement of each role. The Panel gathered the evidence from the following sources:
- XVII. The relevant sections of the Council's new constitution.
 - XVIII. Verbal and written evidence from the Group Leaders.
 - XIX. Contents of the role profiles
 - XX. Advice from the Monitoring Officer
 - XXI. Data in relation to committee meeting frequency
 - XXII. All Member online survey (Appendix B and B).

Criteria for assessing the roles

60. The Panel agreed that it would use the same criteria as was previously used in 2017 to assess each of the roles:
- I. Responsibility – the delegated authority to take decisions
 - II. Accountability – scope of the work covered by the SRA and the number of meetings involved
 - III. Time spent

Scoring each role against the criteria

61. The panel assessed each of the roles against the criteria scoring them in the following way:
- 0 – None
 - 1 – Low
 - 2 - Medium
 - 3 – High

Bandings

62. The scores for each role were collated to gain a total score for each role. The Panel ranked the roles based on the total score.
63. The Panel triangulated their review and scoring with the previous Panel's scores. Given that the roles set out alongside the SRAs have not changed significantly since May 2017, the Panel were minded to score the SRAs consistently with the previous IRP report. However, the Panel also noted the changes being considered by the rethinking governance group, in the future, as this might introduce strengthened roles for some committees. The Panel also considered the balance of risk and responsibility in relation to other benchmarked data within the cohort of comparison local authorities.
64. The Panel wishes to note its willingness to reconvene and review allowances again if and when these changes are agreed by council.
65. The Panel then agreed which of the roles it considered significant enough to receive an SRA. The Panel deemed that the scores fell clearly into 4 bands as detailed in Appendix E.

Leader of the Council

66. The Panel considered how the remuneration for each of the bandings would be arrived at and they referred to previous Independent Remuneration Panel reports. The Panel noted that the leader's current allowance is approximately 4 times the Basic Allowance. If this multiple was used, and if Herefordshire Council were to agree to the recommended new Basic Allowance, it would lift Herefordshire Council's Leader's SRA to the second highest within the benchmarking cohort (£37,577.12).
67. The Panel were also mindful of the views that some members had expressed in relation to correcting some of the wide disparities within some of the SRAs. For instance, while the role of the Leader clearly carries greatest risk, accountability and time (it is arguably a full time role) the remuneration attached to it is significantly higher than all other SRAs. Further, that the nearest SRA – that of Cabinet Members – which it has been argued carry similar areas of risk, accountability and time are significantly lower.

68. The panel were of the view that a multiplier of 3.5, instead of 4, should be applied to this SRA. This would amount to a real term increase, but would constitute a more moderate increase commensurate with wider evidence received during this review.

Basic Allowance of £9,394.28 X 3.5 = £32,879.98

69. The Panel acknowledges that using a multiplier of 3.5 x the recommended Basic Allowance would increase the SRA from £31,741 to £32,879.98 which is an increase of 3.4%.

RECOMMENDATION

- 7. That the SRA for the role of the Leader of the Council be set at £32,879.98 per year which is calculated as 3.5 x the recommended Basic Allowance.**

Cabinet Members

70. The Cabinet Member role received high scores in each of the categories and the Panel considered that this was a significant role, with individual delegated authority to make decisions. The Panel agreed that when taking all aspects of the roles into consideration that the remuneration for the Cabinet Member role should continue to be 1.75 x the recommended Basic Allowance.
71. The Panel reviewed this figure against the benchmarking data and noted that Herefordshire Council's Cabinet Member SRAs sit at mid-point within benchmarking data. The Panel concluded that there this is a fair reflection of where this SRA should sit within the benchmarking data.

RECOMMENDATION

- 8. That the SRA for the role of Cabinet Member be set at £16,439.99 per year which is a 1.75 x the recommended Basic Allowance.**

72. The Panel concluded that the SRA for the roles should be set at 1.75 x the recommended Basic Allowance. The Panel acknowledges that this is an increase of £2,552 (equivalent to an 15.5%) per annum to the current SRA.

Chairman of the Council

73. The Chairman of the Council role scored lower than the Leader and Cabinet Member roles. In the assessment of the role, the Panel considered that this role was very different in nature to that of the Leader and Cabinet Members. It carries no direct decision making powers, but it does carry with it responsibility to chair council meetings as well as conducting civic duties. In discussions, it was noted that this role was of reputational importance to the Council, especially so since the advent of video streaming council meetings.
74. The Panel considered the benchmarking information but concluded that not all authorities had the same governance arrangements and the role of the Chairman of the Council differed from authority to authority. A number of local authorities within the cohort also paid an SRA to their vice chairpersons. However, the panel were also mindful that the Chairman of the Council SRA in Herefordshire is the highest within the cohort of local authorities. The

Panel also recognised that Herefordshire Council does appoint a Vice-Chair, but unlike some local authorities within the cohort, Herefordshire does not provide an allowance for vice-chairpersons.

75. The panel agreed that the benchmarking information for this role was one factor it should consider. But additional weight should be given to the profile and reputational prominence of this role.
76. The Panel concluded that the SRA for the role should be set at 1.2 x the recommended Basic Allowance. The Panel acknowledges that this is an increase of £1,353.14 (equivalent to 12%) per annum to the current SRA.
- 77.

RECOMMENDATION

- 9. That the SRA for the role of Chairman of the Council be set at £11,273.14 per year which is a 1.2 x the recommended Basic Allowance.**

Chairman of Adults Wellbeing Scrutiny; Young People and Children’s Wellbeing Scrutiny and General Scrutiny

78. The Panel discussed the evidence and assumptions based on the existing three Scrutiny Committees. There was evidence to show that there was a difference in time commitment between the Cabinet Member role and the Scrutiny Chair role. However, the panel also acknowledged the increasingly important role that the council wishes to place on increasing scrutiny’s influence over the development of new policies and decisions.
79. The Panel concluded that the SRA for the roles should be set at 1.2 x the recommended Basic Allowance. The Panel acknowledges that this is an increase of £1,353.14 (equivalent to 12%) per annum to the current SRA for the three Scrutiny Committees.
80. The Panel considered the benchmarking data and noted that this would make the Herefordshire Scrutiny Chairs the third highest SRA compared to the comparator English authorities. The Panel concluded that it could not compare the role with other local authorities, as each Council operated with a different governance model and the detailed information required was not available for a comparison. Further, that the Panel recognises the increasing profile the council is seeking to give to scrutiny and wished to build this factor in to their considerations.
81. The panel noted its willingness to convene a further review, should the council wish to consider this, once any constitutional changes had been proposed and approved by the council.

RECOMMENDATION

- 10. That the SRA for the role of Chairpersons of the Scrutiny Committees be set at £11,273.14 per year which is a 1.2 x the recommended Basic Allowance.**

Chairman of Planning and Regulatory Committee

82. The Panel had detailed discussions and noted that the scoring for the role was the same as Chairman of the Council and the Scrutiny Chairman. The role is an important one and the committee meets to deal with the most significant planning matters dealt with by the council in its' role as a planning authority.
83. The Panel agreed that the remuneration SRA for this role should be 1.2 x Basic Allowance. The Panel acknowledges that this is an increase of £1,353.14 (equivalent to 12%) per annum to the current SRA for the Planning and Regulatory committee.
84. The Panel considered the benchmarking data and noted that this would make the Chairman of Planning and Regulatory Committee the second highest SRA compared to the comparator English authorities.

RECOMMENDATION

- 11. That the SRA for the role of the Chairman of the Planning and Regulatory committee be set at £11,273.14 per year which is a 1.2 x the recommended Basic Allowance.**

Chairman of Licensing Sub Committee

85. The Panel noted that there is a standing Chairman of the Licensing Sub Committee and the committee discharges the licensing regulatory functions of the Council. The Sub-Committee is convened on an as required basis. The Panel noted the lack of consistent benchmarking data for this type of committee in other local authority settings. As such, like for like comparisons are not wholly reliable. However, of the SRAs that had licensing as part or all of their principal purpose varied considerably. Within this range the highest SRA was £9,444 and the lowest was £2,878. The mean SRA across the cohort of local authorities that pay an SRA for licensing was £5,263.36 p/a.
86. The Panel were content that the existing multiplier rate should continue alongside the recommended Basic Allowance rate.

RECOMMENDATION

- 12. That the SRA for the role of Chairman of Licensing Sub Committee be set at £7,045.71 per year which is a continuation of the 0.75 x of the recommended Basic Allowance.**

Chairman of Audit and Governance Committee

87. The Panel considered the evidence and scoring in respect of the Chairman of Audit and Governance Committee. The Panel noted that in addition to acting as Chairman to the Committee, the role would also include acting as the Council's Member Representative for the South West Audit Partnership (SWAP) who are the internal audit function for the council.

88. The Panel concluded that the Audit and Governance Committee was a key part of the Council's governance structure as it provided independent assurance.
89. The Panel agreed that the remuneration for SRA for this role should be 0.75 x of the recommended Basic Allowance. The Panel acknowledges that this is an increase in the current SRA of £1,028.98 per annum. The recommended SRA does also acknowledge the additional time commitment and responsibility that have recently been introduced to this committee, noting the now monthly frequency of meetings.

RECOMMENDATION

- 13. That the SRA for the role of Chairman of Audit and Governance Committee be set at £7,045.713 per year which is a 0.75 x the recommended Basic Allowance.**

Adoption Panel Representative

90. The Panel received a request to consider an SRA for the council's representative on the Adoption Panel. This is a role listed in the legislation as a potentially eligible role, but has not previously been recommended by the panel for an allowance because the duties have been carried out by a Cabinet Member or Cabinet Support Member for Young People and Children's Wellbeing. It was noted that in line with statutory requirements, the representative did not however have to be a member of the Executive (Cabinet).
91. Benchmarking data on similar roles in other local authorities was limited, however, Bathnes and Cheshire West do have SRAs attached with adoption and fostering panels. Their SRAs are set at £3,817 and £3,857, respectively, per annum.
92. The Panel considered the time commitment and substantial amount of reading involved with this role. The Panel also noted that it was a council priority that all children and young people in this county to have a great start in life and be healthy, safe and inspired to be the best they can be and ensuring that vulnerable children and young people are placed in a good adopted family environment is a top priority.
93. The panel also noted the significant court judgements that will have significant and far reaching impacts on the way children's services are run at the council. As such, the panel noted its readiness to review this SRA further, should there be a need to do so in light of any constitutional or improvement plan recommended changes.

RECOMMENDATION

- That the SRA for the role of the council's Member representative on the Adoption Panel be set at £7,045.71 per year which is a 0.75 x the recommended Basic Allowance.**

Cabinet Support and Cabinet Opposition Support Member

94. The Panel considered the SRA for the Cabinet Support and cabinet Opposition Member and noted that Cabinet Support Members were only in existence in one other comparator

authority. Given the lack of comparator information, the Panel concluded that the current method of calculating the allowance should continue.

95. The Panel agreed that the SRA for Cabinet Support and Opposition Support Members should remain unchanged and be an allowance of up to 50% of the band 2 allowance (cabinet member allowance) subject to the total budget currently allocated for individual cabinet members not being exceeded.

RECOMMENDATION

- 14. That the SRA for the role of the Cabinet Support and Cabinet Opposition Support Members remain an allowance of up to 50% of the band 2 allowance (cabinet member allowance) subject to the total budget currently allocated for individual cabinet members not being exceeded.**

Group Leaders

96. The Panel Members were advised that the Group Leaders currently receive an SRA of £1,747 (and £124 per group member).
97. The Panel were keen to gain an understanding of the nature of the role and received information about this from the Group Leaders. Persuasive evidence was presented that the role of the group leader was a demanding one, regardless of the number of members within the group. Further, that all group leaders carry the same responsibilities, again, regardless of the size of the group.
98. The Panel noted that the role was a political appointment. Following detailed discussions the Panel concluded that the current SRA should remain unchanged. However, the panel did conclude that the 10% (or five members or more) of the total council membership currently in place for group leaders being eligible for this SRA was not a threshold that had a clear rationale. In this regard, the panel were more compelled by the evidence around the duties and roles the group leaders fulfil.
99. A “political group” under reg 8 of the [Local Government \(Committees and Political Groups\) Regulations 1990/1553](#) comprises two or more members who give written notice of their wish to be treated as a group. It must have a leader and may have another person authorised to act in the place of the leader (“the representative”). A member is to be treated as a member of a group if he is party to such a notice, or otherwise gives notice, signed by the leader, or representative or a majority of group members, that he wishes to join the group. No person can be a member of more than one group.

RECOMMENDATION

- 15. That the SRA for the role of Group Leader remain unchanged at £1,747 (plus £124 per group member) and a group is redefined as being 3 members or more.**

Task and Finish Group and Standing Panel Chairs

100. The Panel considered the Task and Finish Group and Standing Panel Chairs and noted the developing context and importance these groups are likely play in the council's future policy and decision making considerations. It was noted that task and finish groups were set up by the relevant Scrutiny Committees and were asked to look at specific issues and report back. Standing Panels would have a longer term role to provide ongoing advice and research in to longer term council priorities, such as climate change and economic recovery plans.
101. The panel also noted the lack of incentives that current members have in taking on such a responsibility, including carrying the risk and accountability the role entails. This is not to suggest that members are incentivised by financial motives to stand as a task and finish group or standing panel chairperson. But to recognise the risk that members take on in undertaking these roles.
102. Further, that based on the information provided, it was noted that the task and finish groups had an identified Chairman and could last for a variable amount of time depending on the issues being looked into. While the preferred option is that T+F groups will look to consider matters over, say a three week period, and then report back to their parent scrutiny committee. Some task and finish groups and most standing panels would require longer timeframes and greater degrees of complexity to manage.
103. The Panel concluded that there is increasing importance being placed on task and finish groups and standing panels. However, that until a clearer picture emerges about possible changes to scrutiny functions and effectiveness, as part of the rethinking governance work, no SRA should be applied at the current time.

RECOMMENDATION

- 16. That at the current time, no changes are made to the remuneration of Chairpersons of Task and Finish Groups and Standing Panels.**

104. Vice-Chairman of Committees

105. The Panel considered SRA's for the Vice-Chairman of Committees. It was noted that currently only the Vice-Chairman of Council and Vice-Chairman of Scrutiny Committees received no SRA.
106. The Panel discussed the role of Vice-Chairpersons. The panel noted that there had been little in the way of new or compelling evidence to suggest that the current arrangements needed any change. On this basis, the Panel agreed that there should continue to be no SRA for Vice-Chairpersons of the Council or any Committees.

RECOMMENDATION

- 17. That there continue to be no SRA for Vice-Chairpersons of Committees**

Other Roles

107. The Panel was advised and noted that there were other roles that could be considered for an SRA and for the reasons detailed below, felt that it was appropriate not to recommend an SRA for them:

Member Champions	These are appointed by the Leader of the Council and are supported by officers of the council. Further, that member champions are eligible to claim travel and subsistence to ensure that all reasonable costs in undertaking their activities are covered.
Chairman of Health and Wellbeing	It was noted that there was a statutory requirement for specified members of the Executive (Cabinet) to be on this board. The role was within the portfolio of the Cabinet Member for Health and Wellbeing. Therefore, no consideration was given to an SRA.
Chairman of SACRE	It was noted that the Committee had the power to elect their own Chairman which meant that the role could be filled by a representative outside of the Council. On this basis no consideration was given to an SRA.
West Mercia Police and Crime Panel	It was noted that the West Mercia Police and Crime Panel consisted of representatives from four councils. On this basis, the Panel felt that it had no power to recommend an SRA.
LEP Board representative	According to the LEP constitution, the Council representative has to be a member of the Executive (Cabinet). This currently is contained in the portfolio of the Leader of the Council. On this basis the Panel did not consider this role.
West Mercia Energy representative	According to the terms of reference for this joint committee, the Council representative has to be a member the Executive (Cabinet). This is contained in the portfolio of the Cabinet Member for Infrastructure. On this basis the Panel did not consider this role.
Fostering Panel Representative	It was noted that it was implicit within the Fostering regulations that an elected member needs to sit on the panel. The representative was currently the Cabinet Support Member for Young People and Children's Wellbeing. On this basis the Panel did not consider this role.
Deputy Leader	The panel did not rate the post. However, if a request is made to rate this SRA separately to the Cabinet Member SRA,

	then the Panel would be happy to convene to consider.
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SRA's per Member

108. The Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA to any one Member. The current scheme prohibits Members from more than one SRA (with the exception of the Group Leaders' SRA) with the highest SRA being the one received. The Panel concluded that there was no reason to review this aspect of the scheme and agreed that the current position be maintained.

RECOMMENDATION

- 18. That the current scheme in relation to payment of no more than one SRA (with the exception of the Group Leaders' SRA) remain unchanged.**

Childcare and Dependants' Carers' Scheme

109. The Panel considered the Childcare and Dependants' Carers' scheme and noted that no Members had made a claim under this Allowance in the last year. As the allowance was payable at current market hourly rates, the Panel concluded that the Scheme should remain unchanged.

RECOMMENDATION

- 19. That there is no change to the Childcare and Dependants' Carers' Scheme.**

Travelling and Subsistence Allowance

110. The Panel considered the Travelling and Subsistence Allowance.

111. The Panel concluded that as the mileage was claimable at the prevailing rates set by Her Majesty's Revenue and Customs (HMRC), that the allowance should remain unchanged. It also concluded that as the allowance for subsistence was based on actual reasonable expenses, that the allowance should remain unchanged

112. The Panel was also asked whether alternative measures could be considered to the issuing of car parking passes to all members, with a view to incentivising greener travel options. The Panel were very supportive of this proposal and recognised the clear shift the council is making toward carbon neutrality and addressing the climate change emergency. It was clear from the members survey that a number of members were also supportive of this proposal.

113. However, the Panel also noted that for many councillors public/greener transport options are very limited with car use often being the only option for reliable travel to and from council business. Especially so for evening meetings.

114. To remove the parking pass for all would create inequity, particularly for the more rural ward members. Further, the Panel were concerned that it would not generate any greater

incentive to move to greener transport options. Councillors would still be eligible to claim for their parking while on council business via their expenses. The Panel noted that members, who are able to use greener transport options, can also look to claim for their journeys. Councillors also have the option to voluntarily sacrifice their car parking passes if they are so minded to do.

115. This remains an area of interest to the Panel. With an anticipated return to remote working in the long term, it is likely that the reduction to the carbon footprint seen over the last year as a result of Covid 19 is set to resume in the near future. The reliance on travel to physical meetings is likely to reduce.
116. Turning to the current overnight accommodation allowance, the Panel considered whether the current £120 per night rate was still reasonable. This figure has remained unchanged for at least 5 years in which time hotel accommodation rates have increased. The Panel therefore considered that the current rate of £120 be increased to £150 to take account of inflationary price rises.

RECOMMENDATION

- 20. That the allowance for mileage claimed based on the prevailing HMRC rates remain unchanged.**
- 21. That the allowance for subsistence for meetings held out of the county based on actual reasonable costs remain unchanged**
- 22. That the allowance for overnight accommodation be increased from £120 per night to £150 per night.**

117. Members' Claims

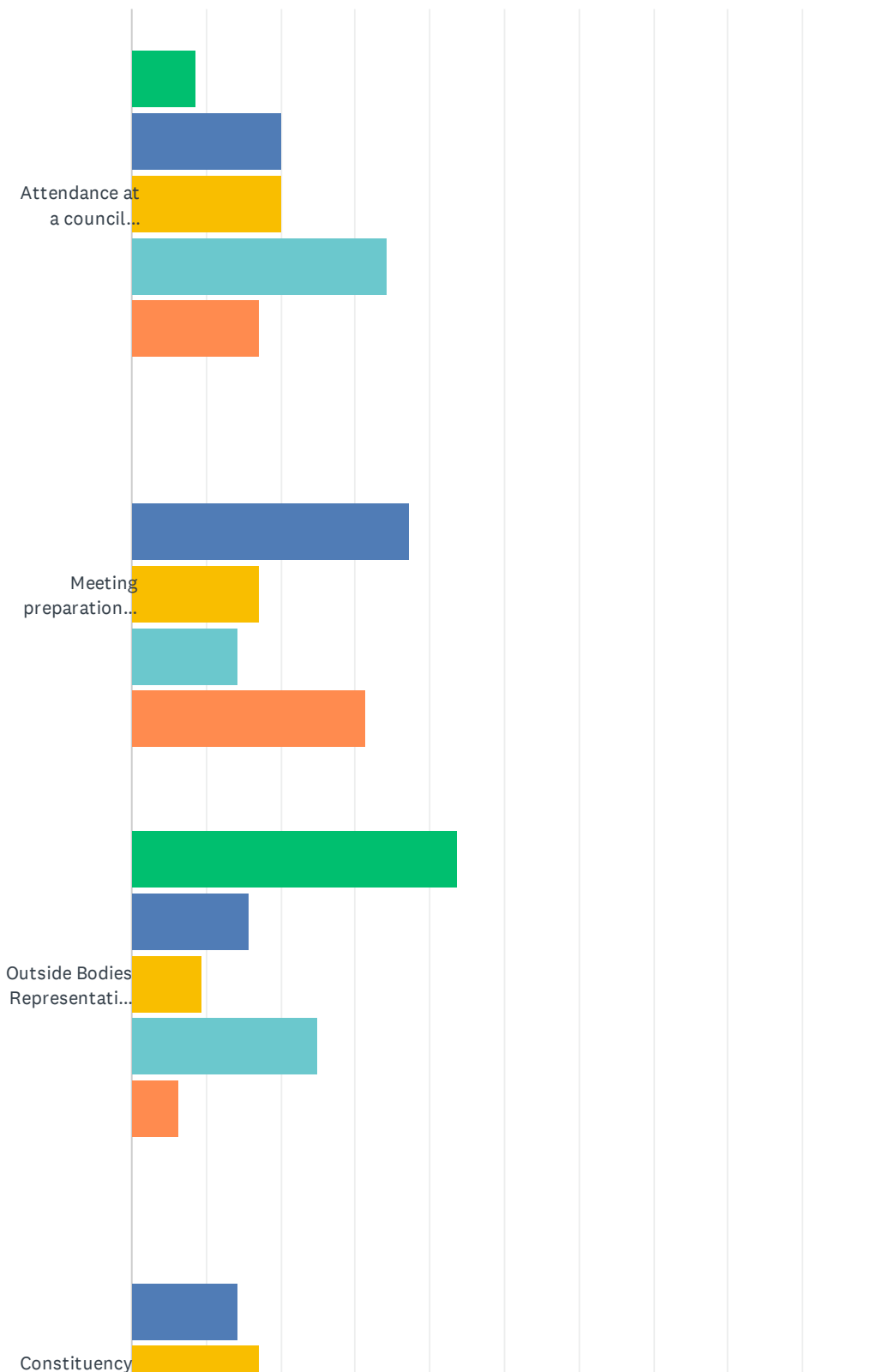
118. The Panel were advised that member's claims are required to be submitted within 12 months of the period to which they relate. However, Democratic services advocate that claims are made within three months of the period to which they relate on the basis that Democratic services now publish quarterly all members expenses claimed on the council's public website.

Technical Requirements

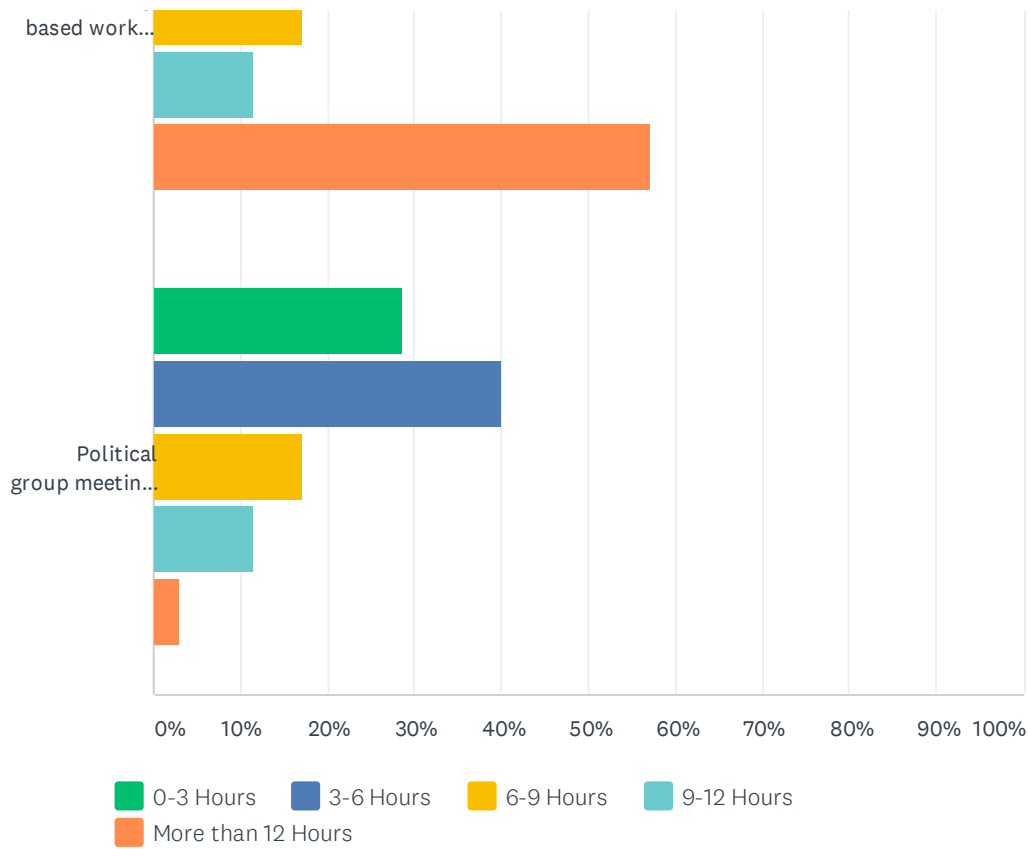
119. The Panel recommends that any further technical or administrative amendments to the Scheme arising out of the regulatory duties and obligations or which are necessary to give administrative effect to the Panel's recommendations are delegated by council to the Monitoring Officer.

Q1 As a frontline member, how many hours per month do you estimate that you spend on each of the following activities? (Please don't include anything that has a Special Responsibility Allowance (SRA) attached to it)

Answered: 35 Skipped: 0



Independent Remuneration Panel Survey For Members



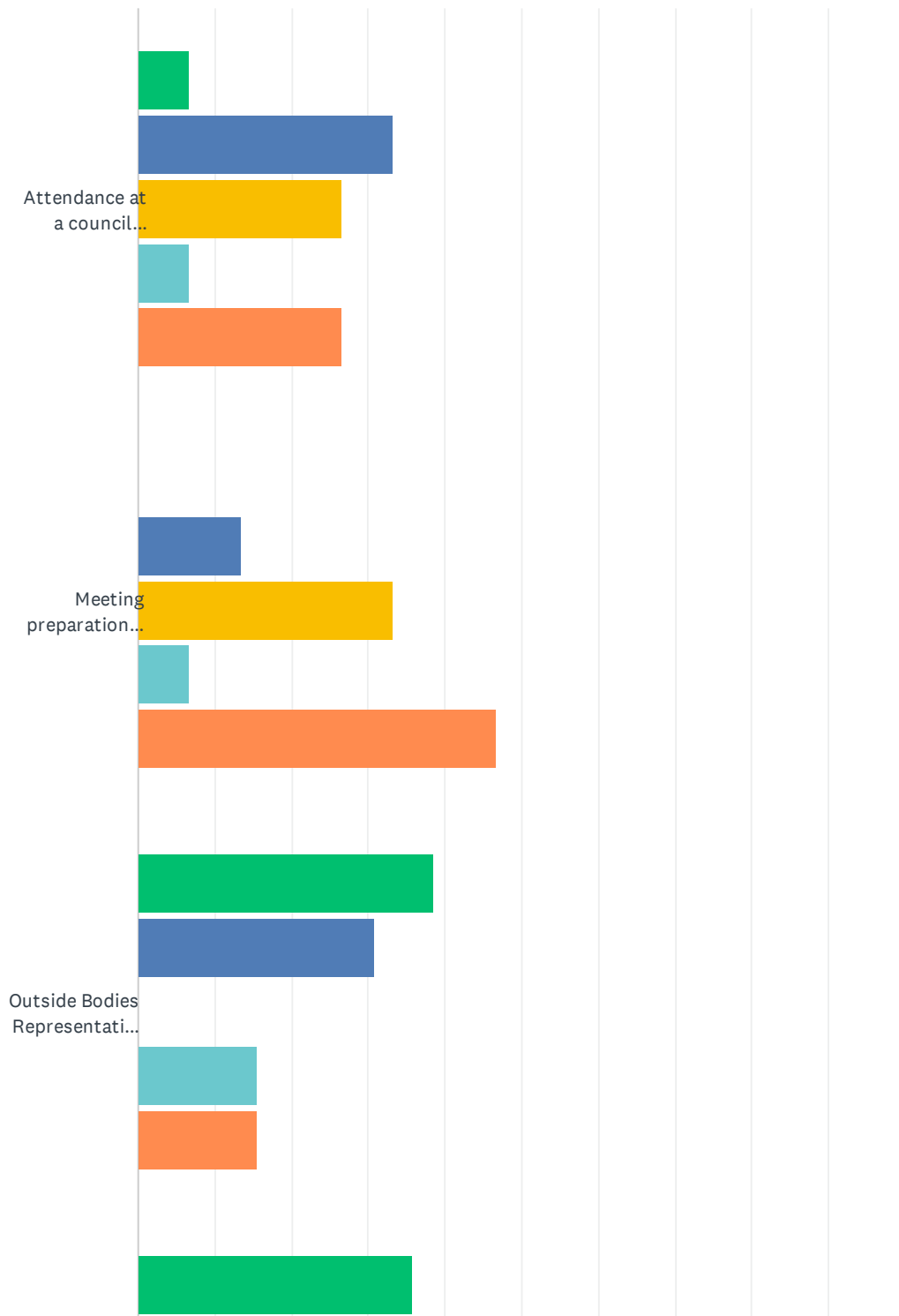
	0-3 HOURS	3-6 HOURS	6-9 HOURS	9-12 HOURS	MORE THAN 12 HOURS	TOTAL	WEIGHTED AVERAGE
Attendance at a council committee meetings	8.57% 3	20.00% 7	20.00% 7	34.29% 12	17.14% 6	35	3.31
Meeting preparation (e.g. reading time)	0.00% 0	37.14% 13	17.14% 6	14.29% 5	31.43% 11	35	3.40
Outside Bodies Representation (e.g. attendance at meetings)	43.75% 14	15.63% 5	9.38% 3	25.00% 8	6.25% 2	32	2.34
Constituency based work (e.g. dealing with constituents, surgeries, telephone calls, emails and virtual meetings with constituents)	0.00% 0	14.29% 5	17.14% 6	11.43% 4	57.14% 20	35	4.11
Political group meetings relating to council business	28.57% 10	40.00% 14	17.14% 6	11.43% 4	2.86% 1	35	2.20

Q2 If you are in receipt of a special responsibility allowance, what does it relate to?

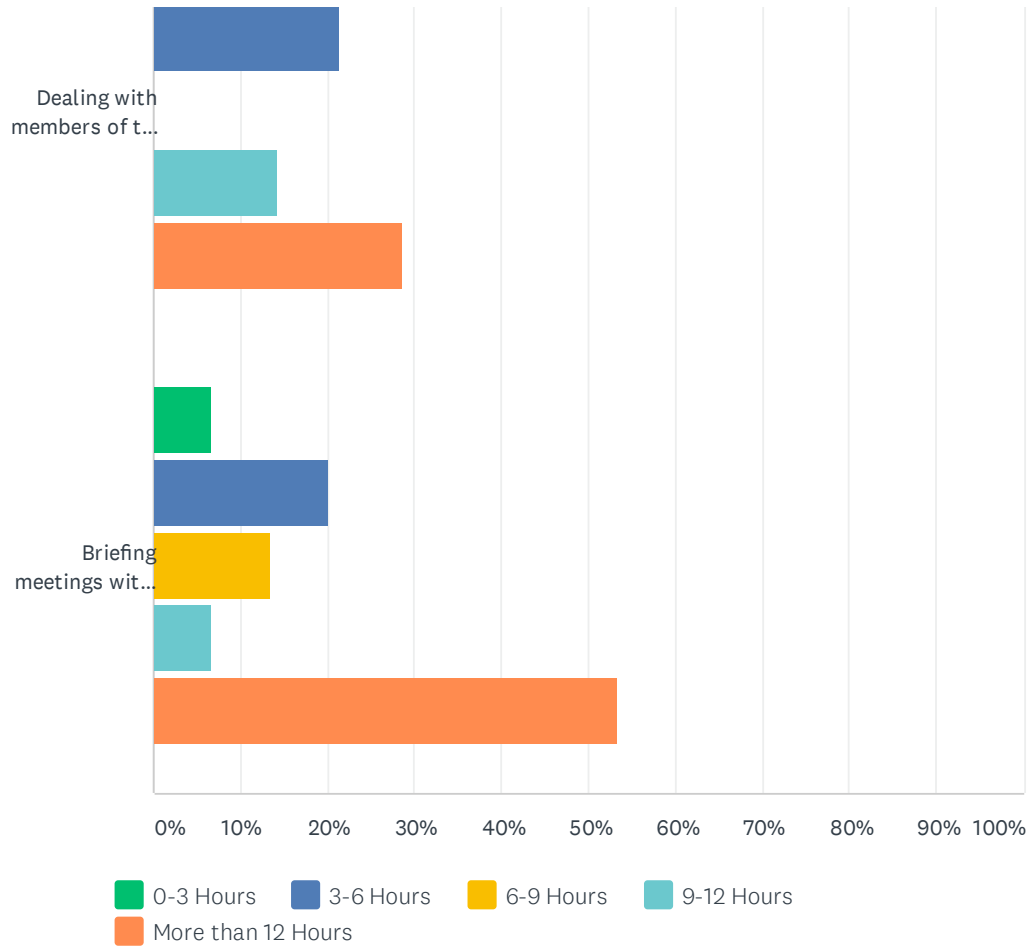
Answered: 25 Skipped: 10

Q3 If you are in receipt of a special responsibility allowance how many hours per month do you estimate that you spend on each of the following council activities as a direct consequence of your position of responsibility as distinct from your involvement as a member elected to represent your constituency?

Answered: 15 Skipped: 20



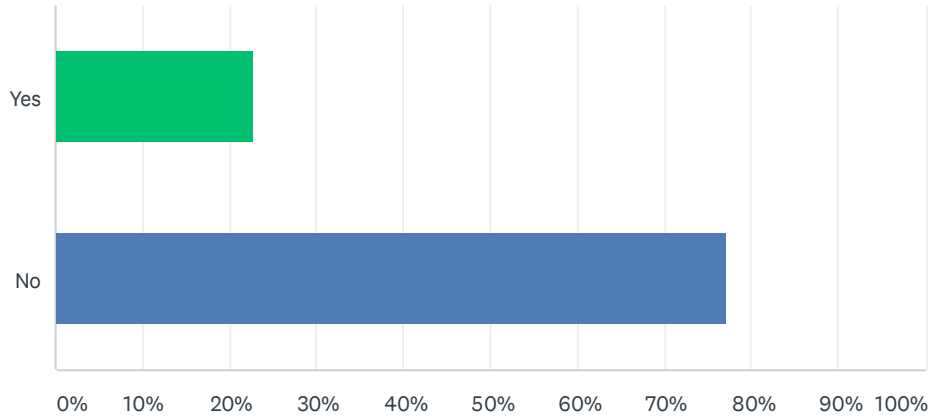
Independent Remuneration Panel Survey For Members



	0-3 HOURS	3-6 HOURS	6-9 HOURS	9-12 HOURS	MORE THAN 12 HOURS	TOTAL	WEIGHTED AVERAGE
Attendance at a council committee meetings	6.67% 1	33.33% 5	26.67% 4	6.67% 1	26.67% 4	15	3.13
Meeting preparation (e.g. reading time)	0.00% 0	13.33% 2	33.33% 5	6.67% 1	46.67% 7	15	3.87
Outside Bodies Representation (e.g. attendance at meetings)	38.46% 5	30.77% 4	0.00% 0	15.38% 2	15.38% 2	13	2.38
Dealing with members of the public and other bodies about matters relating to the service area(s) or functions for which you have a position of responsibility.	35.71% 5	21.43% 3	0.00% 0	14.29% 2	28.57% 4	14	2.79
Briefing meetings with officers	6.67% 1	20.00% 3	13.33% 2	6.67% 1	53.33% 8	15	3.80

Q4 Do you feel that your time commitment and the responsibility that you carry is adequately reflected in the current level of special responsibility allowance applicable to you?

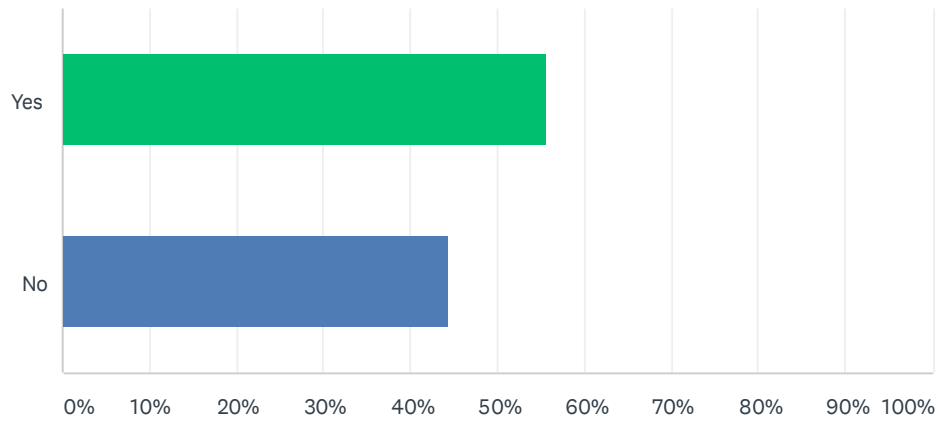
Answered: 22 Skipped: 13



ANSWER CHOICES	RESPONSES	
Yes	22.73%	5
No	77.27%	17
TOTAL		22

Q5 Are there any activities that you think should or should not attract a special responsibility allowance?

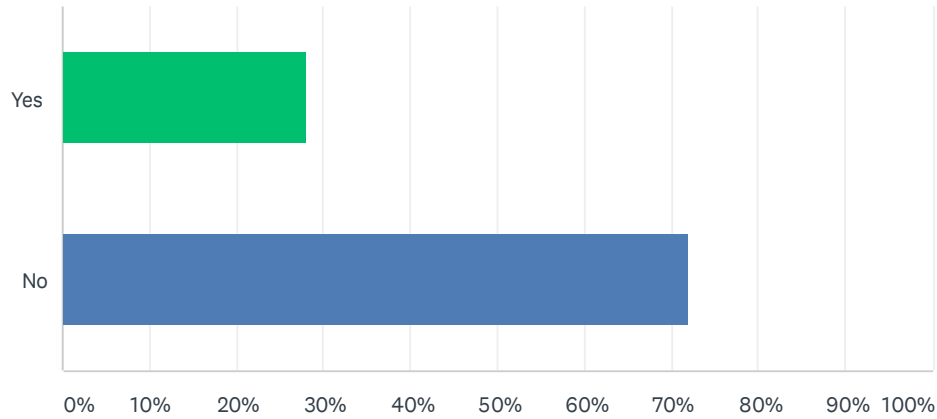
Answered: 27 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	55.56%	15
No	44.44%	12
TOTAL		27

Q6 Councillors are currently provided with: Business car parking pass for use on council business. IT equipment. One pack of business cards. Access to printing facilities at council premises. Are there any additional expenses which should be taken into consideration?

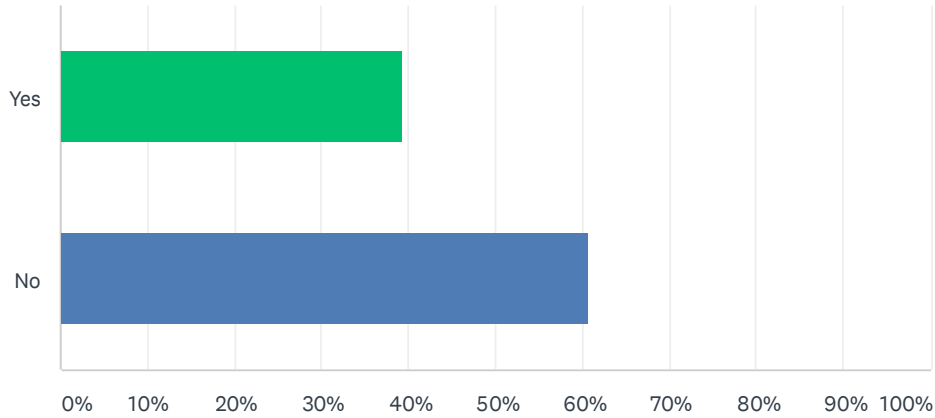
Answered: 32 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	28.13%	9
No	71.88%	23
TOTAL		32

Q7 Given the council has declared a climatological and ecosystem emergency, should councillors car parking passes no longer be issued to encourage more environmentally friendly methods of travel?

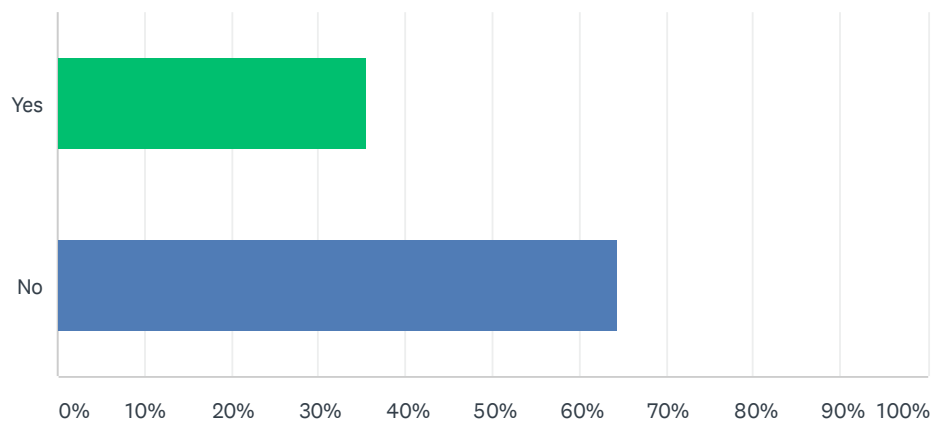
Answered: 28 Skipped: 7



ANSWER CHOICES	RESPONSES
Yes	39.29% 11
No	60.71% 17
TOTAL	28

Q8 Currently members can claim expenses for attending: · public meetings of council · private meetings which have been convened by the proper officer or briefings are arranged by the relevant director· training and development opportunities organised by governance support· Attending conferences approved by the relevant director· Attending meetings out of county outside bodies to which they have been appointed by the council. · Attending meetings for those members who are ‘member champions’. Are there any other meetings which should be taken into consideration?

Answered: 31 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	35.48%	11
No	64.52%	20
TOTAL		31

Q9 Why did you stand as a councillor?

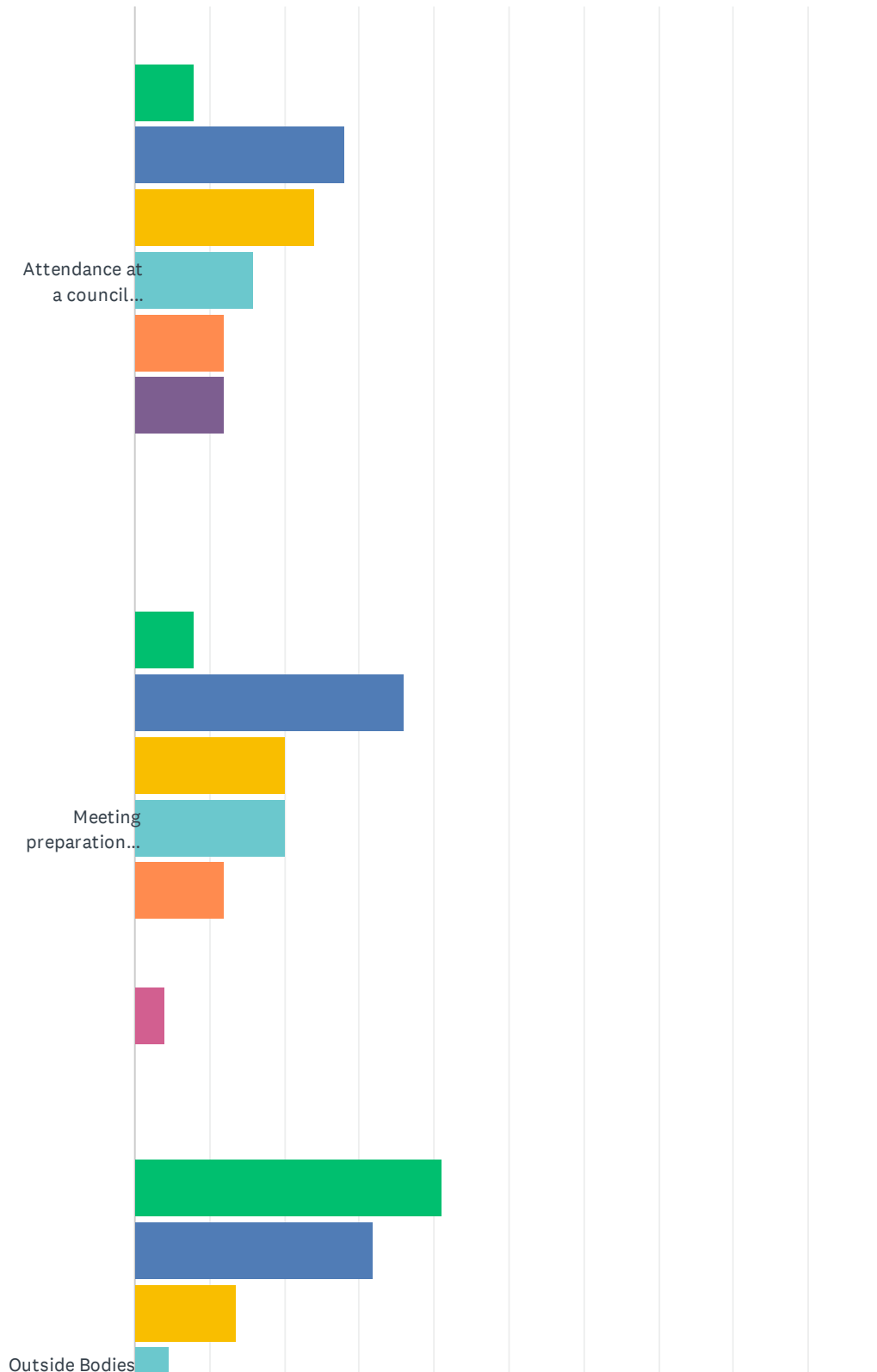
Answered: 35 Skipped: 0

Q10 When considering whether or not to stand for re-election in the future, how significant a factor would the level of allowances be for you?

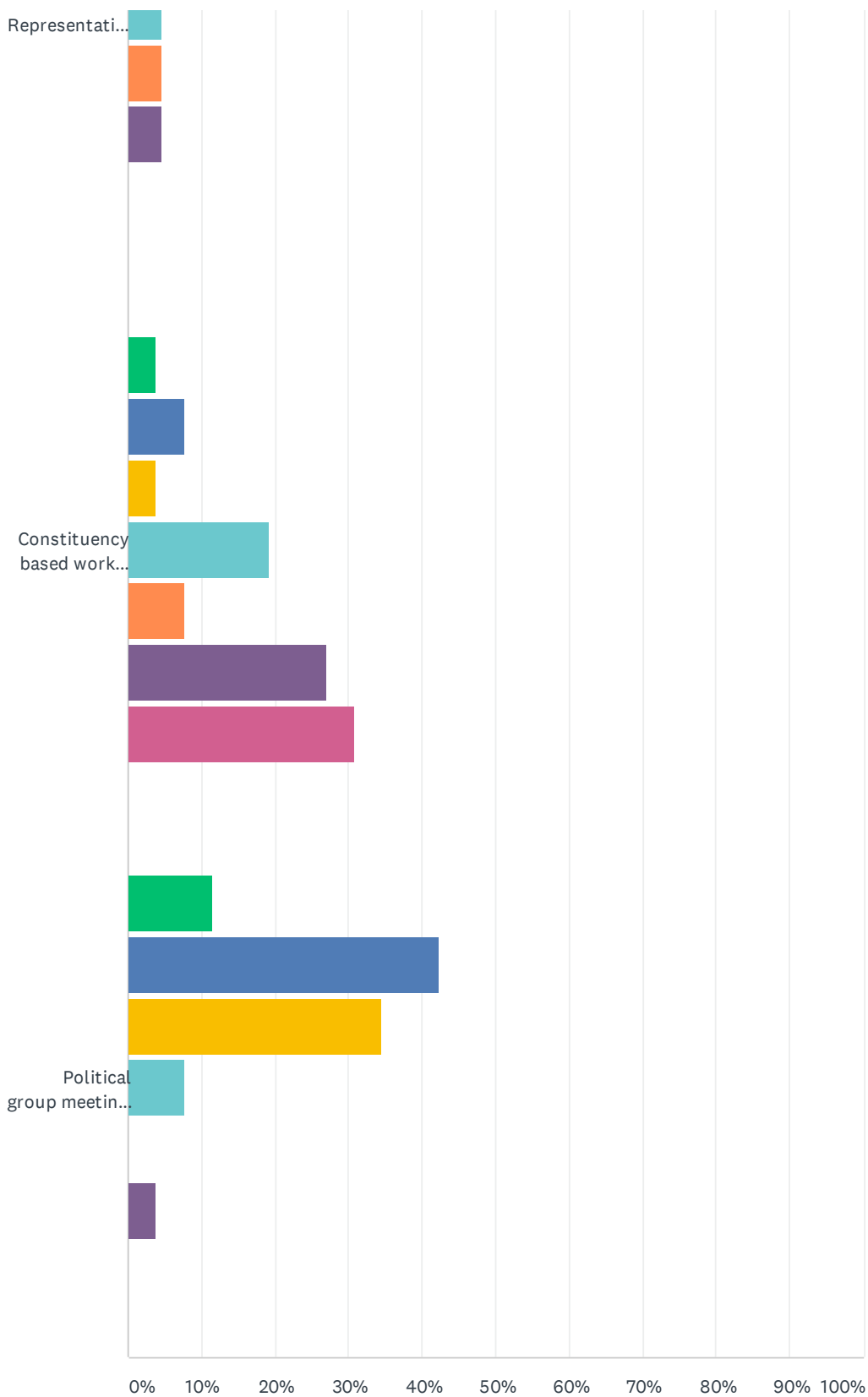
Answered: 35 Skipped: 0

Q1 As a frontline member, how many hours per month do you estimate that you spend on each of the following activities? (Please do not include anything that has a Special Responsibility Allowance (SRA) attached to it)

Answered: 26 Skipped: 0



Independent Remuneration Panel - follow up enquiry



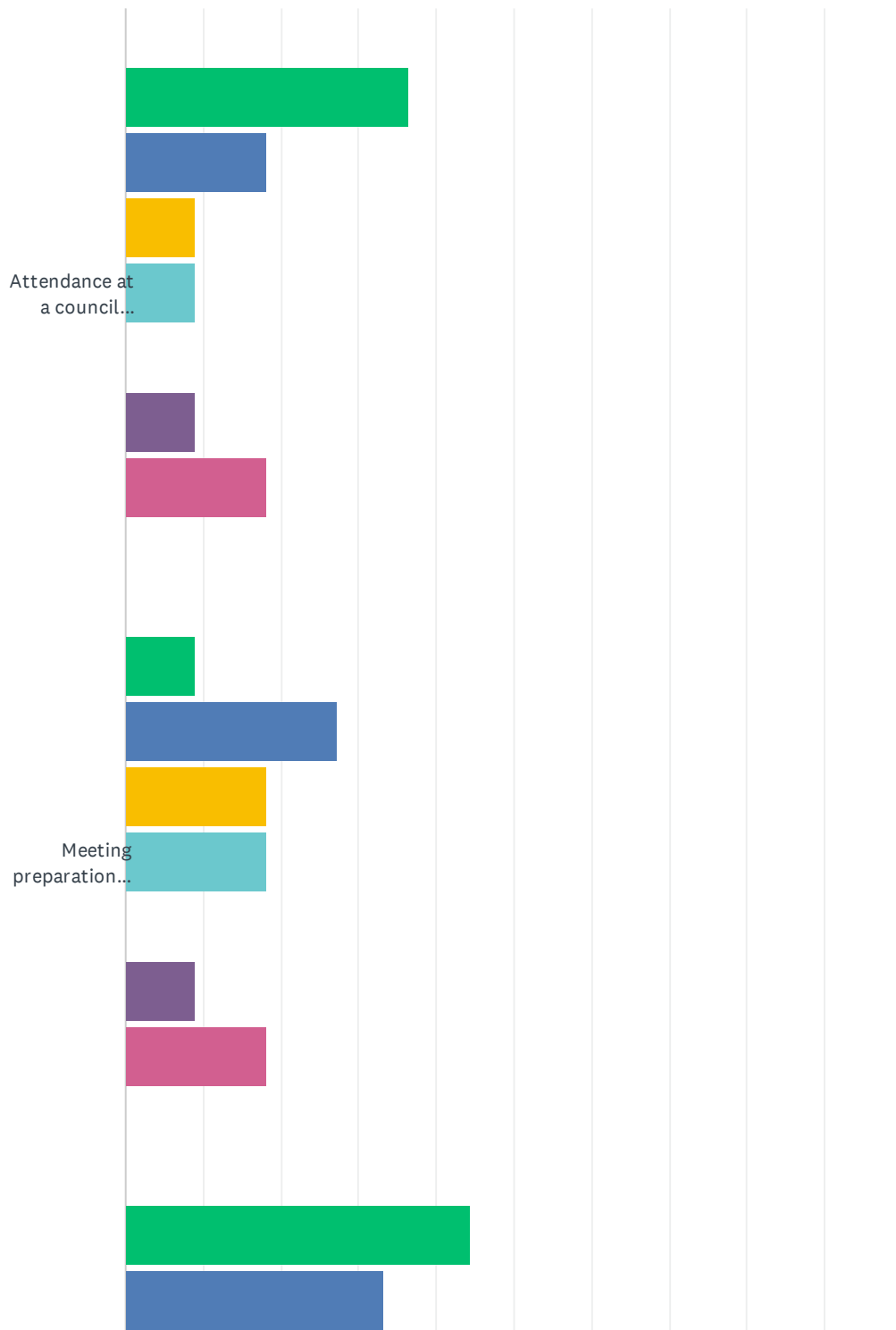
■ 0-3 Hours
 ■ 3-6 Hours
 ■ 6-9 Hours
 ■ 9-12 Hours
 ■ 12-15 Hours
■ 15-20 Hours
 ■ 20-25 Hours

Independent Remuneration Panel - follow up enquiry

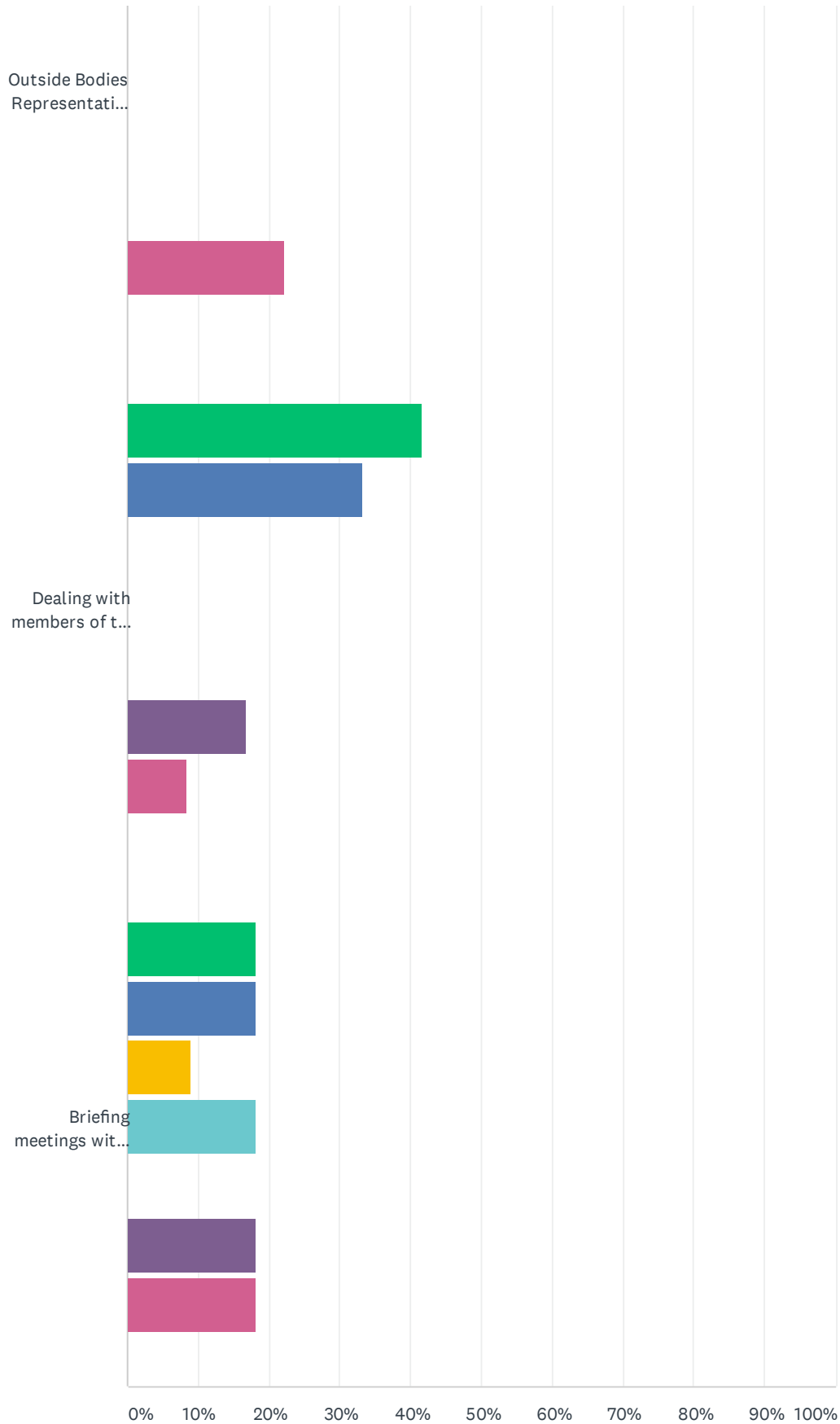
	0-3 HOURS	3-6 HOURS	6-9 HOURS	9-12 HOURS	12-15 HOURS	15-20 HOURS	20-25 HOURS	TOTAL	WEIGHTED AVERAGE
Attendance at a council committee meetings	8.00% 2	28.00% 7	24.00% 6	16.00% 4	12.00% 3	12.00% 3	0.00% 0	25	3.32
Meeting preparation (e.g. reading time)	8.00% 2	36.00% 9	20.00% 5	20.00% 5	12.00% 3	0.00% 0	4.00% 1	25	3.08
Outside Bodies Representation (e.g. attendance at meetings)	40.91% 9	31.82% 7	13.64% 3	4.55% 1	4.55% 1	4.55% 1	0.00% 0	22	2.14
Constituency based work (e.g. dealing with constituents, surgeries, telephone calls, emails and virtual meetings with constituents)	3.85% 1	7.69% 2	3.85% 1	19.23% 5	7.69% 2	26.92% 7	30.77% 8	26	5.23
Political group meetings relating to council business	11.54% 3	42.31% 11	34.62% 9	7.69% 2	0.00% 0	3.85% 1	0.00% 0	26	2.54

Q2 If you are in receipt of a special responsibility allowance how many hours per month do you estimate that you spend on each of the following council activities as a direct consequence of your position of responsibility as distinct from your involvement as a member elected to represent your constituency?

Answered: 12 Skipped: 14



Independent Remuneration Panel - follow up enquiry



■ 0-3 Hours
 ■ 3-6 Hours
 ■ 6-9 Hours
 ■ 9-12 Hours
 ■ 12-15 Hours
■ 15-20 Hours
 ■ 20-25 Hours

Independent Remuneration Panel - follow up enquiry

■ 0-3 HOURS ■ 3-6 HOURS

	0-3 HOURS	3-6 HOURS	6-9 HOURS	9-12 HOURS	12-15 HOURS	15-20 HOURS	20-25 HOURS	TOTAL	WEIGHTED AVERAGE
Attendance at a council committee meetings	36.36% 4	18.18% 2	9.09% 1	9.09% 1	0.00% 0	9.09% 1	18.18% 2	11	3.18
Meeting preparation (e.g. reading time)	9.09% 1	27.27% 3	18.18% 2	18.18% 2	0.00% 0	9.09% 1	18.18% 2	11	3.73
Outside Bodies Representation (e.g. attendance at meetings)	44.44% 4	33.33% 3	0.00% 0	0.00% 0	0.00% 0	0.00% 0	22.22% 2	9	2.67
Dealing with members of the public and other bodies about matters relating to the service area(s) or functions for which you have a position of responsibility.	41.67% 5	33.33% 4	0.00% 0	0.00% 0	0.00% 0	16.67% 2	8.33% 1	12	2.67
Briefing meetings with officers	18.18% 2	18.18% 2	9.09% 1	18.18% 2	0.00% 0	18.18% 2	18.18% 2	11	3.91

Benchmarking Data - Members' Allowances

	Basic Allowance	Leader	Deputy Leader	Cabinet Member	Scrutiny Chairs	Planning and Regulatory Chair	Licencing Sub-committee Chair	A&G Chair	Chair of the Council	Vice Chair of Council	Vice Chair of Scrutiny	Group Leaders	Cabinet Support Member	Scrutiny T&F Group
Herefordshire	7,935	31,741	N/A	13,887	9,920	9,920	5,951	5,951	9,920	N/A	N/A	1,747*	Up to 6,943	
Bathnes	7,993	32,445	19,484	19,484	7,952	7,952	5,052	5,052	9,543	2,418	n/a	428 per member		
Cheshire West	11,689	29,220	14,611	12,857	7,521	8,766	7,596	7,596	5,844			3,857		
Cornwall	14,870.50	27,510.46	20,632.85	19,257.32	8,253.15	5,502.10	4,126.57	4,126.57	8,253.15	5,777.21	1,650.63			
Cumbria	8,744	26,270	14,711	10,508	7,301	7,301	7,301	7,301	5,481	2,074		12,784		
East Riding	12,054	38,816	24,109	15,671	10,366	10,366	3,977	3,977	N/A	N/A	2,532	7,232		
Telford & Wrekin	9,444	29,603	18,647	14,166	7,843	9,444	9,444	7,870	n/a	n/a	n/a	4,397		
Shropshire	11,514	23,028	14,392.50	11,514	11,514	5,757	2,878.50	5,757	8,635.50	8,635.50	n/a	5,757	5,757	
South Gloucestershire	12,196	23,172			8,537.00	8,537	8,537.00		6,098.00	1,829.00	8,537.00	8,537		
Rutland	3,770	11,420	1,580	7,650	4,340	3,770	3770	200 per mtg	3,550					

IRP RATINGS

- 0 – None
- 1 – Low
- 2 - Medium
- 3 – High

Link to Statutory Instrument: 2003 1021	Role	Responsibility at meeting (Activity / meeting)	Accountability (Decision making power)	Time spent	Score	Banding
Part 2, 5 (a)	Leader	3	3	3	9	1
Part 2, 5 (a)	Cabinet Member	1	3	2	6	2
Part 2, 5 (c)	Chair of the scrutiny committees	2	1*	2	5	3
Part 2, 5 (i)	Chair of council	3	0	2	5	3
Part 2, 5 (c)	Chair of planning and regulatory	2	1*	2	5	3
Part 2, 5 (c)	Chair of audit and governance	2	0	2	4	4
Part 2, 5 (g)	Adoption Panel	2	0	2	4	4
Part 2, (c)	Chair of licensing sub committee	2	1	1	3	4

* extra point awarded due to the importance placed on the work of the committee.

Appendix F: Current published figures for the last 5 years.
Annual survey of hours and earnings - resident analysis (ie based on where people live, regardless of where they work)

ONS Crown Copyright Reserved [from Nomis on 5 May 2021]

- area type local authorities: county / unitary (as of April 2021)
- area name Herefordshire, County of
- sex Total
- item name Mean
- confidence Standard error as a percentage of the figure

Date	Hourly pay - gross	
	number	conf %
2016	13.65	4.0
2017	13.13	3.3
2018	14.05	4.3
2019	14.84	3.8
2020	14.96	4.6

Annual survey of hours and earnings - workplace analysis (ie based on where people work, regardless of where they live)

ONS Crown Copyright Reserved [from Nomis on 5 May 2021]

- area type local authorities: county / unitary (as of April 2021)
- area name Herefordshire, County of
- sex Total
- item name Mean
- confidence Standard error as a percentage of the figure

Date	Hourly pay - gross	
	number	conf %
2015	11.72	3.1
2016	12.15	3.0
2017	12.76	3.5
2018	13.20	4.3
2019	14.21	3.9
2020	14.54	4.9

Appendix G: Options Paper: Independent Remuneration Panel Recommendations

Background:

- From a review of the benchmarking data, Herefordshire Council pays our members the 9th lowest basic allowance within the cohort of comparator local authorities. The Panel were unanimously of the view that this position needed correcting and that Herefordshire Councillors should receive a basic allowance more commensurate to other local authorities within the benchmarking cohort.
- The Panel concluded that the formula for calculating the Basic Allowance should be as follows:
71.5 monthly hours less a public services discount of 33.3% multiplied by the mean HC8 officers hourly rate multiplied by 12 (months).

$$((71.5 - 33.3\%) \times £16.44) \times 12 = \text{a basic allowance of } £9,394.28$$

This equates to following real term change in the basic and Special Responsibility allowances - as follows:

	Current allowance rates	New calculated figures if IRP recommendations accepted
Basic Allowance	£7,935.00	£9,394.28
Leaders SRA	£31,741.00	£32,879.98
Cabinet Members	£13,887.00	£16,439.99
Cabinet Support	Unchanged - an allowance of up to 50% of the band 2 allowance	
Chairperson of the council	£9,920.00	£11,273.14
Chairpersons of Scrutiny	£9,920.00	£11,273.14
Chairperson of the Planning and regulatory Committee	£9,920.00	£11,273.14
Chairperson of Licensing Sub-Committee	£5,951.00	£7,045.71
Chairperson of A+G	£5,951.00	£7,045.71
Member of the adoption panel	£5,951.00	£7,045.71
Group Leader	£1,747.00	No change, but Increasing by 1 additional GL + £248 per member
If annual Council accepts the IRP recommendation, this creates a new budget requirement in the region of £145k. This budget requirement has not been factored into this F/Y financial considerations		

The proposals set out below provide councillors with due regard to the panel's recommendations and provides some options to consider.

Option 1: Council could accept the recommendation in full, but look to deliver the full increase incrementally over a four year period and accept the recommendation to continue to link the annual uplift to the NJC. This will lead to an annual budget pressure of £37k, for the four years.

This would allow Herefordshire Council to elevate its position, in comparison to its cohort benchmark authorities, over a four year period. This would equate to a cumulative budget requirement over a four year period.

If council decides to accept the recommendation that the new allowance schemes should start from 28, May 2021 this would equate to an unfunded budget pressure of £37k in 2021/22. From 2022/23 onwards, the increased commitment would be included in the annual budget setting process for future years.

This equates to following real term change¹ in the basic and Special Responsibility allowances - as follows:

	Current Basic and SR Allowance rates	New Allowances backdated to May 28 F/Y 2021/22	F/Y 2022/23	F/Y 2023/24	F/Y 2025/26
Basic Allowance	£7,935.00	£8,299.82	£8,664.64	£9,029.46	£9,394.28
Leaders SRA	£31,741.00	£32,025.75	£32,310.45	£32,595.24	£32,879.98
Cabinet Members	£13,887.00	£14,525.25	£15,163.50	£15,801.74	£16,439.99
Cabinet Support	Unchanged - an allowance of up to 50% of the band 2 allowance				
Chairperson of the council	£9,920.00	£14,525.25	£15,136.50	£15,801.74	£11,273.14
Chairpersons of Scrutiny	£9,920.00	£10,258.29	£10,596.50	£10,934.86	£11,273.14
Chairperson of the P and R Committee	£9,920.00	£10,258.29	£10,596.50	£10,934.86	£11,273.14
Chairperson of Licensing Sub-Committee	£5,951.00	£6,224.68	£6,498.36	£6,772.00	£7,045.71
Chairperson of A+G	£5,951.00	£6,224.68	£6,498.36	£6,772.00	£7,045.71
Member of the adoption panel	£5,951.00	£6,224.68	£6,498.36	£6,772.00	£7,045.71
Group Leader	£1,747.00. No change, but Increasing by 1 additional GL + £248 per member				
If annual Council accepts the IRP recommendation, this creates an unfunded budget pressure in the region of £145k. The budget pressure will need to be included in the 2022/23 budget setting process.					

Option 2: Council accept the recommendation in full, but defer the new allowance scheme to begin in 2023/24 (following all-out local elections) to deliver the new increase.

This would allow Herefordshire Council to elevate its position, in comparison to its cohort benchmark authorities, by 1 April, 2023. This has the desired intention that those considering standing for election have certainty about the level of remuneration they may expect if successfully elected.

This would allow the proposed increase to be factored into budget setting process for 2023/24. This would mean that the current scheme would remain in place for the remainder of this electoral term.

¹ Please note, these calculated figures for FY 2022/23 to 2025/26 do not have the NJC increase applied to them. The NJC uplift will be applied annually and backdated to 1 April in each consecutive year. 18

Subject to council's approval, the NJC uplift would be applied for the next 4 years to the current and future basic and special responsibility allowances, which for 2021/22 has already been budgeted for. The expectation that only the normal NJC uplift would be applied and backdated to April 1st, 2021.

	Current allowance rates	F/Y 2022/23 +NJC	New calculated figures if IRP recommendations accepted
Basic Allowance	£7,935.00	£7,935.00	£9,394.28
Leaders SRA	£31,741.00	£31,741.00	£32,879.98
Cabinet Members	£13,887.00	£13,887.00	£16,439.99
Cabinet Support	Unchanged - an allowance of up to 50% of the band 2 allowance		
Chairperson of the council	£9,920.00	£9,920.00	£11,273.14
Chairpersons of Scrutiny	£9,920.00	£9,920.00	£11,273.14
Chairperson of the Planning and regulatory Committee	£9,920.00	£9,920.00	£11,273.14
Chairperson of Licensing Sub-Committee	£5,951.00	£5,951.00	£7,045.71
Chairperson of A+G	£5,951.00	£5,951.00	£7,045.71
Member of the adoption panel	£5,951.00	£5,951.00	£7,045.71
Group Leader	£1,747.00 - No change, but Increasing by 1 additional GL + £248 per member		
If annual Council accepts the IRP recommendation, this creates a budget pressure in the region of £145k. This budget pressure will need to be included in the 2023/24 budget process.			

Option 3: Council Accept the recommendation in full, but defer the new allowances scheme to begin in 2022/23 to deliver the full increase.

This would allow Herefordshire Council to elevate its position, in comparison to its cohort benchmark authorities, by 1 April, 2022. This would allow the proposed increase to be factored into budget setting process for 2022/23. This would mean that the current scheme would remain in place for the remainder of this 2021/22. The NJC uplift would be applied for the next 4 years, which for 2021/22 has already been budgeted for, with the expectation that only the normal NJC uplift would be applied and backdated to April 1st, 2021.

	Current allowance rates	F/Y 2022/23
Basic Allowance	£7,935.00	£9,394.28
Leaders SRA	£31,741.00	£32,879.98
Cabinet Members	£13,887.00	£16,439.99
Cabinet Support	Unchanged - an allowance of up to 50% of the band 2 allowance	
Chairperson of the council	£9,920.00	£11,273.14
Chairpersons of Scrutiny	£9,920.00	£11,273.14
Chairperson of the Planning and regulatory Committee	£9,920.00	£11,273.14
Chairperson of Licensing Sub-Committee	£5,951.00	£7,045.71
Chairperson of A+G	£5,951.00	£7,045.71
Member of the adoption panel	£5,951.00	£7,045.71
Group Leader	£1,747.00 -No change, but Increasing by 1 additional GL + £248 per member	

If annual Council accepts the IRP recommendation, this creates a budget pressure in the region of £145k. This budget pressure will need to be included in the 2022/23 budget process.

Option 4: Council accepts the IRP recommendation but instead opts to apply the ONS calculated hourly rate to the IRPs calculation.

Scenario 1: Council chooses to use the hourly rates for 2020 from the ONS 'where they live data' using that hourly rate of £14.54p as the basis of a revised calculation. All other elements of the IRPs recommendations/calculations staying the same.

What would this look like?

(71.5hrs – 33.3%) X's 14.54p X's 12 = a basic allowance of £8,308

This equates to following real term change in the basic and Special Responsibility allowances - as follows:

	Current allowance rates	New calculated figures in this scenario
Basic Allowance	£7,935.00	£8,308.00
Leaders SRA (Based on a multiplier of 3.5)	£31,741.00	£29,079.97
7 - Cabinet Members (Based on a Multiplier of 1.75)	£13,887.00	£14,539.00
Cabinet Support	Unchanged - an allowance of up to 50% of the band 2 allowance	
Chairperson of the council (Based on a multiplier of 1.2)	£9,920.00	£9,969.60
3 - Chairpersons of Scrutiny (Based on a multiplier of 1.2)	£9,920.00	£9,969.60
Chairperson of the Planning and regulatory Committee (Based on a multiplier of 1.2)	£9,920.00	£9,969.60
Chairperson of Licensing Sub-Committee (Based on a multiplier of 0.75)	£5,951.00	£6,231.00
Chairperson of A+G (Based on a multiplier of 0.75)	£5,951.00	£6,231.00
Member of the adoption panel	£5,951.00	£6,231.00
Group Leader	£1,747.00 - No change, but Increasing by 1 additional GL + £248 per member	
If annual Council were to propose this it creates a unfunded budget pressure in the region of £25k.		

Scenario 2: Council chooses to use the hourly rates for 2020 from the ONS 'where they work data' using that hourly rate of £14.96p as the basis of a revised calculation. All other elements of the IRPs recommendations/calculations staying the same.

What would this look like?

(71.5hrs – 33.3%) X's 14.96p X's 12 = a basic allowance of £8,548.56p

This equates to following real term change in the basic and Special Responsibility allowances - as follows:

	Current allowance rates	New calculated figures in this scenario
Basic Allowance	£7,935.00	£8,548.56
Leaders SRA (Based on a multiplier of 3.5)	£31,741.00	£29,919.96
7 - Cabinet Members (Based on a Multiplier of 1.75)	£13,887.00	£14,959.98
Cabinet Support	Unchanged and be an allowance of up to 50% of the band 2 allowance	
Chairperson of the council (Based on a multiplier of 1.2)	£9,920.00	£10,258.27
3 - Chairpersons of Scrutiny (Based on a multiplier of 1.2)	£9,920.00	£10,258.27
Chairperson of the Planning and regulatory Committee (Based on a multiplier of 1.2)	£9,920.00	£10,258.27
Chairperson of Licensing Sub-Committee (Based on a multiplier of 0.75)	£5,951.00	£6,411.42
Chairperson of A+G (Based on a multiplier of 0.75)	£5,951.00	£6,411.42
Member of the adoption panel	£5,951.00	£6,411.42
Group Leader	£1,747.00 - No change, but Increasing by 1 additional GL + £248 per member	
If annual Council were to propose this it creates an unfunded budget pressure of £44k.		

Option 5: Council simply rejects the IRP recommendations around the basic and special responsibility allowance, adopts the existing scheme and adopts the annual uplift link to the NJC.

This would maintain the status quo.

- The current budget for allowances is £450k basic and special allowances, £224k mileage and £20k subsistence
- If Council were to agree to the current recommendations from the IRP - members could look to offset the increased allowance by foregoing their ability to claim mileage using the basic allowance to cover all of their respective council duties.
 - Given the anticipated legislative changes that will allow a continuation of remote meetings, the rural dimension of required car use for some members would be offset by this change
 - This would also serve as a direct incentive for many members to reduce their use of a personal vehicle and allow the council to continue with its efforts to reach carbon neutrality address the climate change emergency.

