



Corporate Support Centre
Paul Walker - Chief Executive

To: All members of the Council

our ref: Council - 4 March 2022
contact: Matthew Evans, Democratic Services
telephone: 01432 383690
email: matthew.evans@herefordshire.gov.uk

25 February 2022

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 4 March 2022** at the Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP at **10.00 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 4 March 2022**

Time: **10.00 am**

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

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:

[Council - Friday 4 March 2022 10.00 am - YouTube](#)

For any further information please contact:

Matthew Evans, Democratic Services

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

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 Louis Stark
Councillor David Summers
Councillor Paul Symonds
Councillor Diana Toynbee
Councillor Yolande Watson

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 Nigel Shaw
Councillor John Stone
Councillor Elissa Swinglehurst
Councillor Kevin Tillet
Councillor Ange Tyler
Councillor William Wilding

Agenda

Pages

(The meeting will be preceded by thought for the day.)

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. 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.

3. MINUTES

To approve and sign the Minutes of the meeting held on 11 February 2022.

11 - 18

4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

To receive the Chairman and Chief Executive's announcements.

19 - 22

How to submit questions

The deadline for submission of questions for this meeting is:

5:00 p.m. on Monday 28 February 2022.

Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.

Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at <https://www.herefordshire.gov.uk/getinvolved>

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive questions from members of the public.

6. QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any written questions from members of the Council.

7. 2022/23 COUNCIL TAX SETTING REPORT

To set the council tax and precepts for 2022/23.

23 - 42

8. RE-THINKING GOVERNANCE

To approve the suggested amendments to the Council's constitution recommended by audit and governance committee.

43 - 330

9. DESIGNATION OF MONITORING OFFICER

To approve the recommendation by employment panel to designate the role of (interim) director of governance and law as monitoring officer.

331 - 334

10. LEADER'S REPORT

To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 28 January 2022.

335 - 348

11. NOTICES OF MOTION UNDER STANDING ORDERS

To consider Notices of Motion.

12. FULL COUNCIL MEETING DATES 2022/23

The next meeting is the annual meeting of Council on 20 May 2022 at 10.30 a.m.

Council is asked to approve the schedule of full Council meeting dates in 2022/23 as below:

29 July 2022

21 October 2022

9 December 2022

10 February 2023 – Budget meeting

3 March 2023

19 May 2023 – Annual meeting

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 and treat others with respect. They should actively promote and robustly support the principles and 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 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice. 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 Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Friday 11 February 2022 at 10.00 am

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

Councillors: Paul 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, Councillor 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, Probert, Paul Rone, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Interim head of legal services, Chief Executive and Director of governance and law and Interim head of legal services

32. APOLOGIES FOR ABSENCE

There was an adjournment at 10:03 a.m.; the meeting reconvened at 10:15 a.m.

Apologies for absence were received from Councillors Polly Andrews, Graham Andrews and Graham Jones.

33. DECLARATIONS OF INTEREST

Councillor Roger Phillips declared an other interest in agenda item no. 10, Pay Policy Statement, as the vice chairman of the National Joint Council (NJC) – local government, Chief Executives and Chief Officers.

There was one further declaration of interest at the meeting, please see paragraph 38 below.

34. MINUTES

RESOLVED: That the minutes of the meeting held on 28 January 2022 be confirmed as a correct record and signed by the Chairman.

35. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman and Chief Executive's announcements as printed in the agenda papers.

36. 2022/23 COUNCIL TAX REDUCTION SCHEME

Council considered a report by the Leader to agree the council tax reduction scheme for 2022/23.

The cabinet member finance, corporate services and planning proposed the council tax reduction scheme for 2022/23 and introduced the report.

The Leader seconded the council tax reduction scheme for 2022/23 for approval.

Council debated the report and the following actions were raised during the debate:

- To provide a written response with confirmation of the number of claimants of the CTR scheme in the two years preceding the Covid pandemic.
- To provide a written response with details of the cost of the consultation undertaken on the CTR scheme.

A named vote was held to agree the council tax reduction scheme set out in the report. The scheme was carried unanimously.

FOR (49): Councillors Paul Andrews, Bartlett, Bartrum, Bolderson, Boulter, Bowen, Bowes, Chowns, Crockett, Davies, Durkin, Fagan, Foxtan, Gandy, Guthrie, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, l'Anson, James, Jinman, Johnson, Mike Jones, Kenyon, Lester, Marsh, Matthews, Millmore, Milln, Norman, Phillips, Price, Probert, Rone, Shaw, Stark, Stone, Summers, Swinglehurst, Symonds, Tillett, Toynbee, Tyler, Watson and Wilding.

Against (0)

Abstentions (0)

RESOLVED: That

(a) The council tax reduction scheme for 2022/23, with the same parameters as the existing scheme, be approved.

37. 2022/23 CAPITAL INVESTMENT BUDGET AND CAPITAL STRATEGY UPDATE

Council considered a report by the Leader to approve the 2022/23 capital investment budget and capital strategy update.

The cabinet member finance, corporate services and planning moved the report and proposed the recommendations.

The Leader seconded the report and the recommendations.

Council debated the report and the following actions were raised:

- To provide a written response to detail the split in capital expenditure across Hereford, the market towns and rural areas.
- To provide a written response to confirm if the backlog of highway maintenance issues includes work required to the public rights of way network.
- To provide a written response to clarify the relationship between the £0.416 increase to the Disabled Facilities Grant and the £6.0m estimated annual (DFG) for the next three years. To include confirmation as to whether underspent DFG budget was carried forward to the next financial year.
- To provide a written response with detail of specific projects or schemes to benefit from expenditure through the market towns economic investment plan.

The 2022/23 capital investment budget and capital strategy update was put to the recorded vote and carried unanimously.

FOR (49): Councillors Paul Andrews, Bartlett, Bartrum, Bolderson, Boulter, Bowen, Bowes, Chowns, Crockett, Davies, Durkin, Fagan, Foxton, Gandy, Guthrie, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, l'Anson, James, Jinman, Johnson, Mike Jones, Kenyon, Lester, Marsh, Matthews, Millmore, Milln, Norman, Phillips, Price, Probert, Rone, Shaw, Stark, Stone, Summers, Swinglehurst, Symonds, Tillett, Toynbee, Tyler, Watson and Wilding.

Against (0)

Abstentions (0)

RESOLVED: That Council:

- a) approve the proposed capital programme from 2022/23 attached at appendix C; and**
- b) approve the capital strategy at appendix D.**

There was an adjournment at 11:09 a.m.; the meeting reconvened at 11:22 a.m.

38. 2022/23 BUDGET SETTING

Council considered a report from the Leader to set the 2022/23 budget. Council noted the following supplements published following the despatch of the agenda:

- Budget Council meeting procedure 2022 published on 4 February;
- Addition of recommendation [*j*] *the new homes bonus grant funding of £1.33m is allocated to the managing climate change reserve.*] to the 2022/23 Budget Setting report published on 11 February;
- Budget amendments 2022/23 published on 11 February; and
- Additional S25 opinion of the S151 officer following the publication of budget amendments published on 11 February.

The cabinet member finance, corporate services and planning introduced the report and moved the budget.

The Leader seconded the report and the budget.

Councillor John Harrington, as Group Leader of the Independents for Herefordshire Group spoke on the budget.

Councillor Jonathan Lester, as Group Leader of the Conservative Group spoke on the budget.

Councillor Terry James, as Group Leader of the Liberal Democrat Group spoke on the budget.

Councillor Ellie Chowns, as Group Leader of The Green Party Group spoke on the budget.

Councillor Bob Matthews, as Group Leader of the True Independents Group spoke on the budget.

Council debated the budget. During the course of the debate Councillor Roger Phillips declared an other interest in agenda item no. 9 – 2022/23 Budget Setting - as vice chairman of the Rural Services Network.

Amendment 1 – Proposed by Councillor John Harrington and seconded by Councillor Paul Andrews

To add recommendation below:

k) to use collection of Business Rates in 2022/23 to offset inflation increase to car park charges identified in appendix B S8

Councillor Harrington proposed the amendment.

Council debated the amendment.

Councillor Andrews seconded the amendment.

The cabinet member finance, corporate services and planning, as the mover of the original motion, spoke before the vote on the amendment.

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

FOR (48): Councillors Paul Andrews, Bartlett, Bartrum, Bolderson, Boulter, Bowen, Bowes, Chowns, Crockett, Davies, Durkin, Fagan, Foxtan, Gandy, Guthrie, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, l'Anson, James, Jinman, Johnson, Mike Jones, Kenyon, Lester, Marsh, Matthews, Millmore, Milln, Norman, Phillips, Price, Probert, Rone, Shaw, Stark, Stone, Summers, Swinglehurst, Symonds, Tillett, Toynbee, Tyler and Watson.

AGAINST (1): Councillor Wilding.

Abstentions (0)

RESOLVED: That the following recommendation is added to the budget:

k) to use collection of Business Rates in 2022/23 to offset inflation increase to car park charges identified in appendix B S8

Amendment 2 – Proposed by Councillor Nigel Shaw and seconded by Councillor Jonathan Lester

To change recommendations b and c to 0% and resultant change to band D charge in recommendation c.

Councillor Shaw proposed the amendment.

Council debated the amendment.

Councillor Lester seconded the amendment.

The cabinet member finance, corporate services and planning, as the mover of the original motion, spoke before the vote on the amendment.

The amendment was put to the recorded vote and was lost by a simple majority.

FOR (22): Councillors Bartrum, Bolderson, Bowen, Durkin, Gandy, Guthrie, l'Anson, James, Johnson, Mike Jones, Kenyon, Lester, Matthews, Millmore, Phillips, Price, Probert, Rone, Shaw, Stone, Swinglehurst and Tillett.

AGAINST (27): Councillors Paul Andrews, Bartlett, Boulter, Bowes, Chowns, Crockett, Davies, Fagan, Foxton, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, Jinman, Marsh, Milln, Norman, Stark, Summers, Symonds, Toynbee, Tyler, Watson and Wilding.

Abstentions (0)

Amendment 3 – Proposed by Councillor Nigel Shaw and seconded by Councillor Jonathan Lester

To change recommendation b to 0% and resultant change to band D charge in recommendation c.

Councillor Shaw proposed the amendment.

Councillor Jonathan Lester seconded the amendment.

Council debated the amendment.

The cabinet member finance, corporate services and planning, as the mover of the original motion, spoke before the vote on the amendment.

The amendment was put to the recorded vote and was lost by a simple majority.

FOR (22): Councillors Bartrum, Bolderson, Bowen, Durkin, Gandy, Guthrie, l'Anson, James, Johnson, Mike Jones, Kenyon, Lester, Matthews, Millmore, Phillips, Price, Probert, Rone, Shaw, Stone, Swinglehurst and Tillett.

AGAINST (27): Councillors Paul Andrews, Bartlett, Boulter, Bowes, Chowns, Crockett, Davies, Fagan, Foxton, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, Jinman, Marsh, Milln, Norman, Stark, Summers, Symonds, Toynbee, Tyler, Watson and Wilding.

Abstentions (0)

Amendment 4 – Proposed by Councillor Nigel Shaw and seconded by Councillor Jonathan Lester

To change recommendation j: the new homes bonus grant funding of £1.33m is allocated to Market Towns Funding.

Councillor Shaw proposed the amendment.

Council debated the amendment.

Councillor Jonathan Lester seconded the amendment.

The cabinet member finance, corporate services and planning, as the mover of the original motion, spoke before the vote on the amendment.

The amendment was put to the recorded vote and was lost by a simple majority.

FOR (18): Councillors Bartrum, Bolderson, Bowen, Durkin, Gandy, Guthrie, l'Anson, James, Johnson, Mike Jones, Lester, Millmore, Phillips, Probert, Rone, Shaw, Stone and Swinglehurst.

AGAINST (31): Councillors Paul Andrews, Bartlett, Boulter, Bowes, Chowns, Crockett, Davies, Fagan, Foxton, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, Jinman, Kenyon, Marsh, Matthews, Milln, Norman, Price, Stark, Summers, Symonds, Tillett, Toynbee, Tyler, Watson and Wilding.

Abstentions (0)

The 2022/23 budget and associated medium term financial strategy and treasury management strategy as amended by amendment 1 was put to the recorded vote and was carried by a simple majority.

FOR (27): Councillors Paul Andrews, Bartlett, Boulter, Bowes, Chowns, Crockett, Davies, Fagan, Foxton, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, Kenyon, Marsh, Milln, Norman, Stark, Summers, Symonds, Toynbee, Tyler, Watson and Wilding.

AGAINST (20): Councillors Bartrum, Bolderson, Durkin, Gandy, Guthrie, l'Anson, James, Johnson, Mike Jones, Lester, Matthews, Millmore, Phillips, Price, Probert, Rone, Shaw, Stone, Swinglehurst and Tillett.

ABSTENTIONS (1): Councillor Bowen.

RESOLVED: That: Council approves:

- a) **the council tax base of 70,252.52 Band D equivalents in 2022/23;**
- b) **an increase in core council tax in 2022/23 of 1.99%;**
- c) **an additional precept in respect of adult social care costs of 1% applied to council tax in 2022/23 resulting in a total council tax increase of 2.99%, increasing the band D charge from £1,652.30 to £1,701.70 for Herefordshire Council in 2022/23;**
- d) **the balanced 2022/23 revenue budget proposal totalling £175.9m, subject to any amendments approved at the meeting, specifically the net spending limits for each directorate as at appendix C;**
- e) **the use of the new service grant one off funding in 2022/23 to support the economy and environment three year savings delivery plan;**
- f) **to use the one off collection fund surplus of £1.3m to fund property services budget costs in 2022/23;**
- g) **delegates to the section 151 officer the power to make necessary changes to the budget arising from any variations in central government funding allocations via general reserves;**
- h) **the medium term financial strategy (MTFS) 2022-25 at appendix A;**

- i) **the treasury management strategy at appendix D be approved;**
- j) **the new homes bonus grant funding of £1.33m is allocated to the managing climate change reserve; and**
- k) **to use collection of Business Rates in 2022/23 to offset inflation increase to car park charges identified in appendix B S8.**

As an amendment was made by Council to the budget the Leader was asked whether he, on behalf of the Cabinet, accepted the amendment.

The Leader indicated on behalf of the Cabinet that he accepted the amendment to the budget.

39. PAY POLICY STATEMENT

Council considered a report by the chairperson of the employment panel to approve the pay policy statement for 2022.

The report and recommendation was moved by the Leader (as chairperson of the employment panel) and seconded by the cabinet member for environment and economy (as vice-chairperson of the employment panel).

The pay policy statement was put to the vote and approved by a simple majority.

RESOLVED – That:

(a) the pay policy statement at appendix A is approved for publication.

The meeting ended at 2.13 pm

Chairperson

**Chairman's Announcements – Council Meeting – 4th March 2022
Events attended by the Chairman since the last
Council meeting on 11th February 2022**

14th February Citizenship Ceremony.

21st February Ledbury Nursing Home Shaw Healthcare Presentation.

23rd February Meeting with the Revd Canon Sarah Brown Dean of Hereford.

24th February Herefordshire Country Food Trust Launch.

26th February RBL County Conference.

**Chief Executive's announcements
Full Council 4 March 2022**

Herefordshire has once again seen flooding across the county. Herefordshire Council has been part of the emergency response team supporting Herefordshire, as we saw the arrival of storms Dudley, Eunice and Franklin. I took part in the Tactical Coordination Group (the TCG is a multi-agency group of tactical commanders that meets to determine, co-ordinate and deliver the tactical response to an emergency) and was both reassured and inspired by the work being done together with colleagues from the Police, Fire and Rescue, and Environment Agency along with other partners. A number of roads and bridges were affected across the county and Balfour Beatty Living Places did a great job of clearing the roads of fallen trees and debris, protecting our infrastructure and keeping the county moving. There were over a 1,000 calls requesting help and they attended 208 emergency jobs. I'd like to thank everyone who has been part of the effort to keep things going, and who have gone the extra mile to look after our residents.

As we move into recovery phase, we will be understanding the impact on our infrastructure and homes across the county. Work is underway to check the damage the flood water has done to our roads and bridges. If homes in your community were flooded, please do let us know so we can understand where support may be needed in future. More information is available on the [flooding pages of our website](#)

Herefordshire has a resilient, close-knit community and there are many local groups that took action during the flooding to help their communities. I also know many Parish Councils were out supporting the community in various ways during the flooding. It's precisely this type of relationship we're looking to enhance and grow through our Talk Community programme and we now have over 40 [Talk Community hubs](#) that offer a range of services. You can find out more about Talk Community and local support on the [Talk Community website](#).

While government has lifted the remaining COVID restrictions in England, there are still steps you can take to reduce the risk of catching and spreading COVID-19: Get vaccinated, let fresh air in if meeting indoors, or meet outside and consider wearing a face covering in crowded, enclosed spaces. We're updating our Play Your Part campaign with some fresh imagery to reflect these changes and ask you to continue to 'Play Your Part'.

Finally, I'd like to pass on my sincerest thanks to Claire Ward, who is leaving us after 11 years with the Council. Officers and Members have all benefitted from Claire's support as Monitoring Officer and Solicitor to the Council over the years and we will miss her knowledge and experience at public meetings. We wish you the very best in your next venture, Claire.

Thank you for your support.



Title of report: 2022/23 council tax setting report

Meeting: Council

Meeting date: Friday 4 March 2022

Report by: Leader of the council

Classification

Open

Decision type

Budget and policy framework

Wards affected

(All Wards);

Purpose

To set the council tax and precepts for 2022/23.

At its meeting on 11 February 2022 the council approved the net budget requirement for 2022/23 at £175.9m and an associated council tax requirement of £119.5m on a tax base of 70,252.52 band D equivalents.

As the billing authority this report seeks approval for the council tax amounts for each category of dwelling in Herefordshire including precepts from West Mercia Police, Hereford and Worcester Fire Authority and Herefordshire town and parish councils for the financial year 2022/23.

Recommendation(s)

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**

2022/23 in accordance with sections 31 to 36 of the Local Government Finance Act 1992, regulation 6 (as amended by the Localism Act 2011):

- a. **£385,137,976 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. **£260,451,287 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. **£124,686,689 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. **£1,774.84 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. **£5,137,976 being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act;**
 - f. **£1,701.70 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); and**
- b) it is agreed that the net tax base of 70,252.52 band D equivalent properties (being the gross tax base adjusted for an assumed collection rate) used for setting the budget requirement for 2022/23;**
- 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.**

Alternative options

1. There are no alternative options to setting a council tax. As the billing authority, the council is required to set the overall council tax for the following financial year. Council approved the net tax base on which the precept is in part based at its meeting on 11 February 2022; the remaining precept elements are set by other authorities and the council acts as the collecting agent for those precepted sums.
2. Local government legislation requires the council to set council tax each financial year. It also requires that certain categories of income and expenditure and other financial information are provided in accordance with Local Government Finance Act 1992 (as amended by the Localism Act 2011).

Key considerations

3. The Local Government Finance Act 1992 (as amended by the Localism Act 2011) sets out the specific amounts to be calculated and approved. This report enables the council to meet its legislative duty and set the council tax for each category of dwellings, including the council tax requirement of the council.
4. Council approved a council tax increase of 2.99% (inclusive of 1% adult care precept) above the rate of council tax for 2021/22 at its meeting on 11 February 2022. The council's band D council tax for 2022/23 becomes set at £1,701.70.
5. The parish precepts for 2022/23 are attached at appendix 1, total £5,137,976 amounting to an average band D council tax charge of £73.14. This represents an average increase of 2.4% over 2021/22. The charge by each property band, inclusive of the council charge, is set out in appendix 2.
6. The precepts for the Office of the Police and Crime Commissioner for West Mercia, an increase of 3.94%, and Hereford and Worcester Fire Authority, an increase of 1.96%, are shown in appendices 3 and 4.
7. Appendix 5 provides the impact of all precepts on the council tax bill by detailing the total amount of council tax payable in each parish by property band.

Council tax calculations

8. The calculation of council tax involves several stages and the Local Government Finance Act 1992 requires figures to be calculated including and excluding parish precepts. The table below meets this requirement:

	Herefordshire Council £	Parish precepts £	Herefordshire incl. parishes (average) £
Estimated gross expenditure	380,000,000	5,137,976	385,137,976
LESS estimated income	(204,092,287)	Not applicable	(204,092,287)
Net budget requirement	175,907,713	5,137,976	181,045,689
LESS retained business rates	(38,284,000)	Not applicable	(38,284,000)
LESS revenue support grant	(663,000)	Not applicable	(663,000)
LESS rural services delivery grant	(5,353,000)	Not applicable	(5,353,000)
LESS social care support grant	(7,691,000)	Not applicable	(7,691,000)
LESS market sustainability & fair cost of care grant	(594,000)	Not applicable	(594,000)
LESS lower tier services grant	(264,000)	Not applicable	(264,000)
LESS services grant	(2,250,000)	Not applicable	(2,250,000)
LESS collection fund surplus	(1,260,000)	Not applicable	(1,260,000)
Council tax requirement	119,548,713	5,137,976	124,686,689
Council net tax base (band D equivalent)	70,252.52	70,252.52	70,252.52
Council tax charge at band D	1,701.70	73.14	1,774.84

Council tax amounts

9. Appendices 1 to 5 to this report contain the individual council tax amounts for each category of dwelling as required by the Local Government Finance Act 1992 and associated regulations.
10. The council's band D council tax for 2022/23 is £1,701.70, which is an increase of £49.40 (2.99%) compared to 2021/22.
11. As part of the process we are required to include precepts from other bodies that will be included on council tax bills.
12. The parish precepts is set out in detail in appendix 1 providing the parish precept requirement and the band D council tax charge for each parish.
13. The charge by each property band, inclusive of the council charge, is set out in appendix 2.
14. The Office of the Police and Crime Commissioner for West Mercia precept is set out in appendix 3 (£249.66 at band D).
15. The Hereford and Worcester Fire Authority precept is set out in appendix 4 (£89.40 at band D).
16. Appendix 5 provides the impact of all precepts on the council tax bill by detailing the total amount of council tax payable in each parish by property band.

Community impact

17. The council tax is levied to enable the council to resource service delivery in accordance with the corporate plan priorities established by full Council. The proposed increase could result in increasing individuals' financial difficulties; this is mitigated by providing payment options, relevant discounts and reliefs, including the council tax reduction scheme, and local assistance fund. The council provides council tax discount to care leavers and foster carers.

Environmental Impact

18. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy. All council tax payers are encouraged to manage their account online and to activate electronic billing.

Equality duty

19. 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 –

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

20. 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. The council tax charges may have an impact on households and there are a variety of schemes in place to mitigate against a negative impact, including single person discount and council tax reduction. Further details how to make such claims can be found on the council's website.

Resource implications

21. The resources required for billing purposes are contained within existing budgets. Customers are encouraged to register online to receive their bill electronically. As in prior years, information relating to council tax, including how the money is spent, will be available online and a weblink will be included on issued bills.

Legal implications

22. The Local Government Finance Act 1992 (the Act) places a duty on this council, as a billing authority, to set an amount of council tax for the different categories of dwellings, according to the band in which the dwelling falls before 11 March each year (section 30 (6) of the Act).
23. A notice of the amount set must be published in at least one newspaper circulating in the authority's area within 21 days of the decision.
24. Part 3 Section 1 of the council's constitution confirms that approval of the rate of Council Tax and relevant precepts is a function of full Council.
25. Section 106 of the Local Government Finance Act 1992 precludes a councillor from voting on this decision as a relevant matter, if he or she has an outstanding council tax debt of over two months. If a councillor is present at this meeting he or she must disclose that section 106 applies and may not vote. Failure to comply is a criminal offence.

Risk management

26. That an incorrect precept is applied, this would result in differences between the amount collected and the amount required. Every effort is made to ensure the correct data is gathered and applied to minimise this risk.

Consultees

27. The council consulted with the public on its proposed budget for 2022/23, the outcome of this was discussed at the council meeting held on 11 February 2022. Precepting authorities conduct their own consultation as they deem appropriate.

Appendices

Appendix 1 - Herefordshire Council requirement by parish, including band D equivalent.

Appendix 2 - Council tax for each valuation band, by parish, without the police and fire precepts.

Appendix 3 – The Office of the Police and Crime Commissioner for West Mercia precept requirement for each valuation band.

Appendix 4 - Hereford and Worcester Fire Authority precept requirement for each valuation band.

Appendix 5 - Council tax for each valuation band by parish, including the police and fire precepts.

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Matthew Evans	Date 15/02/2022
Finance	Louise Devlin	Date 17/02/2002
Legal	Alice McAlpine	Date 16/02/2022
Communications	Luenne Featherstone	Date 16/02/2022
Equality Duty	Carol Trachonitis	Date 17/02/2022
Procurement	Lee Robertson	Date 16/02/2022
Risk	Kevin Lloyd	Date 21/02/2022
Approved by	Andrew Lovegrove	Date 22/02/2022

Herefordshire Council requirement by Parish, including Band D equivalent

Parish	Parish Precept (net)	Tax Base (Band D)	2022/23 Parish Precept Basic Tax Rate (Band D)	2021/22 Parish Precept Basic Tax Rate (Band D)	% change from 2020/21 to 2021/22	Band D Charge (Parish and Herefordshire Council's Basic Rate - £1,701.70)
	£		£	£	%	£
Abbeystre & Bacton Group Parish Council	9,200.00	160.10	57.46	57.47	(0.0%)	1,759.16
Aconbury Parish Meeting	150.00	38.04	3.94	4.01	(1.7%)	1,705.64
Acton Beauchamp Group Parish Council	6,660.00	177.67	37.49	36.12	3.8%	1,739.19
Allensmore Parish Council	6,250.00	263.73	23.70	23.30	1.7%	1,725.40
Almeley Parish Council	16,450.00	261.17	62.99	60.99	3.3%	1,764.69
Ashperton Parish Council	9,250.00	124.14	74.51	75.13	(0.8%)	1,776.21
Aston Ingham Parish Council	10,098.00	209.74	48.15	39.49	21.9%	1,749.85
Avenbury Parish Council	5,450.00	118.21	46.10	46.56	(1.0%)	1,747.80
Aymestrey Parish Council	11,075.00	164.20	67.45	64.97	3.8%	1,769.15
Ballingham, Bolstone & Hentland Group	17,888.00	301.50	59.33	43.83	35.4%	1,761.03
Bartestree & Lugwardine Group Parish Council	52,500.00	956.23	54.90	53.37	2.9%	1,756.60
Belmont Rural Parish Council	60,000.00	1,301.17	46.11	45.88	0.5%	1,747.81
Birley with Upper Hill Parish Council	3,000.00	139.75	21.47	21.59	(0.6%)	1,723.17
Bishop's Frome Parish Council	25,000.00	330.56	75.63	74.51	1.5%	1,777.33
Bishopstone Group Parish Council	8,500.00	201.69	42.14	42.51	(0.9%)	1,743.84
Bodenham Parish Council	17,500.00	506.74	34.53	30.09	14.8%	1,736.23
Border Group Parish Council	8,400.00	301.91	27.82	28.36	(1.9%)	1,729.52
Bosbury and Coddington Parish Council	20,500.00	362.74	56.51	56.32	0.3%	1,758.21
Brampton Abbots & Foy Group Parish Council	13,552.00	229.18	59.13	61.22	(3.4%)	1,760.83
Bredenbury & District Group Parish Council	8,560.00	160.70	53.27	53.84	(1.1%)	1,754.97
Breinton Parish Council	13,165.00	422.56	31.16	32.66	(4.6%)	1,732.86
Bridstow Parish Council	8,500.00	402.71	21.11	19.89	6.1%	1,722.81
Brilley Parish Council	11,500.00	118.93	96.70	95.56	1.2%	1,798.40
Brimfield and Little Hereford Group Parish Council	14,500.00	519.02	27.94	24.57	13.7%	1,729.64
Brockhampton with Much Fawley Parish Council	3,000.00	97.85	30.66	38.27	(19.9%)	1,732.36
Brockhampton Group Parish Council	10,500.00	338.92	30.98	32.30	(4.1%)	1,732.68
Bromyard & Winslow Town Council	240,825.00	1,437.06	167.58	174.05	(3.7%)	1,869.28
Burghill Parish Council	21,612.00	720.79	29.98	29.64	1.1%	1,731.68
Callow & Haywood Group Parish Council	8,250.00	220.13	37.48	33.95	10.4%	1,739.18
Cleghonger Parish Council	22,800.00	567.90	40.15	43.10	(6.8%)	1,741.85
Clifford Parish Council	5,800.00	264.13	21.96	22.08	(0.5%)	1,723.66
Colwall Parish Council	89,660.00	1,199.46	74.75	74.55	0.3%	1,776.45
Malvern Hills Trust (Colwall Parish Council)	49,900.00		41.60	40.14	3.6%	41.60
Cradley Parish Council	45,000.00	833.77	53.97	56.04	(3.7%)	1,755.67
Credenhill Parish Council	43,500.00	645.24	67.42	69.45	(2.9%)	1,769.12
Cusop Parish Council	8,500.00	204.64	41.54	41.88	(0.8%)	1,743.24
Dilwyn Parish Council	25,000.00	317.06	78.85	82.35	(4.3%)	1,780.55
Dinedor Parish Council	9,500.00	133.92	70.94	71.49	(0.8%)	1,772.64
Dinmore Parish Meeting	-	9.65	-	-	0.0%	1,701.70
Dormington & Mordiford Group Parish Council	22,445.00	323.82	69.31	72.66	(4.6%)	1,771.01
Dorstone Parish Council	6,500.00	185.38	35.06	35.53	(1.3%)	1,736.76
Eardisland Parish Council	27,854.00	237.41	117.32	119.08	(1.5%)	1,819.02
Eardisley Group Parish Council	20,500.00	527.72	38.85	34.57	12.4%	1,740.55
Eastnor & Donnington Parish Council	6,000.00	141.42	42.43	38.22	11.0%	1,744.13
Eaton Bishop Parish Council	13,250.00	191.44	69.21	69.70	(0.7%)	1,770.91
Ewyas Harold Group Parish Council	46,200.00	427.01	108.19	104.30	3.7%	1,809.89
Fownhope Parish Council	32,000.00	432.51	73.99	75.87	(2.5%)	1,775.69
Foxley Group Parish Council	2,500.00	157.88	15.83	15.69	0.9%	1,717.53
Garway Parish Council	17,160.00	199.94	85.83	94.17	(8.9%)	1,787.53
Goodrich & Welsh Bicknor Group Parish Council	9,427.95	276.54	34.09	32.75	4.1%	1,735.79
Hampton Bishop Parish Council	17,500.00	309.28	56.58	56.17	0.7%	1,758.28
Hampton Charles Parish Meeting	-	22.30	-	-	0.0%	1,701.70
Hatfield and District Group Parish Council	6,000.00	204.80	29.30	29.44	(0.5%)	1,731.00
Hereford City Council	923,000.00	16,232.16	56.86	54.67	4.0%	1,758.56
Holme Lacy Parish Council	19,500.00	195.22	99.89	100.97	(1.1%)	1,801.59
Holmer & Shelwick Parish Council	19,500.00	1,072.35	18.18	18.95	(4.1%)	1,719.88
Hope Mansell Parish Council	2,500.00	135.00	18.52	18.70	(1.0%)	1,720.22
Hope under Dinmore Group Parish Council	14,000.00	153.13	91.43	91.57	(0.2%)	1,793.13
How Caple, Sollershope & Yatton Group Parish Council	8,000.00	163.28	49.00	51.04	(4.0%)	1,750.70
Humber, Stoke Prior & Ford Group Parish Council	12,289.00	299.75	41.00	41.98	(2.3%)	1,742.70
Huntington Parish Council	750.00	47.23	15.88	15.74	0.9%	1,717.58
Kentchurch Parish Council	8,750.00	113.13	77.34	80.59	(4.0%)	1,779.04
Kilpeck Group Parish Council	19,000.00	191.56	99.19	88.60	12.0%	1,800.89
Kimbolton Parish Council	9,551.50	215.39	44.35	47.66	(6.9%)	1,746.05
Kings Caple Parish Council	8,000.00	142.65	56.08	56.62	(1.0%)	1,757.78
Kingsland Parish Council	16,000.00	535.73	29.87	30.91	(3.4%)	1,731.57

Herefordshire Council requirement by Parish, including Band D equivalent

Parish	Parish Precept (net)	Tax Base (Band D)	2022/23 Parish Precept Basic Tax Rate (Band D)	2021/22 Parish Precept Basic Tax Rate (Band D)	% change from 2020/21 to 2021/22	Band D Charge (Parish and Herefordshire Council's Basic Rate - £1,701.70)
	£		£	£	%	£
Kingstone & Thrupton Group Parish Council	18,000.00	495.37	36.34	33.52	8.4%	1,738.04
Kington Rural and Lower Harpton Group Parish Council	9,000.00	235.82	38.16	37.59	1.5%	1,739.86
Kington Town Council	117,500.00	903.90	129.99	130.50	(0.4%)	1,831.69
Kinnersley and District Group Parish Council	13,500.00	255.09	52.92	26.25	101.6%	1,754.62
Lea Parish Council	19,000.00	335.53	56.63	63.21	(10.4%)	1,758.33
Ledbury Town Council	605,091.00	3,474.09	174.17	171.71	1.4%	1,875.87
Leintwardine Group Parish Council	28,450.00	451.56	63.00	62.17	1.3%	1,764.70
Leominster Town Council	598,117.00	3,643.18	164.17	157.99	3.9%	1,865.87
Linton Parish Council	14,400.00	516.86	27.86	29.74	(6.3%)	1,729.56
Little Birch Parish Council	6,600.00	98.91	66.73	63.93	4.4%	1,768.43
Little Dewchurch Parish Council	10,369.00	188.80	54.92	57.89	(5.1%)	1,756.62
Llangarron Parish Council	27,500.00	509.84	53.94	54.40	(0.8%)	1,755.64
Llanwarne & District Group Parish Council	10,000.00	283.77	35.24	36.24	(2.8%)	1,736.94
Longtown Group Parish Council	17,165.00	425.15	40.37	40.92	(1.3%)	1,742.07
Lower Bullingham Parish Council	13,000.00	598.38	21.73	22.29	(2.5%)	1,723.43
Luston Group Parish Council	16,000.00	391.58	40.86	41.28	(1.0%)	1,742.56
Lyonshall Parish Council	23,000.00	293.53	78.36	72.20	8.5%	1,780.06
Madley Parish Council	23,600.00	423.30	55.75	55.69	0.1%	1,757.45
Marden Parish Council	51,500.00	550.85	93.49	95.01	(1.6%)	1,795.19
Marstow Parish Council	9,500.00	166.58	57.03	58.97	(3.3%)	1,758.73
Mathon Parish Council	7,998.00	160.50	49.83	48.04	3.7%	1,751.53
Malvern Hills Trust (Mathon)	6,600.00		41.12	37.84	8.7%	41.12
Middleton-on-the-Hill and Leysters Group Parish Council	4,223.00	189.60	22.27	22.17	0.5%	1,723.97
Monkland and Stretford Parish Council	10,000.00	85.18	117.40	120.09	(2.2%)	1,819.10
Moreton on Lugg Parish Council	21,000.00	314.10	66.86	70.59	(5.3%)	1,768.56
Much Birch Parish Council	6,750.00	410.22	16.45	16.51	(0.4%)	1,718.15
Much Cowarne Group Parish Council	4,700.00	222.61	21.11	17.20	22.7%	1,722.81
Much Dewchurch Parish Council	8,500.00	267.84	31.74	32.04	(0.9%)	1,733.44
Much Marcle Parish Council	9,075.00	299.85	30.27	29.20	3.7%	1,731.97
North Bromyard Group Parish Council	10,000.00	369.00	27.10	28.44	(4.7%)	1,728.80
Ocle Pychard Parish Council	17,500.00	263.52	66.41	67.48	(1.6%)	1,768.11
Orcop Parish Council	9,200.00	174.64	52.68	53.36	(1.3%)	1,754.38
Orleton Parish Council	25,500.00	364.56	69.95	69.91	0.1%	1,771.65
Pembridge Parish Council	24,000.00	478.40	50.17	50.22	(0.1%)	1,751.87
Pencombe Group Parish Council	13,875.00	194.20	71.45	71.13	0.4%	1,773.15
Peterchurch Parish Council	21,660.00	378.69	57.20	59.09	(3.2%)	1,758.90
Peterstow Parish Council	10,292.00	199.26	51.65	50.00	3.3%	1,753.35
Pipe and Lyde Parish Council	3,980.00	144.02	27.64	26.05	6.1%	1,729.34
Pixley & District Parish Council	8,580.00	226.71	37.85	37.48	1.0%	1,739.55
Putley Parish Council	9,000.00	107.56	83.67	85.99	(2.7%)	1,785.37
Pyons Group Parish Council	15,500.00	414.31	37.41	35.83	4.4%	1,739.11
Richard's Castle (Herefordshire) Parish Council	9,500.00	133.70	71.05	68.57	3.6%	1,772.75
Ross-on-Wye Parish Council	525,258.00	3,923.94	133.86	131.24	2.0%	1,835.56
Sellack Parish Council	11,000.00	124.71	88.20	72.28	22.0%	1,789.90
Shobdon Parish Council	26,500.00	334.54	79.21	77.00	2.9%	1,780.91
St. Weonards Parish Council	7,500.00	162.75	46.08	42.94	7.3%	1,747.78
Stapleton Group Parish Council	9,400.00	142.21	66.10	66.44	(0.5%)	1,767.80
Staunton-on-Wye and District Group Parish Council	3,850.00	199.49	19.30	18.75	2.9%	1,721.00
Stoke Edith Parish Meeting (Chairman)	-	43.33	-	-	0.0%	1,701.70
Stoke Lacy Parish Council	9,500.00	178.00	53.37	52.39	1.9%	1,755.07
Stretton Grandison Group Parish Council	14,500.00	226.07	64.14	61.42	4.4%	1,765.84
Stretton Sugwas Parish Council	8,500.00	155.39	54.70	51.85	5.5%	1,756.40
Sutton Parish Council	30,000.00	401.75	74.67	76.38	(2.2%)	1,776.37
Tarrington Parish Council	16,500.00	222.95	74.01	74.12	(0.1%)	1,775.71
Thornbury Group Parish Council	5,237.00	192.88	27.15	27.18	(0.1%)	1,728.85
Titley and District Group Parish Council	10,000.00	232.33	43.04	42.40	1.5%	1,744.74
Upton Bishop Parish Council	18,626.00	265.80	70.08	68.49	2.3%	1,771.78
Vowchurch & District Group Parish Council	14,248.65	316.48	45.02	39.26	14.7%	1,746.72
Walford Parish Council	27,825.00	652.10	42.67	43.05	(0.9%)	1,744.37
Wellington Parish Council	22,500.00	464.22	48.47	49.17	(1.4%)	1,750.17
Wellington Heath Parish Council	10,500.00	240.17	43.72	41.74	4.7%	1,745.42
Welsh Newton & Llanrothal Group Parish Council	13,900.00	149.90	92.73	93.63	(1.0%)	1,794.43
Weobley Parish Council	36,439.00	497.86	73.19	67.39	8.6%	1,774.89
Weston Beggard Parish Council	4,000.00	84.75	47.20	47.46	(0.5%)	1,748.90
Weston-under-Penyard Parish Council	15,000.00	517.39	28.99	27.07	7.1%	1,730.69
Whitbourne Parish Council	12,000.00	350.16	34.27	34.64	(1.1%)	1,735.97

Herefordshire Council requirement by Parish, including Band D equivalent

Parish	Parish Precept (net)	Tax Base (Band D)	2022/23 Parish Precept Basic Tax Rate (Band D)	2021/22 Parish Precept Basic Tax Rate (Band D)	% change from 2020/21 to 2021/22	Band D Charge (Parish and Herefordshire Council's Basic Rate - £1,701.70)
	£		£	£	%	£
Whitchurch & Ganarew Group Parish Council	52,500.00	514.46	102.05	103.21	(1.1%)	1,803.75
Wigmore Group Parish Council	23,180.00	363.74	63.73	51.67	23.3%	1,765.43
Withington Group Parish Council	32,000.00	731.03	43.77	42.70	2.5%	1,745.47
Woolhope Parish Council	14,000.00	215.41	64.99	65.72	(1.1%)	1,766.69
Wyeside Group Parish Council	9,720.00	310.22	31.33	31.81	(1.5%)	1,733.03
Yarkhill Parish Council	8,395.00	142.86	58.76	58.37	0.7%	1,760.46
Yarpole Group Parish Council	27,000.00	358.13	75.39	71.58	5.3%	1,777.09
Total/Average	5,137,976.10	70,252.52	73.14	71.44	2.4%	1,774.84

Council Tax for each valuation band, by Parish, without the Police & Fire precepts								APPENDIX 2
PARISH	VALUATION BANDS							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Abbeystead & Bacton Group Parish Council	1,172.78	1,368.23	1,563.70	1,759.16	2,150.09	2,541.01	2,931.94	3,518.32
Aconbury Parish Meeting	1,137.10	1,326.60	1,516.12	1,705.64	2,084.68	2,463.70	2,842.74	3,411.28
Acton Beauchamp Group Parish Council	1,159.46	1,352.70	1,545.94	1,739.19	2,125.68	2,512.16	2,898.65	3,478.38
Allensmore Parish Council	1,150.27	1,341.97	1,533.69	1,725.40	2,108.83	2,492.24	2,875.67	3,450.80
Almeley Parish Council	1,176.46	1,372.53	1,568.61	1,764.69	2,156.85	2,549.00	2,941.15	3,529.38
Ashperton Parish Council	1,184.14	1,381.49	1,578.85	1,776.21	2,170.93	2,565.64	2,960.35	3,552.42
Aston Ingham Parish Council	1,166.57	1,360.99	1,555.42	1,749.85	2,138.71	2,527.56	2,916.42	3,499.70
Avenbury Parish Council	1,165.20	1,359.40	1,553.60	1,747.80	2,136.20	2,524.60	2,913.00	3,495.60
Aymestrey Parish Council	1,179.44	1,376.00	1,572.58	1,769.15	2,162.30	2,555.44	2,948.59	3,538.30
Ballingham, Bolstone & Hentland Group	1,174.02	1,369.69	1,565.36	1,761.03	2,152.37	2,543.71	2,935.05	3,522.06
Bartestree & Lugwardine Group Parish Council	1,171.07	1,366.24	1,561.42	1,756.60	2,146.96	2,537.31	2,927.67	3,513.20
Belmont Rural Parish Council	1,165.21	1,359.40	1,553.61	1,747.81	2,136.22	2,524.61	2,913.02	3,495.62
Birley with Upper Hill Parish Council	1,148.78	1,340.24	1,531.70	1,723.17	2,106.10	2,489.02	2,871.95	3,446.34
Bishop's Frome Parish Council	1,184.89	1,382.36	1,579.85	1,777.33	2,172.30	2,567.25	2,962.22	3,554.66
Bishopstone & District Group Parish Council	1,162.56	1,356.32	1,550.08	1,743.84	2,131.36	2,518.88	2,906.40	3,487.68
Bodenham Parish Council	1,157.49	1,350.40	1,543.31	1,736.23	2,122.06	2,507.89	2,893.72	3,472.46
Border Group Parish Council	1,153.02	1,345.18	1,537.35	1,729.52	2,113.86	2,498.19	2,882.54	3,459.04
Bosbury and Coddington Parish Council	1,172.14	1,367.49	1,562.85	1,758.21	2,148.93	2,539.64	2,930.35	3,516.42
Brampton Abbots & Foy Group Parish Council	1,173.89	1,369.53	1,565.18	1,760.83	2,152.13	2,543.42	2,934.72	3,521.66
Bredonbury & District Group Parish Council	1,169.98	1,364.97	1,559.97	1,754.97	2,144.97	2,534.96	2,924.95	3,509.94
Breinton Parish Council	1,155.24	1,347.78	1,540.32	1,732.86	2,117.94	2,503.02	2,888.10	3,465.72
Bridstow Parish Council	1,148.54	1,339.96	1,531.38	1,722.81	2,105.66	2,488.50	2,871.35	3,445.62
Brilley Parish Council	1,198.94	1,398.75	1,598.58	1,798.40	2,198.05	2,597.69	2,997.34	3,596.80
Brimfield and Little Hereford Group Parish Council	1,153.10	1,345.27	1,537.46	1,729.64	2,114.01	2,498.37	2,882.74	3,459.28
Brockhampton with Much Fawley Parish Council	1,154.91	1,347.39	1,539.87	1,732.36	2,117.33	2,502.30	2,887.27	3,464.72
Brockhampton Group Parish Council	1,155.12	1,347.64	1,540.16	1,732.68	2,117.72	2,502.76	2,887.80	3,465.36
Bromyard & Winslow Town Council	1,246.19	1,453.88	1,661.58	1,869.28	2,284.68	2,700.07	3,115.47	3,738.56
Burghill Parish Council	1,154.46	1,346.86	1,539.27	1,731.68	2,116.50	2,501.31	2,886.14	3,463.36
Callow & Haywood Group Parish Council	1,159.46	1,352.69	1,545.94	1,739.18	2,125.67	2,512.15	2,898.64	3,478.36
Cleghonger Parish Council	1,161.24	1,354.77	1,548.31	1,741.85	2,128.93	2,516.00	2,903.09	3,483.70
Clifford Parish Council	1,149.11	1,340.62	1,532.14	1,723.66	2,106.70	2,489.73	2,872.77	3,447.32
Colwall Parish Council (inc Malvern Hills Trust)	1,212.03	1,414.04	1,616.04	1,818.05	2,222.06	2,626.07	3,030.08	3,636.10
Cradley Parish Council	1,170.45	1,365.52	1,560.59	1,755.67	2,145.82	2,535.97	2,926.12	3,511.34
Credenhill Parish Council	1,179.42	1,375.98	1,572.55	1,769.12	2,162.26	2,555.39	2,948.54	3,538.24
Cusop Parish Council	1,162.16	1,355.85	1,549.54	1,743.24	2,130.63	2,518.01	2,905.40	3,486.48
Dilwyn Parish Council	1,187.04	1,384.87	1,582.71	1,780.55	2,176.23	2,571.90	2,967.59	3,561.10
Dinedor Parish Council	1,181.76	1,378.72	1,575.68	1,772.64	2,166.56	2,560.48	2,954.40	3,545.28
Dinmore Parish Meeting	1,134.47	1,323.54	1,512.62	1,701.70	2,079.86	2,458.01	2,836.17	3,403.40
Dormington & Mordiford Group Parish Council	1,180.68	1,377.45	1,574.23	1,771.01	2,164.57	2,558.12	2,951.69	3,542.02
Dorstone Parish Council	1,157.84	1,350.81	1,543.78	1,736.76	2,122.71	2,508.65	2,894.60	3,473.52
Eardisland Parish Council	1,212.68	1,414.79	1,616.90	1,819.02	2,223.25	2,627.47	3,031.70	3,638.04
Eardisley Group Parish Council	1,160.37	1,353.76	1,547.15	1,740.55	2,127.34	2,514.13	2,900.92	3,481.10
Eastnor & Donnington Parish Council	1,162.76	1,356.54	1,550.34	1,744.13	2,131.72	2,519.30	2,906.89	3,488.26
Eaton Bishop Parish Council	1,180.61	1,377.37	1,574.14	1,770.91	2,164.45	2,557.98	2,951.52	3,541.82
Ewyas Harold Group Parish Council	1,206.60	1,407.69	1,608.79	1,809.89	2,212.09	2,614.28	3,016.49	3,619.78
Fownhope Parish Council	1,183.80	1,381.09	1,578.39	1,775.69	2,170.29	2,564.88	2,959.49	3,551.38
Foxley Group Parish Council	1,145.02	1,335.85	1,526.69	1,717.53	2,099.21	2,480.88	2,862.55	3,435.06
Garway Parish Council	1,191.69	1,390.30	1,588.91	1,787.53	2,184.76	2,581.99	2,979.22	3,575.06
Goodrich & Welsh Bicknor Group Parish Council	1,157.20	1,350.05	1,542.92	1,735.79	2,121.53	2,507.25	2,892.99	3,471.58
Hampton Bishop Parish Council	1,172.19	1,367.55	1,562.91	1,758.28	2,149.01	2,539.74	2,930.47	3,516.56
Hampton Charles Parish Meeting	1,134.47	1,323.54	1,512.62	1,701.70	2,079.86	2,458.01	2,836.17	3,403.40
Hatfield and District Group Parish Council	1,154.00	1,346.33	1,538.66	1,731.00	2,115.67	2,500.33	2,885.00	3,462.00
Hereford City Council	1,172.38	1,367.76	1,563.16	1,758.56	2,149.36	2,540.14	2,930.94	3,517.12
Holme Lacy Parish Council	1,201.06	1,401.23	1,601.41	1,801.59	2,201.95	2,602.30	3,002.65	3,603.18
Holmer & Shelwick Parish Council	1,146.59	1,337.68	1,528.78	1,719.88	2,102.08	2,484.27	2,866.47	3,439.76
Hope Mansell Parish Council	1,146.82	1,337.94	1,529.08	1,720.22	2,102.50	2,484.76	2,867.04	3,440.44
Hope under Dinmore Group Parish Council	1,195.42	1,394.65	1,593.89	1,793.13	2,191.61	2,590.08	2,988.55	3,586.26
How Caple, Sollershope & Yatton Group Parish Council	1,167.14	1,361.65	1,556.18	1,750.70	2,139.75	2,528.79	2,917.84	3,501.40
Humber, Stoke Prior & Ford Group Parish Council	1,161.80	1,355.43	1,549.06	1,742.70	2,129.97	2,517.23	2,904.50	3,485.40
Huntington Parish Council	1,145.06	1,335.89	1,526.74	1,717.58	2,099.27	2,480.95	2,862.64	3,435.16
Kentchurch Parish Council	1,186.03	1,383.69	1,581.37	1,779.04	2,174.39	2,569.72	2,965.07	3,558.08
Kilpeck Group Parish Council	1,200.60	1,400.69	1,600.79	1,800.89	2,201.09	2,601.28	3,001.49	3,601.78
Kimbolton Parish Council	1,164.04	1,358.03	1,552.04	1,746.05	2,134.07	2,522.07	2,910.09	3,492.10
Kings Caple Parish Council	1,171.86	1,367.16	1,562.47	1,757.78	2,148.40	2,539.01	2,929.64	3,515.56
Kingsland Parish Council	1,154.38	1,346.77	1,539.17	1,731.57	2,116.37	2,501.16	2,885.95	3,463.14
Kingstone & Thrupton Group Parish Council	1,158.70	1,351.80	1,544.92	1,738.04	2,124.28	2,510.50	2,896.74	3,476.08
Kington Rural and Lower Harpton Group Parish Council	1,159.91	1,353.22	1,546.54	1,739.86	2,126.50	2,513.13	2,899.77	3,479.72
Kington Town Council	1,221.13	1,424.64	1,628.17	1,831.69	2,238.74	2,645.77	3,052.82	3,663.38
Kinnerley and District Group Parish Council	1,169.75	1,364.70	1,559.66	1,754.62	2,144.54	2,534.45	2,924.37	3,509.24
Lea Parish Council	1,172.22	1,367.59	1,562.96	1,758.33	2,149.07	2,539.81	2,930.55	3,516.66

Council Tax for each valuation band, by Parish, without the Police & Fire precepts								APPENDIX 2
PARISH	VALUATION BANDS							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Ledbury Town Council	1,250.58	1,459.01	1,667.44	1,875.87	2,292.73	2,709.59	3,126.45	3,751.74
Leintwardine Group Parish Council	1,176.47	1,372.54	1,568.62	1,764.70	2,156.86	2,549.01	2,941.17	3,529.40
Leominster Town Council	1,243.92	1,451.23	1,658.55	1,865.87	2,280.51	2,695.14	3,109.79	3,731.74
Linton Parish Council	1,153.04	1,345.21	1,537.38	1,729.56	2,113.91	2,498.25	2,882.60	3,459.12
Little Birch Parish Council	1,178.96	1,375.44	1,571.94	1,768.43	2,161.42	2,554.40	2,947.39	3,536.86
Little Dewchurch Parish Council	1,171.08	1,366.26	1,561.44	1,756.62	2,146.98	2,537.34	2,927.70	3,513.24
Llangarron Parish Council	1,170.43	1,365.49	1,560.57	1,755.64	2,145.79	2,535.92	2,926.07	3,511.28
Llanwarne & District Group Parish Council	1,157.96	1,350.95	1,543.94	1,736.94	2,122.93	2,508.91	2,894.90	3,473.88
Longtown Group Parish Council	1,161.38	1,354.94	1,548.50	1,742.07	2,129.20	2,516.32	2,903.45	3,484.14
Lower Bullingham Parish Council	1,148.96	1,340.44	1,531.94	1,723.43	2,106.42	2,489.40	2,872.39	3,446.86
Luston Group Parish Council	1,161.71	1,355.32	1,548.94	1,742.56	2,129.80	2,517.03	2,904.27	3,485.12
Lyonshall Parish Council	1,186.71	1,384.49	1,582.27	1,780.06	2,175.63	2,571.20	2,966.77	3,560.12
Madley Parish Council	1,171.64	1,366.90	1,562.18	1,757.45	2,148.00	2,538.54	2,929.09	3,514.90
Marden Parish Council	1,196.80	1,396.25	1,595.72	1,795.19	2,194.13	2,593.05	2,991.99	3,590.38
Marstow Parish Council	1,172.49	1,367.90	1,563.31	1,758.73	2,149.56	2,540.39	2,931.22	3,517.46
Mathon Parish Council (inc Malvern Hills Trust)	1,195.10	1,394.28	1,593.46	1,792.65	2,191.02	2,589.39	2,987.75	3,585.30
Middleton-on-the-Hill and Leysters Group Parish Council	1,149.32	1,340.86	1,532.42	1,723.97	2,107.08	2,490.18	2,873.29	3,447.94
Monkland and Stretford Parish Council	1,212.74	1,414.85	1,616.98	1,819.10	2,223.35	2,627.59	3,031.84	3,638.20
Moreton on Lugg Parish Council	1,179.04	1,375.54	1,572.05	1,768.56	2,161.58	2,554.59	2,947.60	3,537.12
Much Birch Parish Council	1,145.44	1,336.33	1,527.24	1,718.15	2,099.97	2,481.77	2,863.59	3,436.30
Much Cowarne Group Parish Council	1,148.54	1,339.96	1,531.38	1,722.81	2,105.66	2,488.50	2,871.35	3,445.62
Much Dewchurch Parish Council	1,155.63	1,348.23	1,540.83	1,733.44	2,118.65	2,503.86	2,889.07	3,466.88
Much Marcle Parish Council	1,154.65	1,347.08	1,539.53	1,731.97	2,116.86	2,501.73	2,886.62	3,463.94
North Bromyard Group Parish Council	1,152.54	1,344.62	1,536.71	1,728.80	2,112.98	2,497.15	2,881.34	3,457.60
Ocle Pychard Parish Council	1,178.74	1,375.19	1,571.65	1,768.11	2,161.03	2,553.94	2,946.85	3,536.22
Orcop Parish Council	1,169.59	1,364.51	1,559.45	1,754.38	2,144.25	2,534.10	2,923.97	3,508.76
Orleton Parish Council	1,181.10	1,377.95	1,574.80	1,771.65	2,165.35	2,559.05	2,952.75	3,543.30
Pembridge Parish Council	1,167.92	1,362.56	1,557.22	1,751.87	2,141.18	2,530.48	2,919.79	3,503.74
Pencombe Group Parish Council	1,182.10	1,379.11	1,576.13	1,773.15	2,167.19	2,561.22	2,955.25	3,546.30
Peterchurch Parish Council	1,172.60	1,368.03	1,563.46	1,758.90	2,149.77	2,540.63	2,931.50	3,517.80
Peterstow Parish Council	1,168.90	1,363.71	1,558.53	1,753.35	2,142.99	2,532.62	2,922.25	3,506.70
Pipe and Lyde Parish Council	1,152.90	1,345.04	1,537.19	1,729.34	2,113.64	2,497.93	2,882.24	3,458.68
Pixley & District Parish Council	1,159.70	1,352.98	1,546.26	1,739.55	2,126.12	2,512.68	2,899.25	3,479.10
Putley Parish Council	1,190.25	1,388.62	1,586.99	1,785.37	2,182.12	2,578.87	2,975.62	3,570.74
Pyons Group Parish Council	1,159.41	1,352.64	1,545.87	1,739.11	2,125.58	2,512.05	2,898.52	3,478.22
Richard's Castle (Herefordshire) Parish Council	1,181.84	1,378.80	1,575.78	1,772.75	2,166.70	2,560.64	2,954.59	3,545.50
Ross-on-Wye Parish Council	1,223.71	1,427.65	1,631.61	1,835.56	2,243.47	2,651.36	3,059.27	3,671.12
Sellack Parish Council	1,193.27	1,392.14	1,591.02	1,789.90	2,187.66	2,585.41	2,983.17	3,579.80
Shobdon Parish Council	1,187.28	1,385.15	1,583.03	1,780.91	2,176.67	2,572.42	2,968.19	3,561.82
St. Weonards Parish Council	1,165.19	1,359.38	1,553.58	1,747.78	2,136.18	2,524.57	2,912.97	3,495.56
Stapleton Group Parish Council	1,178.54	1,374.95	1,571.38	1,767.80	2,160.65	2,553.49	2,946.34	3,535.60
Staunton-on-Wye and District Group Parish Council	1,147.34	1,338.55	1,529.78	1,721.00	2,103.45	2,485.89	2,868.34	3,442.00
Stoke Edith Parish Meeting	1,134.47	1,323.54	1,512.62	1,701.70	2,079.86	2,458.01	2,836.17	3,403.40
Stoke Lacy Parish Council	1,170.05	1,365.05	1,560.06	1,755.07	2,145.09	2,535.10	2,925.12	3,510.14
Stretton Grandison Group Parish Council	1,177.23	1,373.43	1,569.63	1,765.84	2,158.25	2,550.66	2,943.07	3,531.68
Stretton Sugwas Parish Council	1,170.94	1,366.08	1,561.24	1,756.40	2,146.72	2,537.02	2,927.34	3,512.80
Sutton Parish Council	1,184.25	1,381.62	1,578.99	1,776.37	2,171.12	2,565.87	2,960.62	3,552.74
Tarrington Parish Council	1,183.81	1,381.10	1,578.41	1,775.71	2,170.32	2,564.91	2,959.52	3,551.42
Thornbury Group Parish Council	1,152.57	1,344.66	1,536.75	1,728.85	2,113.04	2,497.23	2,881.42	3,457.70
Titley and District Group Parish Council	1,163.16	1,357.02	1,550.88	1,744.74	2,132.46	2,520.18	2,907.90	3,489.48
Upton Bishop Parish Council	1,181.19	1,378.05	1,574.91	1,771.78	2,165.51	2,559.24	2,952.97	3,543.56
Vowchurch & District Group Parish Council	1,164.48	1,358.56	1,552.64	1,746.72	2,134.88	2,523.04	2,911.20	3,493.44
Walford Parish Council	1,162.92	1,356.73	1,550.55	1,744.37	2,132.01	2,519.64	2,907.29	3,488.74
Wellington Parish Council	1,166.78	1,361.24	1,555.70	1,750.17	2,139.10	2,528.02	2,916.95	3,500.34
Wellington Heath Parish Council	1,163.62	1,357.54	1,551.48	1,745.42	2,133.30	2,521.16	2,909.04	3,490.84
Welsh Newton & Llanrothal Group Parish Council	1,196.29	1,395.66	1,595.05	1,794.43	2,193.20	2,591.95	2,990.72	3,588.86
Weobley Parish Council	1,183.26	1,380.47	1,577.68	1,774.89	2,169.31	2,563.73	2,958.15	3,549.78
Weston Beggard Parish Council	1,165.94	1,360.25	1,554.58	1,748.90	2,137.55	2,526.19	2,914.84	3,497.80
Weston-under-Penyard Parish Council	1,153.80	1,346.09	1,538.39	1,730.69	2,115.29	2,499.88	2,884.49	3,461.38
Whitbourne Parish Council	1,157.32	1,350.19	1,543.08	1,735.97	2,121.75	2,507.51	2,893.29	3,471.94
Whitchurch & Ganarew Group Parish Council	1,202.50	1,402.91	1,603.33	1,803.75	2,204.59	2,605.42	3,006.25	3,607.50
Wigmore Group Parish Council	1,176.96	1,373.11	1,569.27	1,765.43	2,157.75	2,550.06	2,942.39	3,530.86
Withington Group Parish Council	1,163.65	1,357.58	1,551.53	1,745.47	2,133.36	2,521.23	2,909.12	3,490.94
Woolhope Parish Council	1,177.80	1,374.09	1,570.39	1,766.69	2,159.29	2,551.88	2,944.49	3,533.38
Wyeside Group Parish Council	1,155.36	1,347.91	1,540.47	1,733.03	2,118.15	2,503.26	2,888.39	3,466.06
Yarkhill Parish Council	1,173.64	1,369.24	1,564.85	1,760.46	2,151.68	2,542.89	2,934.10	3,520.92
Yarpole Group Parish Council	1,184.73	1,382.18	1,579.63	1,777.09	2,172.00	2,566.91	2,961.82	3,554.18

The Office of the Police and Crime Commissioner for West Mercia
precept requirement for each valuation band

	VALUATION BANDS							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Office of the Police and Crime Commissioner for West Mercia	166.44	194.18	221.92	249.66	305.14	360.62	416.10	499.32

A total 2022/23 precept from Herefordshire Council of £17,539,244 (2020/21 £16,418,240).

The band D council tax charge amounts to £249.66 an increase of £9.47 or 3.94% over the previous year.

Hereford & Worcester Fire and Rescue Authority
precept requirement for each valuation band

	VALUATION BANDS							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Hereford & Worcester Fire and Rescue Authority	59.60	69.53	79.47	89.40	109.27	129.13	149.00	178.80

A 2022/23 total precept from Herefordshire Council of £6,280,582.13 (2021/22 £5,993,072).

The band D council tax charge for Hereford and Worcester Fire and Rescue Authority amounts to £89.40, an increase of £1.72 or 1.96% over the previous year.

Council Tax for each valuation band, by Parish, including the Police & Fire precepts								APPENDIX 5
PARISH	VALUATION BANDS							
	A £	B £	C £	D £	E £	F £	G £	H £
Abbeystead & Bacton Group Parish Council	1,398.82	1,631.94	1,865.09	2,098.22	2,564.50	3,030.76	3,497.04	4,196.44
Aconbury Parish Meeting	1,363.14	1,590.31	1,817.51	2,044.70	2,499.09	2,953.45	3,407.84	4,089.40
Acton Beauchamp Group Parish Council	1,385.50	1,616.41	1,847.33	2,078.25	2,540.09	3,001.91	3,463.75	4,156.50
Allensmore Parish Council	1,376.31	1,605.68	1,835.08	2,064.46	2,523.24	2,981.99	3,440.77	4,128.92
Almeley Parish Council	1,402.50	1,636.24	1,870.00	2,103.75	2,571.26	3,038.75	3,506.25	4,207.50
Ashperton Parish Council	1,410.18	1,645.20	1,880.24	2,115.27	2,585.34	3,055.39	3,525.45	4,230.54
Aston Ingham Parish Council	1,392.61	1,624.70	1,856.81	2,088.91	2,553.12	3,017.31	3,481.52	4,177.82
Avenbury Parish Council	1,391.24	1,623.11	1,854.99	2,086.86	2,550.61	3,014.35	3,478.10	4,173.72
Aymestrey Parish Council	1,405.48	1,639.71	1,873.97	2,108.21	2,576.71	3,045.19	3,513.69	4,216.42
Ballingham, Bolstone & Hentland Group	1,400.06	1,633.40	1,866.75	2,100.09	2,566.78	3,033.46	3,500.15	4,200.18
Bartestree & Lugwardine Group Parish Council	1,397.11	1,629.95	1,862.81	2,095.66	2,561.37	3,027.06	3,492.77	4,191.32
Belmont Rural Parish Council	1,391.25	1,623.11	1,855.00	2,086.87	2,550.63	3,014.36	3,478.12	4,173.74
Birley with Upper Hill Parish Council	1,374.82	1,603.95	1,833.09	2,062.23	2,520.51	2,978.77	3,437.05	4,124.46
Bishop's Frome Parish Council	1,410.93	1,646.07	1,881.24	2,116.39	2,586.71	3,057.00	3,527.32	4,232.78
Bishopstone Group Parish Council	1,388.60	1,620.03	1,851.47	2,082.90	2,545.77	3,008.63	3,471.50	4,165.80
Bodenham Parish Council	1,383.53	1,614.11	1,844.70	2,075.29	2,536.47	2,997.64	3,458.82	4,150.58
Border Group Parish Council	1,379.06	1,608.89	1,838.74	2,068.58	2,528.27	2,987.94	3,447.64	4,137.16
Bosbury and Coddington Parish Council	1,398.18	1,631.20	1,864.24	2,097.27	2,563.34	3,029.39	3,495.45	4,194.54
Brampton Abbots & Foy Group Parish Council	1,399.93	1,633.24	1,866.57	2,099.89	2,566.54	3,033.17	3,499.82	4,199.78
Bredonbury & District Group Parish Council	1,396.02	1,628.68	1,861.36	2,094.03	2,559.38	3,024.71	3,490.05	4,188.06
Breinton Parish Council	1,381.28	1,611.49	1,841.71	2,071.92	2,532.35	2,992.77	3,453.20	4,143.84
Bridstow Parish Council	1,374.58	1,603.67	1,832.77	2,061.87	2,520.07	2,978.25	3,436.45	4,123.74
Brilley Parish Council	1,424.98	1,662.46	1,899.97	2,137.46	2,612.46	3,087.44	3,562.44	4,274.92
Brimfield and Little Hereford Group Parish Council	1,379.14	1,608.98	1,838.85	2,068.70	2,528.42	2,988.12	3,447.84	4,137.40
Brockhampton with Much Fawley Parish Council	1,380.95	1,611.10	1,841.26	2,071.42	2,531.74	2,992.05	3,452.37	4,142.84
Brockhampton Group Parish Council	1,381.16	1,611.35	1,841.55	2,071.74	2,532.13	2,992.51	3,452.90	4,143.48
Bromyard & Winslow Town Council	1,472.23	1,717.59	1,962.97	2,208.34	2,699.09	3,189.82	3,680.57	4,416.68
Burghill Parish Council	1,380.50	1,610.57	1,840.66	2,070.74	2,530.91	2,991.06	3,451.24	4,141.48
Callow & Haywood Group Parish Council	1,385.50	1,616.40	1,847.33	2,078.24	2,540.08	3,001.90	3,463.74	4,156.48
Cleghonger Parish Council	1,387.28	1,618.48	1,849.70	2,080.91	2,543.34	3,005.75	3,468.19	4,161.82
Clifford Parish Council	1,375.15	1,604.33	1,833.53	2,062.72	2,521.11	2,979.48	3,437.87	4,125.44
Colwall Parish Council (including Malvern Hills Trust (Colwall Parish Council)	1,438.07	1,677.75	1,917.43	2,157.11	2,636.47	3,115.82	3,595.18	4,314.22
Cradley Parish Council	1,396.49	1,629.23	1,861.98	2,094.73	2,560.23	3,025.72	3,491.22	4,189.46
Credenhill Parish Council	1,405.46	1,639.69	1,873.94	2,108.18	2,576.67	3,045.14	3,513.64	4,216.36
Cusop Parish Council	1,388.20	1,619.56	1,850.93	2,082.30	2,545.04	3,007.76	3,470.50	4,164.60
Dilwyn Parish Council	1,413.08	1,648.58	1,884.10	2,119.61	2,590.64	3,061.65	3,532.69	4,239.22
Dinedor Parish Council	1,407.80	1,642.43	1,877.07	2,111.70	2,580.97	3,050.23	3,519.50	4,223.40
Dinmore Parish Meeting	1,360.51	1,587.25	1,814.01	2,040.76	2,494.27	2,947.76	3,401.27	4,081.52
Dormington & Mordiford Group Parish Council	1,406.72	1,641.16	1,875.62	2,110.07	2,578.98	3,047.87	3,516.79	4,220.14
Dorstone Parish Council	1,383.88	1,614.52	1,845.17	2,075.82	2,537.12	2,998.40	3,459.70	4,151.64
Eardisland Parish Council	1,438.72	1,678.50	1,918.29	2,158.08	2,637.66	3,117.22	3,596.80	4,316.16
Eardisley Group Parish Council	1,386.41	1,617.47	1,848.54	2,079.61	2,541.75	3,003.88	3,466.02	4,159.22
Eastnor & Donnington Parish Council	1,388.80	1,620.25	1,851.73	2,083.19	2,546.13	3,009.05	3,471.99	4,166.38
Eaton Bishop Parish Council	1,406.65	1,641.08	1,875.53	2,109.97	2,578.86	3,047.73	3,516.62	4,219.94
Ewyas Harold Group Parish Council	1,432.64	1,671.40	1,910.18	2,148.95	2,626.50	3,104.03	3,581.59	4,297.90
Fownhope Parish Council	1,409.84	1,644.80	1,879.78	2,114.75	2,584.70	3,054.63	3,524.59	4,229.50
Foxley Group Parish Council	1,371.06	1,599.56	1,828.08	2,056.59	2,513.62	2,970.63	3,427.65	4,113.18
Garway Parish Council	1,417.73	1,654.01	1,890.30	2,126.59	2,599.17	3,071.74	3,544.32	4,253.18
Goodrich & Welsh Bicknor Group Parish Council	1,383.24	1,613.76	1,844.31	2,074.85	2,535.94	2,997.00	3,458.09	4,149.70
Hampton Bishop Parish Council	1,398.23	1,631.26	1,864.30	2,097.34	2,563.42	3,029.49	3,495.57	4,194.68
Hampton Charles Parish Meeting	1,360.51	1,587.25	1,814.01	2,040.76	2,494.27	2,947.76	3,401.27	4,081.52
Hatfield and District Group Parish Council	1,380.04	1,610.04	1,840.05	2,070.06	2,530.08	2,990.08	3,450.10	4,140.12
Hereford City Council	1,398.42	1,631.47	1,864.55	2,097.62	2,563.77	3,029.89	3,496.04	4,195.24
Holme Lacy Parish Council	1,427.10	1,664.94	1,902.80	2,140.65	2,616.36	3,092.05	3,567.75	4,281.30
Holmer & Shelwick Parish Council	1,372.63	1,601.39	1,830.17	2,058.94	2,516.49	2,974.02	3,431.57	4,117.88
Hope Mansell Parish Council	1,372.86	1,601.65	1,830.47	2,059.28	2,516.91	2,974.51	3,432.14	4,118.56

Council Tax for each valuation band, by Parish, including the Police & Fire precepts								APPENDIX 5
PARISH	VALUATION BANDS							
	A £	B £	C £	D £	E £	F £	G £	H £
Hope under Dinmore Group Parish Council	1,421.46	1,658.36	1,895.28	2,132.19	2,606.02	3,079.83	3,553.65	4,264.38
How Caple, Sollershope & Yatton Group Parish Council	1,393.18	1,625.36	1,857.57	2,089.76	2,554.16	3,018.54	3,482.94	4,179.52
Humber, Stoke Prior & Ford Group Parish Council	1,387.84	1,619.14	1,850.45	2,081.76	2,544.38	3,006.98	3,469.60	4,163.52
Huntington Parish Council	1,371.10	1,599.60	1,828.13	2,056.64	2,513.68	2,970.70	3,427.74	4,113.28
Kentchurch Parish Council	1,412.07	1,647.40	1,882.76	2,118.10	2,588.80	3,059.47	3,530.17	4,236.20
Kilpeck Group Parish Council	1,426.64	1,664.40	1,902.18	2,139.95	2,615.50	3,091.03	3,566.59	4,279.90
Kimbolton Parish Council	1,390.08	1,621.74	1,853.43	2,085.11	2,548.48	3,011.82	3,475.19	4,170.22
Kings Caple Parish Council	1,397.90	1,630.87	1,863.86	2,096.84	2,562.81	3,028.76	3,494.74	4,193.68
Kingsland Parish Council	1,380.42	1,610.48	1,840.56	2,070.63	2,530.78	2,990.91	3,451.05	4,141.26
Kingstone & Thrupton Group Parish Council	1,384.74	1,615.51	1,846.31	2,077.10	2,538.69	3,000.25	3,461.84	4,154.20
Kington Rural and Lower Harpton Group Parish Council	1,385.95	1,616.93	1,847.93	2,078.92	2,540.91	3,002.88	3,464.87	4,157.84
Kington Town Council	1,447.17	1,688.35	1,929.56	2,170.75	2,653.15	3,135.52	3,617.92	4,341.50
Kinnersley and District Group Parish Council	1,395.79	1,628.41	1,861.05	2,093.68	2,558.95	3,024.20	3,489.47	4,187.36
Lea Parish Council	1,398.26	1,631.30	1,864.35	2,097.39	2,563.48	3,029.56	3,495.65	4,194.78
Ledbury Town Council	1,476.62	1,722.72	1,968.83	2,214.93	2,707.14	3,199.34	3,691.55	4,429.86
Leintwardine Group Parish Council	1,402.51	1,636.25	1,870.01	2,103.76	2,571.27	3,038.76	3,506.27	4,207.52
Leominster Town Council	1,469.96	1,714.94	1,959.94	2,204.93	2,694.92	3,184.89	3,674.89	4,409.86
Linton Parish Council	1,379.08	1,608.92	1,838.77	2,068.62	2,528.32	2,988.00	3,447.70	4,137.24
Little Birch Parish Council	1,405.00	1,639.15	1,873.33	2,107.49	2,575.83	3,044.15	3,512.49	4,214.98
Little Dewchurch Parish Council	1,397.12	1,629.97	1,862.83	2,095.68	2,561.39	3,027.09	3,492.80	4,191.36
Llangarron Parish Council	1,396.47	1,629.20	1,861.96	2,094.70	2,560.20	3,025.67	3,491.17	4,189.40
Llanwarne & District Group Parish Council	1,384.00	1,614.66	1,845.33	2,076.00	2,537.34	2,998.66	3,460.00	4,152.00
Longtown Group Parish Council	1,387.42	1,618.65	1,849.89	2,081.13	2,543.61	3,006.07	3,468.55	4,162.26
Lower Bullingham Parish Council	1,375.00	1,604.15	1,833.33	2,062.49	2,520.83	2,979.15	3,437.49	4,124.98
Luston Group Parish Council	1,387.75	1,619.03	1,850.33	2,081.62	2,544.21	3,006.78	3,469.37	4,163.24
Lyonsall Parish Council	1,412.75	1,648.20	1,883.66	2,119.12	2,590.04	3,060.95	3,531.87	4,238.24
Madley Parish Council	1,397.68	1,630.61	1,863.57	2,096.51	2,562.41	3,028.29	3,494.19	4,193.02
Marden Parish Council	1,422.84	1,659.96	1,897.11	2,134.25	2,608.54	3,082.80	3,557.09	4,268.50
Marstow Parish Council	1,398.53	1,631.61	1,864.70	2,097.79	2,563.97	3,030.14	3,496.32	4,195.58
Mathon Parish Council (includes Malvern Hills Trust (Mathon))	1,421.14	1,657.99	1,894.85	2,131.71	2,605.43	3,079.14	3,552.85	4,263.42
Middleton-on-the-Hill and Leysters Group Parish Council	1,375.36	1,604.57	1,833.81	2,063.03	2,521.49	2,979.93	3,438.39	4,126.06
Monkland and Stretford Parish Council	1,438.78	1,678.56	1,918.37	2,158.16	2,637.76	3,117.34	3,596.94	4,316.32
Moreton on Lugg Parish Council	1,405.08	1,639.25	1,873.44	2,107.62	2,575.99	3,044.34	3,512.70	4,215.24
Much Birch Parish Council	1,371.48	1,600.04	1,828.63	2,057.21	2,514.38	2,971.52	3,428.69	4,114.42
Much Cowarne Group Parish Council	1,374.58	1,603.67	1,832.77	2,061.87	2,520.07	2,978.25	3,436.45	4,123.74
Much Dewchurch Parish Council	1,381.67	1,611.94	1,842.22	2,072.50	2,533.06	2,993.61	3,454.17	4,145.00
Much Marcle Parish Council	1,380.69	1,610.79	1,840.92	2,071.03	2,531.27	2,991.48	3,451.72	4,142.06
North Bromyard Group Parish Council	1,378.58	1,608.33	1,838.10	2,067.86	2,527.39	2,986.90	3,446.44	4,135.72
Ocle Pychard Parish Council	1,404.78	1,638.90	1,873.04	2,107.17	2,575.44	3,043.69	3,511.95	4,214.34
Orcop Parish Council	1,395.63	1,628.22	1,860.84	2,093.44	2,558.66	3,023.85	3,489.07	4,186.88
Orleton Parish Council	1,407.14	1,641.66	1,876.19	2,110.71	2,579.76	3,048.80	3,517.85	4,221.42
Pembridge Parish Council	1,393.96	1,626.27	1,858.61	2,090.93	2,555.59	3,020.23	3,484.89	4,181.86
Pencombe Group Parish Council	1,408.14	1,642.82	1,877.52	2,112.21	2,581.60	3,050.97	3,520.35	4,224.42
Peterchurch Parish Council	1,398.64	1,631.74	1,864.85	2,097.96	2,564.18	3,030.38	3,496.60	4,195.92
Peterstow Parish Council	1,394.94	1,627.42	1,859.92	2,092.41	2,557.40	3,022.37	3,487.35	4,184.82
Pipe and Lyde Parish Council	1,378.94	1,608.75	1,838.58	2,068.40	2,528.05	2,987.68	3,447.34	4,136.80
Pixley & District Parish Council	1,385.74	1,616.69	1,847.65	2,078.61	2,540.53	3,002.43	3,464.35	4,157.22
Putley Parish Council	1,416.29	1,652.33	1,888.38	2,124.43	2,596.53	3,068.62	3,540.72	4,248.86
Pyons Group Parish Council	1,385.45	1,616.35	1,847.26	2,078.17	2,539.99	3,001.80	3,463.62	4,156.34
Richard's Castle (Herefordshire) Parish Council	1,407.88	1,642.51	1,877.17	2,111.81	2,581.11	3,050.39	3,519.69	4,223.62
Ross-on-Wye Parish Council	1,449.75	1,691.36	1,933.00	2,174.62	2,657.88	3,141.11	3,624.37	4,349.24
Sellack Parish Council	1,419.31	1,655.85	1,892.41	2,128.96	2,602.07	3,075.16	3,548.27	4,257.92
Shobdon Parish Council	1,413.32	1,648.86	1,884.42	2,119.97	2,591.08	3,062.17	3,533.29	4,239.94
St. Weonards Parish Council	1,391.23	1,623.09	1,854.97	2,086.84	2,550.59	3,014.32	3,478.07	4,173.68
Stapleton Group Parish Council	1,404.58	1,638.66	1,872.77	2,106.86	2,575.06	3,043.24	3,511.44	4,213.72
Staunton-on-Wye and District Group Parish Council	1,373.38	1,602.26	1,831.17	2,060.06	2,517.86	2,975.64	3,433.44	4,120.12

Council Tax for each valuation band, by Parish, including the Police & Fire precepts								APPENDIX 5
PARISH	VALUATION BANDS							
	A £	B £	C £	D £	E £	F £	G £	H £
Stoke Edith Parish Meeting (Chairman)	1,360.51	1,587.25	1,814.01	2,040.76	2,494.27	2,947.76	3,401.27	4,081.52
Stoke Lacy Parish Council	1,396.09	1,628.76	1,861.45	2,094.13	2,559.50	3,024.85	3,490.22	4,188.26
Stretton Grandison Group Parish Council	1,403.27	1,637.14	1,871.02	2,104.90	2,572.66	3,040.41	3,508.17	4,209.80
Stretton Sugwas Parish Council	1,396.98	1,629.79	1,862.63	2,095.46	2,561.13	3,026.77	3,492.44	4,190.92
Sutton Parish Council	1,410.29	1,645.33	1,880.38	2,115.43	2,585.53	3,055.62	3,525.72	4,230.86
Tarrington Parish Council	1,409.85	1,644.81	1,879.80	2,114.77	2,584.73	3,054.66	3,524.62	4,229.54
Thornbury Group Parish Council	1,378.61	1,608.37	1,838.14	2,067.91	2,527.45	2,986.98	3,446.52	4,135.82
Titley and District Group Parish Council	1,389.20	1,620.73	1,852.27	2,083.80	2,546.87	3,009.93	3,473.00	4,167.60
Upton Bishop Parish Council	1,407.23	1,641.76	1,876.30	2,110.84	2,579.92	3,048.99	3,518.07	4,221.68
Vowchurch & District Group Parish Council	1,390.52	1,622.27	1,854.03	2,085.78	2,549.29	3,012.79	3,476.30	4,171.56
Walford Parish Council	1,388.96	1,620.44	1,851.94	2,083.43	2,546.42	3,009.39	3,472.39	4,166.86
Wellington Parish Council	1,392.82	1,624.95	1,857.09	2,089.23	2,553.51	3,017.77	3,482.05	4,178.46
Wellington Heath Parish Council	1,389.66	1,621.25	1,852.87	2,084.48	2,547.71	3,010.91	3,474.14	4,168.96
Welsh Newton & Llanrothal Group Parish Council	1,422.33	1,659.37	1,896.44	2,133.49	2,607.61	3,081.70	3,555.82	4,266.98
Weobley Parish Council	1,409.30	1,644.18	1,879.07	2,113.95	2,583.72	3,053.48	3,523.25	4,227.90
Weston Beggard Parish Council	1,391.98	1,623.96	1,855.97	2,087.96	2,551.96	3,015.94	3,479.94	4,175.92
Weston-under-Penyard Parish Council	1,379.84	1,609.80	1,839.78	2,069.75	2,529.70	2,989.63	3,449.59	4,139.50
Whitbourne Parish Council	1,383.36	1,613.90	1,844.47	2,075.03	2,536.16	2,997.26	3,458.39	4,150.06
Whitchurch & Ganarew Group Parish Council	1,428.54	1,666.62	1,904.72	2,142.81	2,619.00	3,095.17	3,571.35	4,285.62
Wigmore Group Parish Council	1,403.00	1,636.82	1,870.66	2,104.49	2,572.16	3,039.81	3,507.49	4,208.98
Withington Group Parish Council	1,389.69	1,621.29	1,852.92	2,084.53	2,547.77	3,010.98	3,474.22	4,169.06
Woolhope Parish Council	1,403.84	1,637.80	1,871.78	2,105.75	2,573.70	3,041.63	3,509.59	4,211.50
Wyeside Group Parish Council	1,381.40	1,611.62	1,841.86	2,072.09	2,532.56	2,993.01	3,453.49	4,144.18
Yarkhill Parish Council	1,399.68	1,632.95	1,866.24	2,099.52	2,566.09	3,032.64	3,499.20	4,199.04
Yarpole Group Parish Council	1,410.77	1,645.89	1,881.02	2,116.15	2,586.41	3,056.66	3,526.92	4,232.30

Title of report: Re-thinking governance

Meeting: Council

Meeting date: Friday 4 March 2022

Report by: Chairperson of the audit and governance committee

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the suggested amendments to the council's constitution recommended by audit and governance committee.

Recommendation(s)

That:

- a) **having regard to the work undertaken by the re-thinking governance working group, the revised constitution as set out at appendices 1 to 29, be approved for adoption, with implementation with effect from 20 May 2022; and**
- b) **authority be delegated to the director of law and governance to make technical amendments (grammatical, formatting, and consistency) necessary to finalise and represent the revised constitution for publication.**

Alternative options

1. To reject the proposed amendments and retain the current constitution and policies unamended: this is not recommended because the amendments have been proposed in order to either:
 - a) Improve clarity; or
 - b) Improve the efficiency and effectiveness of the council's governance arrangements

2. To propose alternative or additional amendments; it is open to members to propose alternative or additional amendments. A review is already scheduled for March 2024 where further changes can be considered.

Key considerations

3. On 11 October 2019, Council resolved to review its governance arrangements to investigate and explore options for the future. The following guiding principles were set by the council:
 - To maximise member engagement and participation in decision-making.
 - To ensure decision-making is informed, transparent and efficient.
 - To welcome public engagement.
 - To enable members and officers to perform effectively in clearly defined functions and roles.
 - To assess any resource implications for any proposed changes.

Appendix one maps each change that has been made to the constitution against these design principles.

4. The review was undertaken by a cross-party working group, the membership of which is:

Member	Substitute member	Political Group	Function
Councillor Bolderson		Conservatives	Audit and Governance
Councillor Bartlett	Councillor Toynbee	Green	Scrutiny
Councillor Watson	Councillor Hardwick	Independents for Herefordshire	Planning and Regulatory
Councillor Seldon (until Jan 2022)	Councillor Harvey	Independents for Herefordshire	Cabinet
Councillor James	Councillor Andrews	Liberal Democrats	Employment Panel
Councillor Matthews	Councillor Mike Jones	True Independents	Scrutiny

5. On 9 October 2020, Council resolved upon recommendation from the audit and governance committee: “having regard to the work undertaken by the Re thinking Governance working group and the recommendation of audit and governance committee, a hybrid cabinet model of governance is approved with implementation from annual council in May 2021.”
6. At audit and governance committee meeting on 4 May 2021, the re-thinking governance working group requested a deferral in order that the totality of their recommendations could be presented to Council.
7. The working group have met regularly since November 2019 and have consulted all members on the preferred options to strengthen the current hybrid model.
8. The main changes to the constitution are as follows;
 - Reorganisation of scrutiny committee functions into 5 committees
 - An annual effectiveness review of committees presented to the annual council meeting
 - Cabinet are provided the ability to hold Question and Answer meetings
 - Clarity has been given to the planning committee rules including redirection and a time allocation for ward member speaking.

- The Employment Panel functions relating to disciplinary and grievance meetings have been set out.
 - Questions at meetings criteria has been changed
9. As part of the work already undertaken, a number of operational changes are planned to take place following the Council meeting. These arrangements include the forward plan being more transparent and accessible to councillors and members of the public, improved scrutiny pages on the council's website and key decision consultations taking place in a virtual meeting. A review of the strategic partnership arrangements is still outstanding and will be completed as outlined by SWAP separately to this work and tracked via the annual governance statement action plan.
 10. The recommended date for implementation provides time for the constitution to be re-presented, the Independent Remuneration Panel to meet and make recommendations in light of the changes and to ensure all operational changes are in place. This will include training for members and officers.
 11. The audit and governance committee on 25 January 2022, reviewed the work undertaken and made one amendment- to re-insert at Part 5, Section 8, (Public Participation Guide) at 5.8.23: "on any of the grounds detailed in the section above." as a criteria for questions has been included.
 11. The outcome of the review increases member participation by 17% to 71% (from 54%), (this doesn't go as far a committee system that would increase participation of all members. It increases scrutiny meetings by 5 overall in the year and provides the ability to take a fresh look at scrutiny and how it operates.
 12. Some elements of the constitution have yet to be reviewed and the audit and governance committee have agreed that these remaining elements will be progressed as outlined below:
 - Audit and Governance Committee Functions
 - Code of Conduct
 - Re-presentation of the Constitution
 - Review of licensing sub-committee functions to take into account any changes to the taxi licensing policy which is due to approval by Council.
 - Further work on the planning code / guidance to take into account the recommendations from the Planning Advisory Service (PAS) review.
 - Member and officer code
 13. A review of how these changes have improved our governance model will take place by the working group in March 2023.

Community impact

12. Corporate governance is the term used to describe the systems, processes, culture and values the council has established to ensure we provide the right services, to the right people in a timely, open, and accountable way. Good corporate governance includes encouraging better informed longer-term decision making using resources efficiently, and being open to scrutiny with a view to improving performance and managing risk. Periodic reviews of the models of governance adopted by the council and the established processes and culture are valuable ways in which the council can demonstrate how the council uphold the code of corporate governance.

13. This work forms part of a formal corporate delivery plan, 2020 to 2022, commitment to: Complete the review of governance arrangements and implement new arrangements and constitution. This report brings the audit and governance committee up to date with progress toward that objective.
14. The council is responsible, as a corporate parent, for providing the best possible care and safeguarding for children who are looked after by the council, and as part of this must consider the impact of decision making on looked after children and care leavers. Any review of models of governance and mechanisms for stakeholder engagement in decision-making must consider how this responsibility may best be discharged.

Environmental impact

15. The development of a revised governance model will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

Equality duty

16. 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.
16. The public sector equality duty (specific duty) requires the council 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. Any review of governance models and decision making processes must ensure this duty is demonstrably upheld and promoted.

Resource implications

17. The review was undertaken using existing resources. The additional revenue cost is part of the 2022 budget round or will be paid from existing budgets.

Revenue budget implications	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>Additional scrutiny chairpersons (subject to recommendations of the independent remuneration panel)</i>			£18k		
<i>Statutory scrutiny officer</i>			£47k		
TOTAL			£65k		

Legal implications

18. The council is required to have a constitution. The proposed new model will provide the basis for changes to the current constitution to be adopted and implemented at the next annual council meeting.

Risk management

19.

Risk / opportunity	Mitigation
Insufficient time to make all operational changes	Project management support in place to ensure milestones are met
Structural changes do not make cultural changes need to strengthen scrutiny changes	Training on the refreshed model and functions of scrutiny has been procured by Centre For Governance and Services with an effectiveness review in a years time
Insufficient time to re present the constitution	This is not time critical
Changes do not meet the design principles agreed by Council	A review will be taken in May 2023

20. These are all operational risks that will be managed by the project lead from the programme office and may be escalated to the Law and Governance risk register in accordance with the risk management policy.

Consultees

21. All political groups are represented in the working group. The non-aligned member declined to participate in the working group.
22. All member briefing sessions took place on 22 and 23 April 2020, 22 February 2021, 7 July 2021 and their views were taken into account by the working group when considering the proposed changes to the Constitution.

Appendices

Appendix 1 – Constitution change tracker

Appendices 2 to 29 – Clean and tracked change versions of the Constitution

Background papers

None

Constitution change tracker

The table below summarises the key changes made to the content of the constitution or an underpinning process and the link to the relevant design principle agreed by Council. The design principles are:

- a) To maximise member engagement and participation in decision-making
- b) To ensure decision-making is informed, transparent and efficient
- c) To welcome public engagement
- d) To enable member and officers to perform effectively in clearly defined functions and roles
- e) To assess any resource implications for any proposed changes

Constitution Reference	Paragraph Number	Change	Design principles
Part 2, Article 5, Leader and Council	2.5.19	Insert words "and Leader	Resolution at Council on 28 May 2021
Part 2, Article 6, Scrutiny	2.6.2	Delete "Three" insert "five"	(a)
	2.6.4	Delete one sentence and insert new sentence re scrutiny management board	(a)
	New number after 2.6.6	Includes the role of scrutiny in developing policies.	(a)
	New number after 2.6.9	Insert new paragraph re scrutiny management board	(a)
Part 2, Article 8, Planning, licensing and other functions	2.8.11	Insert sentence to confirm substitution arrangements for health and wellbeing board	Clerk to health and wellbeing board
	2.8.14	Insert sentence "To act as a partnership forum in which key leaders from the local health and care system work together to improve the health and wellbeing of Herefordshire residents."	(d)
Part 2, Article 9, joint arrangements	2.9.23 to 2.9.30	Updated children's safeguarding arrangements	(b)

Constitution Reference	Paragraph Number	Change	Design principles
Part 3, Section 4, Scrutiny Functions	3.4.2	Included power to influence policy. Track actions Undertake annual effectiveness review.	(a) and (b)
	3.4.5 – table	Change name of committee from Adults and Wellbeing Scrutiny committee to Health Care and Wellbeing Scrutiny Committee Update to the functions of children and young people’s scrutiny committee Change of name of committee from General Scrutiny to Connected Communities Scrutiny Committee Update to the functions of Connected Communities Scrutiny Committee New environment and sustainability scrutiny committee, together with functions New Scrutiny Management Board, together with functions New paragraphs relating re functions of scrutiny committees not being exhaustive New paragraph re informal forward plan meetings	(a)
Part 3, Section 5, Other Functions	3.5.9	Add: “to Cabinet and Full Council” and “The responsibility for functions are set out in paragraphs 3.5.15 to “paragraphs 3.5.26	(a) and (b)
	3.5.10 to 3.5.15	New paragraphs	(a) and (b)
	3.5.16	New (a) and (b)	(a) and (b)

Constitution Reference	Paragraph Number	Change	Design principles
	3.5.16 (e)	Add: to include the approval of appointment of the Internal Audit Services or recommend the removal of the Internal Audit Services	(a) and (b)
	3.5.16 (g)	Add: and responsibilities	(a) and (b)
	3.5.16	New (h)	(a) and (b)
	3.5.18	New (c)to (e), (g) (n), (o)	(a) and (b)
	3.5.18	Delete: (i)	(a) and (b)
	3.5.20	New (j)	(a) and (b)
	3.5.25	Insert twice a year, delete annual	(a) and (b)
Part 3, Section 6, Additional Arrangements	3.6.2	To make it clear that the membership is to be determined by the parent committee.	(a)
	3.6.9	Insert “choose to” and delete “and are formally recognised in the appointment of committees”	(a)
	3.6.10	Delete “group leaders have an important informal function scheme, the”	(a)
	3.6.11	Insert, “For Example ...” and further description of role	(a)
	3.6.11	Insert new (a)	(a)
	3.6.11	Re-number to (b) and add “For Example ...”	(a)
Part 4, Section 1, Council and Committee Rules	4.1.15	New number 18, item of business: effectiveness reviews of committees at annual council meeting	(a) and (b)
	4.1.38 to 4.1.79	Old paragraphs deleted, new paragraphs inserted to cover questions NB: 4.1.42 ensure that ability to hold Q&A sessions is in new procedures	(a), (b) and (c)
	4.1.98	New line in box clarifying member in attendance right to speak.	(a)
Part 3, Section 3, Budget and Policy Framework	4.3.15 (b)	Insert: where a majority vote has not been achieved	(b)
	4.3.16	Insert: or concerns	(a)
	4.3.19	Insert: A majority vote must be obtained and this may involve a vote being called more than once.	(b)

Constitution Reference	Paragraph Number	Change	Design principles
Part 4, Section 5, Scrutiny Rules	4.5.2	Insert 5; delete 3 with regard to number of committees.	(a)
	4.5.4.	Insert: All other members can attend a meeting but can only speak at the discretion of the chairperson. Ability of cabinet support members to sit on scrutiny committees.	(a) and (b)
	4.5.6	Removing the restriction on non voting members and NB: change of use of language re ways of working	(c)
	4.5.7	Insert: statutory; and "Additionally ... sector"	Full Council resolution May 2021.
	4.5.10	Delete: Task and Finish Groups Insert: Ways of Working / scrutiny groups	
	4.5.11	Revised details of how scrutiny can work.	(a), (b) and (c)
	4.5.12	Description of activity undertaken by scrutiny group.	(a), (b) and (c)
	4.5.13	Reduction from 2 to 1 of the number of members from the relevant scrutiny committee to be on the scrutiny group.	(a) and (b)
	4.5.13	Scrutiny committee approve the scope of the activity.	(a)
	4.5.15	Clarify that scrutiny groups are not subject to access to information rules	(b)
	4.5.20	Deleted; moved to 4.5.12	
	4.5.27	Additional information about work programmes.	(b)
	4.5.62	Include the words By the Executive	(b)
	4.5.63	Further explanation as to why recommendations to Council cannot be called in	(b)
	4.5.71	Deleted	
	4.5.73	Describing that the access to information rules have to be complied with.	(b)
	4.5.81	Advising that the decision cannot be implemented	(b)
	4.5.92	Clarification that the pre-decision call in is determined by the parent committee.	(b)
	4.5.93	Amalgamated into 4.5.92	
	4.5.94	Restrictions on subsequent call ins.	

Constitution Reference	Paragraph Number	Change	Design principles
	4.5.95	Change advisory to mandatory.	(b)
	4.5.97 to 4.5.116	Deleted; now questions procedure in one place.	(c)
Part 4, Section 9, Employment Rules	4.9.2.	New paragraph outlining statutory legislation	(b)
	4.9.25 to 4.9.37	New paragraphs to update in line with statutory legislation	(b)
	4.9.38	Delete: the following paragraphs Inserts: these rules	(b)
	4.9.39	Change language to panel rather than independent persons. Insert: or not	(b)
	4.9.41	Deleted as not relevant	
	4.9.42	Change to independent persons panel.	(b)
		Increased size of panel to ensure disciplinary and appeal panel	
Part 5, Section 9, Role of Members	5.9.26	Insert "s" at end of councillors	
	Chairperson of Council	Insert: "full" at third bulletin point	
	Group Leaders	Revision to section to update group leaders' role and include purpose of group leader meetings	(b)
	Cabinet Members	Insert "and strategy" on 4 th bulletin point	(b)
	Generally	Amend capitalising of words where necessary	
Chief Executive Scheme of Delegation	16	Update indemnity to include members or former members	(b)
	17	New paragraph	(b)
	18 (c)	New sub-paragraph	(b)
	20	New paragraph	(b)
Planning Code and Guidance		Documents combined to create one document in its entity.	(b) and (c)
Questions		Councillor and Member of Public questions combined into one document. Questions to be submitted	(c)

Article 5 - The Leader and the cabinet

The leader of the council is the councillor who is the political head of the council. This article explains how the leader is elected and what they do. It also explains how the cabinet works and what it does. The leader and cabinet model are part of the council's executive arrangements.

2.5.1 Leader of the council

2.5.2 Election

2.5.3 At the annual meeting Council will elect a councillor to be the leader of the council ("the leader").

2.5.4 Role

2.5.5 The leader is the political leader of the council who, together with the chief executive, provides overall leadership of the council and its staff.

2.5.6 The leader will normally chair meetings of the cabinet, will lead in the formulation, co-ordination and presentation of the cabinet's policies and will work closely with the chief executive on the carrying out of policies by the council.

2.5.7 Ceasing being leader of the council

2.5.8 The leader will stay as the leader of the council until:

- (a) the date of the council's next annual meeting; or
- (b) they resign from office; or
- (c) they are suspended from being a councillor, although they may resume office at the end of the period of suspension; or
- (d) they are no longer a councillor; or
- (e) they are removed from office by resolution on notice at a Council meeting; or
- (f) by simple resolution of a motion without notice at a meeting of Council following a change in political control of the council, as signalled to the monitoring officer, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the council.

If Council passes a resolution to remove the leader as outlined in (e) or (f) above, it will elect a new leader at that or a subsequent meeting.

2.5.9 The cabinet

2.5.10 Role

2.5.11 The cabinet has responsibility for all functions of the council which are not by law, or under the functions scheme set out in part 3, the responsibility of another part of the council.

2.5.12 Membership

2.5.13 The cabinet must consist of a minimum of the leader and two other councillors up to a maximum of 10 councillors including the leader. The leader appoints the cabinet members and shall designate one of the cabinet members as deputy leader.

2.5.14 Functions of individual members of the cabinet

2.5.15 The leader will decide what functions will be carried out by individual cabinet members. The leader will notify the chief executive and the monitoring officer of these functions in writing. The monitoring officer will make sure that they are set out in part 7 of the constitution and Council be informed at its next meeting. Changes to the functions of individual cabinet members will only take effect when the leader has notified the monitoring officer.

2.5.16 Meetings of the cabinet

2.5.17 Meetings and other activities of the cabinet must comply with the cabinet rules (part 4 section 4).

2.5.18 Cabinet support members

2.5.19 The leader may appoint cabinet support members to provide informal support to one or more portfolio areas, subject to the total special responsibility allowance budget allocated for leader and cabinet members not being exceeded. Cabinet support members are not members of the executive, have no delegated executive authority, and may not take executive decisions.

2.5.20 Description of executive arrangements

2.5.21 The following parts of the constitution comprise the executive arrangements:-

- Article 5 in part 2 of the constitution – the leader of the council and the cabinet
- The cabinet rules (part 4 section 4)
- Article 6 in part 2 of the constitution – scrutiny
- The scrutiny rules (part 4 section 5)
- Article 9 in part 2 of the constitution – joint arrangements
- Article 11 in part 2 of the constitution – decision making
- The functions scheme in part 3
- Cabinet portfolios scheme in part 7
- Budget and policy framework rules in part 4 section 3
- Access to information rules in part 4 section 2

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- (a) the date of the council's next annual meeting; or
- (b) they resign from office; or
- (c) they are suspended from being a councillor, although they may resume office at the end of the period of suspension; or
- (d) they are no longer a councillor; or
- (e) they are removed from office by resolution on notice at a Council meeting; or
- (f) by simple resolution of a motion without notice at a meeting of Council following a change in political control of the council, as signalled to the monitoring officer, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the council.

If Council passes a resolution to remove the leader as outlined in (e) or (f) above, it will elect a new leader at that or a subsequent meeting.

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- The scrutiny rules (part 4 section 5)
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- Article 11 in part 2 of the constitution – decision making
- The functions scheme in part 3
- Cabinet portfolios scheme in part 7
- Budget and policy framework rules in part 4 section 3
- Access to information rules in part 4 section 2

Article 6 – Scrutiny

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

2.6.1 The scrutiny committees

2.6.2 Council has decided that there will be five scrutiny committees. The remit of those scrutiny committees is set out in part 3 section 4 of the constitution, and how they operate is in accordance with the functions scheme and scrutiny rules.

2.6.3 Composition

2.6.4 Each committee will comprise seven members of the council. The Scrutiny Management Board members include the other four Scrutiny Committee Chairpersons, an elected chair and vice chair person and other elected members as required to make the committee politically balanced.

2.6.5 Role

2.6.6 Between them the scrutiny committees oversee and scrutinise the work of the leader and cabinet and the council as a whole. This allows members outside the cabinet and citizens to have a greater say in council matters by investigating issues of local concern. This can include questioning cabinet members, committee chairmen, or senior officers of the council, and inviting people from outside the council to give opinions and expert advice.

NEW The role of a scrutiny committee is also to influence the council's policies, providing early insight and shape to a policy whilst it is in development.

2.6.7 The scrutiny committees also have the power to scrutinise the services provided by organisations outside the council e.g. NHS services and the work of the community safety partnership.

2.6.8 The scrutiny committees can make reports and recommendations to the leader, Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made.

2.6.9 The scrutiny committees can 'call-in' an executive decision which has been made but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of good decision making. They may recommend that the decision taker reconsiders the decision. They may also be consulted by the leader, other cabinet members or Council on forthcoming decisions and the development of the budget and policy framework.

The Scrutiny Management Board is responsible for the strategic direction and oversight of the scrutiny function and work programme. The SMB undertake

scrutiny activity on items that cross across more than one function of the other four scrutiny committees. This includes the budget process.

- 2.6.10 The council appoints a statutory scrutiny officer with statutory responsibilities to promote the role of the council's scrutiny committees within the council, and support the work of the scrutiny committees by providing help and advice to scrutiny members and also to those being scrutinised. (This role cannot be held by the head of paid service, the chief finance officer or the monitoring officer.)
- 2.6.11 The public can be involved in the scrutiny process and help shape and inform decision making and policy by:
- (a) asking questions on a matter that is the function of the committee or is on a committee agenda;
 - (b) submitting evidence for consideration by a scrutiny committee or one of its task and finish groups;
 - (c) suggesting items for inclusion in the work programme of the committee.

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2.6.1 The scrutiny committees

2.6.2 Council has decided that there will be ~~five~~^{three} scrutiny committees. The remit of those scrutiny committees is set out in part 3 section 4 of the constitution, and how they operate is in accordance with the functions scheme and scrutiny rules.

2.6.3 Composition

2.6.4 Each committee will comprise seven members of the council. ~~The committee with responsibility for education will have additional educational appointees in accordance with the scrutiny rules.~~ The Scrutiny Management Board members include the other four Scrutiny Committee Chairpersons, an elected chair and vice chair person and other elected members as required to make the committee politically balanced.

2.6.5 Role ~~– to add:~~

Policy influencing role of scrutiny

2.6.6 Between them the scrutiny committees oversee and scrutinise the work of the leader and cabinet and the council as a whole. This allows members outside the cabinet and citizens to have a greater say in council matters by investigating issues of local concern. This can include questioning cabinet members, committee chairmen, or senior officers of the council, and inviting people from outside the council to give opinions and expert advice.

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- 2.6.11 The public can be involved in the scrutiny process and help shape and inform decision making and policy by:
- (a) asking questions on a matter that is the function of the committee or is on a committee agenda;
 - (b) submitting evidence for consideration by a scrutiny committee or one of its task and finish groups;
 - (c) suggesting items for inclusion in the work programme of the committee.

Article 8 - Planning, licensing and other functions

This article describes the following committees which council has established:

- (a) The planning and regulatory committee
- (b) Health and wellbeing board
- (c) Employment panel
- (d) Standards panel
- (e) Independent panel

2.8.1 Planning and regulatory committee

2.8.2 Composition

2.8.3 The committee comprises 15 councillors, one of whom will be appointed by Council to be the standing chairperson of the licensing sub-committee.

2.8.4 Role

2.8.5 The committee:

determines applications for planning and listed building consents which are not decided by an officer; and

its licensing sub-committee fulfils the council's licensing duties not undertaken by an officer.

2.8.6 The committee may establish one or more sub-committees consisting of three members of the planning and regulatory committee to fulfil functions delegated to the licensing sub-committee as set out in the functions scheme at part 3 section 5.

2.8.7 Health and wellbeing board

2.8.8 Composition

2.8.9 The following shall be members of the health and wellbeing board:

The Cabinet member health and wellbeing*

The Cabinet member children and families*

The Leader of the Council*

The chair of Healthwatch Herefordshire*

The chief fire officer of Hereford & Worcester Fire and Rescue Service

The chair of NHS Herefordshire and Worcestershire Clinical Commissioning Group*

The managing director of NHS Herefordshire and Worcestershire Clinical Commissioning Group

The chair of Herefordshire Community Safety Partnership

The chair of Herefordshire Safeguarding Adults Board

The director for children and families and superintendent for Herefordshire of West Mercia Police to represent the Safeguarding Children and Young People in Herefordshire Partnership

The managing director of Taurus Healthcare

The superintendent for Herefordshire of West Mercia Police
The managing director of Wye Valley NHS Trust
The chair of Worcestershire Health and Care NHS Trust
Director for adults and communities*
Director for children and families*
Director for economy and place
Director of public health *
A representative from NHS England, for the purpose of preparing the joint strategic needs assessment or health and wellbeing strategy or where the health and wellbeing board is considering a matter that relates to the exercise or proposed exercise of the NHS Board's commissioning functions. *

2.8.10 Council has delegated authority to the Leader of the Council to appoint the chairperson of the board annually from the members of the executive appointed to the board; one of the board members representing NHS Herefordshire and Worcestershire Clinical Commissioning Group will be appointed vice chairperson annually by the board.

2.8.11 The members of the board marked with an * are those specified in the Health and Social care Act 2012, the other board members are additional as deemed appropriate by council after consultation with the board. If Board members are unable to attend they can nominate a substitute.

2.8.12 All board members shall be voting members unless the council otherwise directs.

2.8.13 Role

2.8.14 The board will carry out the statutory functions as required by the Health and Social Care Act 2012, and any other functions delegated to it, as set out in part 3 section 5 of the constitution. To act as a partnership forum in which key leaders from the local health and care system work together to improve the health and wellbeing of Herefordshire residents.

2.8.15 Employment panel

2.8.16 Composition

2.8.17 The employment panel comprises five councillors.

2.8.18 Role

2.8.19 To fulfil specific employment functions in relation to specified senior management roles; to review the annual pay policy statement for recommendation to Council; and to be a consultee on employee terms, conditions and employment policies.

2.8.20 Independent panel

New

Statutory provisions require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term

contract

2.8.21 Council has appointed an independent panel as a committee of the Council, comprising only independent persons (at least two) appointed in accordance with procedure rule NEW above to review the decision to dismiss statutory officers (in accordance with JNC agreements) and prepare a report for Council.

New An “*independent person*” means any independent person who has been appointed by the council and who has accepted an invitation issued by the monitoring officer in accordance with the following priority order -

- (a) a relevant independent person who has been appointed by the authority under section 28(7) of the localism act 2011 and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

2.8.22 Standards panel

2.8.23 Composition

2.8.24 The standards panel will consist of an independent person (who will chair the panel); three members of the audit and governance committee and a parish councillor nominated by Herefordshire Association of Local Councils. Where an independent person is not available, one of the members from the audit and governance committee shall chair the panel.

2.8.25 Role

2.8.26 To consider and determine complaints that cannot be (a) resolved by the monitoring officer or (b) on appeal.

2.8.27 To undertake an annual sample review of decisions by the monitoring officer under the code of conduct complaints process.

Article 8 - Planning, licensing and other functions

This article describes the following committees which council has established:

- (a) The planning and regulatory committee
- (b) Health and wellbeing board
- (c) Employment panel
- [\(d\) Standards panel](#)
- [\(e\) Independent panel](#)

2.8.1 Planning and regulatory committee

2.8.2 Composition

2.8.3 The committee comprises 15 councillors, one of whom will be appointed by Council to be the standing chairperson of the licensing sub-committee.

2.8.4 Role

2.8.5 The committee:

determines applications for planning and listed building consents which are not decided by an officer; and

its licensing sub-committee fulfils the council's licensing duties not undertaken by an officer.

2.8.6 The committee may establish one or more sub-committees consisting of three members of the planning and regulatory committee to fulfil functions delegated to the licensing sub-committee as set out in the functions scheme at part 3 section 5.

2.8.7 Health and wellbeing board

2.8.8 Composition

2.8.9 The following shall be members of the health and wellbeing board:

- The Cabinet member health and wellbeing*
- The Cabinet member children and families*
- The Leader of the Council*
- The chair of Healthwatch Herefordshire*
- The chief fire officer of Hereford & Worcester Fire and Rescue Service
- The chair of NHS Herefordshire and Worcestershire Clinical Commissioning Group*
- The managing director of NHS Herefordshire and Worcestershire Clinical Commissioning Group
- The chair of Herefordshire Community Safety Partnership
- The chair of Herefordshire Safeguarding Adults Board
- The director for children and families and superintendent for Herefordshire of West Mercia Police to represent the Safeguarding Children and Young People in Herefordshire Partnership
- The managing director of Taurus Healthcare

The superintendent for Herefordshire of West Mercia Police
The managing director of Wye Valley NHS Trust
The chair of Worcestershire Health and Care NHS Trust
Director for adults and communities*
Director for children and families*
Director for economy and place
Director of public health *
A representative from NHS England, for the purpose of preparing the joint strategic needs assessment or health and wellbeing strategy or where the health and wellbeing board is considering a matter that relates to the exercise or proposed exercise of the NHS Board's commissioning functions. *

2.8.10 Council has delegated authority to the Leader of the Council to appoint the chairperson of the board annually from the members of the executive appointed to the board; one of the board members representing NHS Herefordshire and Worcestershire Clinical Commissioning Group will be appointed vice chairperson annually by the board.

2.8.11 The members of the board marked with an * are those specified in the Health and Social care Act 2012, the other board members are additional as deemed appropriate by council after consultation with the board. If Board members are unable to attend they can nominate a substitute.

2.8.12 All board members shall be voting members unless the council otherwise directs.

2.8.13 Role

2.8.14 The board will carry out the statutory functions as required by the Health and Social Care Act 2012, and any other functions delegated to it, as set out in part 3 section 5 of the constitution. To be expanded to include more detail. To act as a partnership forum in which key leaders from the local health and care system work together to improve the health and wellbeing of Herefordshire residents.

2.8.15 Employment panel

2.8.16 Composition

2.8.17 The employment panel comprises five councillors.

2.8.18 Role

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2.8.20 Independent panel

New

Statutory provisions require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry

of a fixed term contract unless the authority has undertaken to renew that fixed term contract

2.8.21 Council has appointed an independent panel as a committee of the Council, comprising only independent persons (at least two) appointed in accordance with procedure rule ~~4.9.26~~NEW above to review the decision to dismiss statutory officers (in accordance with JNC agreements) and prepare a report for Council.

New An “independent person” means any independent person who has been appointed by the council and who has accepted an invitation issued by the monitoring officer in accordance with the following priority order -

(a) a relevant independent person who has been appointed by the authority under section 28(7) of the localism act 2011 and who is a local government elector;

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(c) a relevant independent person who has been appointed by another authority or authorities.

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2.8.26 To consider and determine complaints that cannot be (a) resolved by the monitoring officer or (b) on appeal.

2.8.27 To undertake an annual sample review of decisions by the monitoring officer under the code of conduct complaints process.

Article 9 - Joint arrangements

This articles explains how the council works with other bodies.

2.9.1 Joint arrangements generally

2.9.2 Joint arrangements for Council functions

2.9.3 The council may establish joint arrangements with one or more local authorities to exercise Council, or a mixture of Council and executive functions, or to advise the council on any matter. These arrangements may involve the appointment of a joint committee with these other local authorities, including the determination of terms of reference.

2.9.4 Joint arrangements for cabinet functions

2.9.5 The cabinet may establish joint arrangements with one or more councils to exercise executive functions. These arrangements may involve the appointment of joint committees, including the determination of terms of reference.

2.9.6 Joint executive arrangements have been made in respect of:

- West Mercia Energy (with Shropshire Council, Telford & Wrekin Council, and Worcestershire County Council), and
- West Mercia Police and Crime Panel (with Shropshire Council, Telford & Wrekin Council, Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council, Wyre Forest District Council and Worcestershire County Council).

2.9.7 (Not used).

2.9.8 Appointments to joint committees

- 2.9.9
- (a) Except as in (b) below, the cabinet may appoint only members of the cabinet to a joint committee dealing solely with cabinet functions, and those members need not reflect the political composition of the council as a whole.
 - (b) Councillors who are not members of the cabinet may only be appointed to a joint committee where the relevant functions do not extend to more than two-fifths of the county by area or population. In such cases, the cabinet may appoint a councillor who represents a ward wholly or partly in the area covered by the joint committee.

2.9.10 Access to information

2.9.11 The rules on access to information and confidentiality as set out in part 4 section 2 will apply to members of joint committees in the same way as they do to members of the council.

2.9.12 Delegation to and from other local authorities

2.9.13 Full Council or the cabinet may delegate their respective powers and functions to another local authority or the executive of another local authority.

2.9.14 The decision whether or not to accept such delegation from another local authority will be taken by full Council or the cabinet as appropriate.

2.9.15 The council has made no such delegations to date.

2.9.16 Contracting out

2.9.17 Full Council, for functions it is responsible for, and the leader or cabinet members, for executive functions, may contract out to another body or organisation functions which may be carried out by an officer subject to the relevant legislative requirements.

2.9.18 Consultative committees**2.9.19 Standing advisory council on religious education (SACRE)**

2.9.20 In accordance with the Education Act 1996 (as amended) the council has established a Herefordshire SACRE to provide advice on matters concerned with the provision of religious education and collective worship.

2.9.21 The council appoints the membership in accordance with the legislation, in four groups, as follows:

- Group (A) One Roman Catholic representative (nominated by the Roman Catholic hierarchy);
One Free Church representative (nominated by Churches together in Herefordshire);
One representative of other faiths as a whole;
One representative of the Bahá'í faith;
One representative of the Muslim faith;
One representative of the Sikh faith;
One representative of the Jewish faith;
One representative of the Buddhist religion;
One representative of the Hindu faith;
One representative of the Quaker faith.

Other than for the Roman Catholic and Free Church representatives the representatives should, as far as possible, be nominated by the appropriate local faith group.

- Group (B) Three Church of England representatives (nominated in consultation with the Diocesan Education Authority).

Group (C) Three teachers' representatives, with one drawn from each of the primary, secondary and special education sectors (nominated through recommendation of recognised teacher associations) and one co-opted member.

Group (D) Three Herefordshire Council members as local education authority representatives

2.9.22 Other bodies

2.9.22.1 Agreed Syllabus Conference

2.9.22.2 The Council is required to convene an Agreed Syllabus Conference (ASC) to review the Agreed Syllabus every five years or upon request by SACRE more frequently.

2.9.22.3 This conference will have the same composition as SACRE. There is no provision for co-opted members.

2.9.23 Safeguarding arrangements

2.9.24 In accordance with legislative requirements the council has established an adults safeguarding board. This is chaired by an independent person accountable to the chief executive of the council for the effective operation of the board; and works closely with the director for adults and communities. Herefordshire Safeguarding Adults Board (HSAB) main statutory objective is to assure itself that local safeguarding arrangements and partners act to help and protect those at Risk.

2.9.25 The multi-agency arrangements for protecting and safeguard children is delivered by the Herefordshire Safeguarding Children's Partnership, which brings together the following agencies

- The Local Authority - Herefordshire Council: Represented by Chief Executive and the Director of Children's Services.
- The chief officer of police for a police area– Represented by the Superintendent Policing Commander (Herefordshire) - West Mercia Police.
- The Herefordshire Clinical Commissioning Group: Represented by the Head of Safeguarding & Designated Nurse for Safeguarding Adults and Children.

2.9.26 On the 1 July 2019 Herefordshire Adoption Service joined a regional adoption agency Adoption Central England (ACE) following central government's requirement that all local authority adoption services are redesigned into regional adoption agencies by 2020. Adoption panels are required by law and membership is set out in detailed regulations. Elected members do not sit on this panel.

2.9.27 Herefordshire Fostering Panel has a crucial role in the provision and monitoring of foster care for children and young people. . There is no fixed panel membership or maximum number of members. An Independent Chair is appointed and the membership must be drawn from a Central list of persons with the appropriate qualifications and/or experience, in accordance with the Fostering Services (England) Regulations 2011. Elected members do not sit on this panel.

2.9.28 Corporate Parenting Board The Children and Social Work Act 2017 sets out the corporate parenting principles for the council as a whole to be the best parent it can be for children in its care.

2.9.30 The Corporate Parenting Board is an advisory body. It has two main functions:

To support and make recommendations to the Cabinet Member for Children Young People and Schools on matters related to corporate parenting.

To advise, guide and provide leadership to the county council on issues relating to care experienced children and its corporate parenting responsibility.

Lead responsibility for Corporate Parenting sits with the Cabinet member for Children and Families who chairs the meeting. Membership of the Panel includes the Cabinet Support member for children looked after and elected members nominated by each political group leader.. .

NEW The Council's Improvement Board for children services is chaired by a DFE advisor, membership is agreed by the board itself. Elected members on the board include the Leader of the Council and the Cabinet Member of children's and families. The role of the board is to oversee implementation of the improvement plan and report on progress against the objectives in the plan.

2.9.30 Community safety partnership board

2.9.31 In accordance with legislative requirements the council has established a community safety partnership, chaired by the cabinet member with responsibility for community safety. Their role is to work together in formulating and implementing strategies to tackle local crime and disorder in the area.

2.9.32 Other partnerships

2.9.33 The council may, from time to time, work in partnership with one or more organisations in order to achieve a shared objective or aim, or in accordance with statutory requirement. The council has an agreed framework for partnerships' governance and maintains a register available for public inspection of such partnerships which are considered strategic.

Article 9 - Joint arrangements

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One representative of the Bahá'í faith;
One representative of the Muslim faith;
One representative of the Sikh faith;
One representative of the Jewish faith;
One representative of the Buddhist religion;
One representative of the Hindu faith;
One representative of the Quaker faith.

Other than for the Roman Catholic and Free Church representatives the representatives should, as far as possible, be nominated by the appropriate local faith group.

- Group (B) Three Church of England representatives (nominated in consultation with the Diocesan Education Authority).

Group (C) Three teachers' representatives, with one drawn from each of the primary, secondary and special education sectors (nominated through recommendation of recognised teacher associations) and one co-opted member.

Group (D) Three Herefordshire Council members as local education authority representatives

2.9.22 Other bodies

2.9.22.1 Agreed Syllabus Conference

2.9.22.2 The Council is required to convene an Agreed Syllabus Conference (ASC) to review the Agreed Syllabus every five years or upon request by SACRE more frequently.

2.9.22.3 This conference will have the same composition as SACRE. There is no provision for co-opted members.

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2.9.24 In accordance with legislative requirements the council has established an adults safeguarding board. This is chaired by an independent person accountable to the chief executive of the council for the effective operation of the board; and works closely with the director for adults and communities. Herefordshire Safeguarding Adults Board (HSAB) main statutory objective is to assure itself that local safeguarding arrangements and partners act to help and protect **Adults those at Risk**.

2.9.25 ~~Children and Social Work Act 2017 reformed the framework supporting the delivery of multi-agency services to protect and safeguard children. Regulations for implementing these changes required all local authority areas in England to have adopted new arrangements by no later than September 2019. Responsibility for the new-The multi-agency arrangements for protecting and safeguard children is delivered by the Herefordshire Safeguarding Children's Partnership, which Safer Children and Young People Partnership brings together the following agencies that are required to work together to safeguard children and young people in line with statutory guidance Working Together (WTG) 2018. Act created The three local safeguarding partners in relation to a local authority area in England these partners are jointly leading the partnership are:~~

- ~~The Local Authority~~ - Herefordshire Council: Represented by [Chief Executive and the Director of Children's Services](#).
- ~~The chief officer of police for a police area any part which falls within the local authority areas~~ - Represented by the [Superintendent Policing Commander \(Herefordshire\)](#) - West Mercia Police: ~~Represented by the Superintendent Policing Commander for Herefordshire Local Policing Area~~.
- The Herefordshire Clinical Commissioning Group: Represented by the Head of Safeguarding & Designated Nurse for Safeguarding Adults and Children.

2.9.26 ~~Herefordshire Safeguarding Childrens Board (HSCB) is the key statutory mechanism for agreeing how the relevant agencies in Herefordshire will co-operate~~

to safeguard and promote the welfare of children and young people in the area in accordance with Working Together 2018.

- 2.9.276 [On the 1 July 2019](#) Herefordshire Adoption Service joined ~~on 1 July 2019~~ a regional adoption agency Adoption Central England (ACE) following central government's requirement that all local authority adoption services are redesigned into regional adoption agencies by 2020. Adoption panels are required by law and membership is set out in detailed regulations. ~~The adoption panel contributes to the running and quality assurance of the Local Authority's adoption service and receives annual reports on the service and its performance. In doing so it has overriding responsibility to promote good practice, consistency of approach and fairness in all aspects of the adoption service, in accordance with its procedures and values. The adoption panel carries out the functions and duties as set out in the Adoption Agency Regulations 2005 and will meet the requirements of statutory Adoption Guidance, and the National Minimum Standards for Adoption. There is no fixed membership or maximum number of members or maximum tenure of office. The Agency will retain a Central List of persons considered to be suitable panel members. The List will be maintained by agency advisers. The central list should include (in addition to the independent chair) social workers with at least 3 years relevant post qualifying in child care social work, including direct experience in adoption work. Elected members do not sit on this panel. The Medical Adviser. The purpose of the panel is to ensure that the best interests of the child are safeguarded and that applicants are treated fairly.~~
- 2.9.278 Herefordshire Fostering Panel [has a crucial role in the provision and monitoring of foster care for children and young people.](#) ~~The making decisions about approval, the terms of approval and assessing continuing ability of foster carers to meet the needs of children is a central task focused on ensuring the child's welfare is paramount~~ ~~monitors the range of foster carers available to the local authority in comparison with the needs of children and plays a key role in the improvement of standards within the fostering service.~~ There is no fixed panel membership or maximum number of members. An Independent Chair ~~is~~ **must be** appointed and the membership must be drawn from a Central list of persons with the appropriate qualifications and/or experience, in accordance with the Fostering Services (England) Regulations 2011. ~~Elected members do not sit on this panel.~~
- 2.9.298 [Corporate Parenting Board](#) [The Children and Social Work Act 2017 sets out the corporate parenting principles for the council as a whole to be the best parent it can be for children in its care. These are largely a collation of existing duties local authorities have towards looked after children and children leaving care. Local authorities are required to publish their support offer to care leavers and to promote the educational attainment of children who have been adopted or placed in other long term arrangements.](#) ~~Herefordshire Corporate Parenting Panel ensures that the council and statutory partners undertake their duties as Corporate Parents as defined in the Children and Social Work Act 2017. Effective Corporate Parenting requires commitment from all council employees and elected members and must have an authority wide approach. The Children Act 1989 places a responsibility on the NHS, Housing and Education services to fulfil their function to provide help and support to the council and children and young people as part of their corporate parenting~~

responsibility. The Children Act 2004 further emphasised the need for the collaboration of services across the local authority and the agreements required in order to provide the right services to children and young people who are looked after.

2.9.30 The Corporate Parenting Board is an advisory body. It has two main functions:

To support and make recommendations to the Cabinet Member for Children Young People and Schools on matters related to corporate parenting.

To advise, guide and provide leadership to the county council on issues relating to care experienced children and its corporate parenting responsibility.

Lead responsibility for Corporate Parenting sits with the Cabinet member for Children and Families who chairs the ~~meeting~~Corporate Parenting Panel. Membership of the Panel- includes the Cabinet Support member for children looked after and ~~cross party elected members~~ representatives nominated by each political group leader, party lead. Membership should include Cabinet members for Economy and Place (housing), Adults, opposition lead for Children and Families and representative from fostering panel. Key officers should include Director of Children's Services and Senior Nominated Officers, Deputy Chief Executive for Corporate Services, Health Representatives, Adult Services Representative and Director of Finance. The governance for the Corporate Parenting Panel is provided by Herefordshire Council and Herefordshire's Health and Wellbeing Board. Membership of the Panel will be cabinet member/ Cabinet Support member for Looked after Children (Chair) and an elected member nominated by each political party leader. The Panel reports to the Herefordshire Safeguarding Children Board, Children's Scrutiny panel and the Health and Wellbeing Board.

NEW The Council's Improvement Board for children services is chaired by a DFE advisor, membership is agreed by the board itself. Elected members on the board include the Leader of the Council and the Cabinet Member of children's and families. The role of the board is to oversee implementation of the improvement plan and report on progress against the objectives in the plan.

2.9.30 Community safety partnership board

2.9.31 In accordance with legislative requirements the council has established a community safety partnership, chaired by the cabinet member with responsibility for community safety. Their role is to work together in formulating and implementing strategies to tackle local crime and disorder in the area. **To consider — do we want more detail here?**

2.9.32 Other partnerships

2.9.33 The council may, from time to time, work in partnership with one or more organisations in order to achieve a shared objective or aim, or in accordance with statutory requirement. The council has an agreed framework for partnerships' governance and maintains a register available for public inspection of such

partnerships which are considered strategic. ~~To note – partnership arrangements being considered by A+G~~

Section 4 - Scrutiny Functions

The council is required to appoint one or more scrutiny committee. This section details those arrangements.

3.4.1 Scrutiny functions

3.4.2 The committees have the power:

- (a) to review, influence policy or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area
- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
 - (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness

(iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.

(h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

(i) To track actions and undertake an annual effectiveness review.

3.4.3 Scrutiny rules

3.4.4 When the scrutiny committees are exercising scrutiny functions the scrutiny rules in part 4 section 5 must be followed.

3.4.5 Scrutiny committee remits

NEW The following is not an exhaustive list and if the remit of the committee is unclear the scrutiny management board have the responsibility for deciding which committee should scrutinise a matter.

Additionally forward plan and co ordination meetings will take place informally , with the leader as chairperson to discuss the forward plan with Scrutiny Committee Chairpersons, Vice-Chairpersons.

Committee	Scrutiny of:
Health Care and Wellbeing scrutiny committee	<ul style="list-style-type: none"> • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • • Adults mental and physical health & wellbeing • Safe Herefordshire campaign • Outbreak control plan • New models of care accommodation • Talk Communities • Homelessness

	<ul style="list-style-type: none"> • All ages whole system commissioning strategy • Independent living services and Assistive technology plan • Adults and Communities budget and policy framework • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters
Children and young people scrutiny committee	<ul style="list-style-type: none"> • Children's social care including safeguarding • • Online teaching & home learning • Signs of Safety • Children and families policy framework items • Statutory education scrutiny powers • Childrens mental and physical health & wellbeing • Schools investment programme • Childrens Improvement Board and the oversight of the required improvement journey. •
Connected Communities scrutiny committee	<ul style="list-style-type: none"> • Talk Business programme, advice and support • Development Investment plans – town, market town, rural, Hereford City • Hereford Enterprise Zone • Higher education development • Adult and community learning programme • Apprenticeships • Fastershire programme • Digital connectivity • Heritage, culture & tourism • Social Value procurement policy • Planning

	<ul style="list-style-type: none"> • Licensing • Regulatory • Capital highway maintenance, Asset management & infrastructure repair • Council housing • • • Statutory community safety and policing scrutiny powers
Environment and Sustainability scrutiny committee	<ul style="list-style-type: none"> • Core strategy • Waste & recycling • Transport incl. active travel <ul style="list-style-type: none"> • Climate & ecological emergency • Climate and nature impact assessment on infrastructure proposals • Environmental and energy efficiency standards • Nature strategy - Stewardship of natural resources & green spaces • Integrated wetlands & water quality • Statutory flood risk management scrutiny powers •
Scrutiny Management Board	<ul style="list-style-type: none"> • To undertake the scrutiny role in relation to areas which are cross cutting nature eg. Corporate Strategy and Finance (Budget), People and Performance and Corporate Support. • Where a matter falls within the remit of one or more Scrutiny Committees, decide which Committee will consider it and whether a spotlight, task and finish or standing panel

	<p>review is appropriate</p> <ul style="list-style-type: none">• Budget• Approve an annual work programme for itself and the other scrutiny committees• Oversee communications to members and public in relation to scrutiny matters• The co ordination of an annual effectiveness review• Oversight of performance of Council's companies, e.g Hoople
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Section 4 - Scrutiny Functions

The council is required to appoint one or more scrutiny committee. This section details those arrangements.

3.4.1 Scrutiny functions

3.4.2 The committees have the power:

- (a) to review, [influence policy](#) or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area
- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
 - (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness

- (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.

(h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

(h)(i) To track actions and undertake an annual effectiveness review.

3.4.3 Scrutiny rules

3.4.4 When the scrutiny committees are exercising scrutiny functions the scrutiny rules in part 4 section 5 must be followed.

3.4.5 Scrutiny committee remits

NEW The following is not an exhaustive list and if the remit of the committee is unclear the scrutiny management board have the responsibility for deciding which committee should scrutinise a matter.

Additionally forward plan and co ordination meetings will take place informally , with the leader as chairperson to discuss the forward plan with Scrutiny Committee Chairpersons, Vice-Chairpersons and Group Leaders.

Committee	Scrutiny of:
<u>Health Care and Wellbeing</u> Adults and wellbeing scrutiny committee	<ul style="list-style-type: none"> • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • <u>Public health</u> • <u>Adults mental and physical health & wellbeing</u> • <u>Safe Herefordshire campaign</u> • <u>Outbreak control plan</u> • <u>New models of care accommodation</u> • <u>Talk Communities</u> • <u>Homelessness</u>

	<ul style="list-style-type: none"> • All ages whole system commissioning strategy • Independent living services and Assistive technology plan • Adults and Communities budget and policy framework • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services (not reserved to the children and young people scrutiny committee) affecting the area and to make reports and recommendations on these matters
Children and young people scrutiny committee	<ul style="list-style-type: none"> • Children’s social care including safeguarding • Transitional arrangements between children and adult services • Online teaching & home learning • Signs of Safety • Children and families budget and policy framework items • Statutory education scrutiny powers • Childrens mental and physical health & wellbeing • Schools investment programme • Childrens Improvement Board and the oversight of the required improvement journey. • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services for children and young people, including transitional health care services, affecting the area and to make reports and recommendations on these matters
General Connected Communities scrutiny committee	<ul style="list-style-type: none"> • Talk Business programme, advice and support • Development Investment plans

	<p><u>town, market town, rural, Hereford City</u></p> <ul style="list-style-type: none"> • <u>Hereford Enterprise Zone</u> • <u>Higher education development</u> • <u>Adult and community learning programme</u> • <u>Apprenticeships</u> • <u>Fastershire programme</u> • <u>Digital connectivity</u> • <u>Heritage, culture & tourism</u> • <u>Social Value procurement policy</u> • <u>Planning</u> • <u>Licensing</u> • <u>Regulatory</u> <ul style="list-style-type: none"> • <u>Capital highway maintenance, Asset management & infrastructure repair</u> • <u>Council housing</u> • Services within the economy and place directorate • Services within the corporate support centre • Corporate performance • Budget • Budget and policy framework matters • Statutory flood risk management scrutiny powers • Statutory community safety and policing scrutiny powers
<p><u>Environment and Sustainability scrutiny committee</u></p>	<ul style="list-style-type: none"> • <u>Core strategy</u> • <u>Waste & recycling</u> • <u>Transport incl. active travel</u> <ul style="list-style-type: none"> • <u>Climate & ecological emergency</u> • <u>Climate and nature impact assessment on infrastructure proposals</u> • <u>Environmental and energy efficiency standards</u> • <u>Nature strategy - Stewardship of natural</u>

	<p><u>resources & green spaces</u></p> <ul style="list-style-type: none"> • <u>Integrated wetlands & water quality</u> • <u>Statutory flood risk management scrutiny powers</u> • <u>_____</u>
<p><u>Scrutiny Management Board</u></p>	<ul style="list-style-type: none"> • <u>To undertake the scrutiny role in relation to areas which are cross cutting nature eg. Corporate Strategy and Finance (Budget), People and Performance and Corporate Support.</u> • <u>Where a matter falls within the remit of one or more Scrutiny Committees, decide which Committee will consider it and whether a spotlight, task and finish or standing panel review is appropriate</u> — <u>eg. Corporate Support services and where a matter falls within the remit of one or more Scrutiny Committees eg domestic abuse, school transport or transitions between children and adult care and decide which Committee will consider it and whether a spotlight, task and finish or standing panel review is appropriate</u> • <u>Budget</u> • <u>Approve an annual work programme for itself and the other scrutiny committees</u> • <u>Oversee communications to members and public in relation to scrutiny matters</u> • <u>The co ordination of an annual effectiveness review</u> • <u>Oversight of performance of Council's companies, e.g Hoople</u>

Section 6 - Additional arrangements

3.6.1 Establishment of working groups

3.6.2 Council, the cabinet and any committee may from time to time establish working groups. The working group terms of reference and membership must be agreed by the parent body before the working group commences its work.

3.6.3 Working groups have no formal decision making responsibilities but may provide advice or recommendations

3.6.4 Independent remuneration panel

3.6.5 Before the council makes or amends a scheme for member's allowances, it shall have regard to the recommendations made in relation to it by an independent remuneration panel. This panel comprises of at least three members none of whom–

(a) is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or

(b) is disqualified from being or becoming a member of an authority

3.6.6 The independent remuneration panel shall produce a report;
(a) as to the responsibilities or duties in respect of which the following should be available–

(i) special responsibility allowance;

(ii) travelling and subsistence allowance; and

(iii) co-optees' allowance;

(b) as to the amount of such allowances and as to the amount of basic allowance;

(c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;

(d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated;

(e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

(f) as to which members of an authority are to be entitled to pensions in accordance with a scheme; and

(g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

3.6.7 The report will be published and considered at a council meeting when deciding the scheme of allowances.

3.6.8 Political management

3.6.9 The council comprises councillors who may choose to be members of political or other groups, as referred to in article 2 (2.2.22). Those groups are an important part of the way the council operates.

The leader of the council, who is elected by Council, is usually from the political group comprising the majority of councillors and the leader usually appoints members from their political group to be cabinet members.

3.6.10 Each political group appoints a group leader. The political group leaders have no authority to take decisions on behalf of the council but do fulfil important informal political management functions.

3.6.11 In particular, the political group leaders have the following roles:

- (a) to provide leadership to the respective groups on all matters related to council business
 - (b) to act as a link between the political and other groups and to meet regularly with other group leaders to discuss matters relating to the political management of the council
 - (c) to ensure that the views of his or her group are made known to Council, the cabinet and the chief executive
 - (d) to ensure that members of their group are supported and abide by the council's codes of conduct
- 2 to help identify whether there is any consensus or other ways that the groups can work together on matters related to Council functions. For example attending group leader meetings with the Chief Executive, in order to promote cross-party working, address issues of common concern and to agree appropriate actions.
- (a) To notify the chief executive of appointments to committees and any substitutes
 - (b) to attend Council and other meetings as set out in the constitution as a recognised group leader for the purpose of fulfilling these functions. For example presenting views of the group at cabinet meetings.

3.6.12 Champions

3.6.13 The leader of the council may from time to time appoint individual councillors or other individuals to champion a particular issue within the council, with its partners, in communities, across the council, regionally or nationally.

3.6.14 Such appointments will be made following consultation with political group leaders and the chief executive.

- 3.6.15 Such champions shall have no formal decision making power and shall not take or purport to take any decisions on behalf of the council.

Section 6 - Additional arrangements

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3.6.2 Council, the cabinet and any committee may from time to time establish working groups. The working group terms of reference and membership must be agreed by the parent body before the working group commences its work, which include in their membership councillors and/or officers.

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- (a) is also a member of an authority in respect of which it makes recommendations or is a member of a committee or sub-committee of such an authority; or
- (b) is disqualified from being or becoming a member of an authority

3.6.6 The independent remuneration panel shall produce a report;
(a) as to the responsibilities or duties in respect of which the following should be available–

- (i) special responsibility allowance;
- (ii) travelling and subsistence allowance; and
- (iii) co-optees' allowance;

(b) as to the amount of such allowances and as to the amount of basic allowance;

(c) as to whether dependants' carers' allowance should be payable to members of an authority, and as to the amount of such an allowance;

(d) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated;

(e) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed;

(f) as to which members of an authority are to be entitled to pensions in accordance with a scheme; and

(g) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

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3.6.9 The council comprises councillors who may choose to be members of political or other groups, as referred to in article 2 (2.2.22). Those groups are an important part of the way the council operates ~~and are formally recognised in the appointment of committees.~~

The leader of the council, who is elected by Council, is usually from the political group comprising the majority of councillors and the leader usually appoints members from their political group to be cabinet members.

3.6.10 Each political group appoints a group leader. ~~The group leaders have an important informal role to play in relation to the functions scheme. This role is separate and distinct from any role or function that any councillor who is a leader of a political group has under the functions scheme. Other than those functions allocated to any political group leader under the functions scheme, the~~ political group leaders have no authority to take decisions on behalf of the council but do fulfil important informal political management functions.

3.6.11 In particular, the political group leaders have the following roles:

- (a) to provide leadership to the respective groups on all matters related to council business
- (b) to act as a link between the political and other groups and to meet regularly with other group leaders to discuss matters relating to the political management of the council
- (c) to ensure that the views of his or her group are made known to Council, the cabinet and the chief executive
- (d) to ensure that members of their group are supported and abide by the council's codes of conduct

2 to help identify whether there is any consensus or other ways that the groups can work together on matters related to Council functions. For example attending group leader meetings with the Chief Executive, in order to promote cross-party working, address issues of common concern and to agree appropriate actions.

~~(e)(a)~~ To notify the chief executive of appointments to ~~committees~~ committees and any ~~substitutes~~ substitutes

(b) to attend Council and other meetings as set out in the constitution as a recognised group leader for the purpose of fulfilling these functions. For example presenting views of the group at cabinet meetings.

(f)(c) _____

3.6.12 Champions

3.6.13 The leader of the council may from time to time appoint individual councillors or other individuals to champion a particular issue within the council, with its partners, in communities, across the council, regionally or nationally.

3.6.14 Such appointments will be made following consultation with political group leaders and the chief executive.

3.6.15 Such champions shall have no formal decision making power and shall not take or purport to take any decisions on behalf of the council.

Section 1 - Council and committee meeting rules

Underlined paragraph numbers denote rules that apply to committees in accordance with rule 4.1.4.

* denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.2* These rules set out how meetings of full Council, committees and other bodies will be conducted.

4.1.3 Application

4.1.4* All of these rules apply to the meetings of full Council. Only rules 4.1.7-10, 4.1.22 – 37 and 4.1.147 – 176 apply to meetings of committees, sub-committees and other decision making bodies; they do not apply to meetings of cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.5* Where there is any inconsistency between these council and committee rules and the meeting specific rules that follow in the remainder of part 4 of the constitution, the latter shall prevail.

4.1.6* In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the chairperson of the meeting.

4.1.7 Interpretation

4.1.8* The ruling of the chairperson at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.9 Appointment of chairperson

4.1.10* If at any meeting the chairperson and vice-chairperson appointed by Council are absent, or if no chairperson or vice-chairperson has been appointed by Council, the meeting shall appoint a chairperson for that meeting only. The monitoring officer or his/her representative at the meeting shall at the start of the meeting invite nominations for chairperson and will take a vote on a show of hands for those members nominated for chairperson.

4.1.11 Council meetings

4.1.12* There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.13 below sets out when these may take place.

4.1.13*

	Type of meeting	When
1	The annual meeting	<ul style="list-style-type: none"> In a year when there have been ordinary elections, within 21 days of the retirement of outgoing councillors In other years in either March, April or May
2	Ordinary meetings	<ul style="list-style-type: none"> A minimum of five meetings a year as set out in a programme decided by Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table at 4.1.15 below.
3	Extraordinary meetings	<p>The chief executive may be requested to call a meeting by:</p> <ul style="list-style-type: none"> Council, by resolution; the chairperson of the council; the monitoring officer; or any five members of the council if they have <ul style="list-style-type: none"> signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it to the chairperson; and the chairperson has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>The chief executive will determine whether the stated business can wait until the next ordinary meeting of Council and, if it cannot, will call an extraordinary meeting.</p>

4.1.14 Business to be carried out

4.1.15* The business to be carried out at meetings of the council is as set out below; those items marked with * are compulsory items the order of which cannot be altered.

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
1	Elect a person to preside if the chairperson and vice-chairperson of the council are not present	✓ *	✓ *	✓ *
2	Elect the chairperson of the council	✓ *		

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
3	Appoint the vice-chairperson of council	✓ *		
4	Receive any apologies for absence	✓ *	✓ *	✓ *
5	Receive any declarations of interest	✓ *	✓ *	✓ *
6	Approve the minutes of the previous meeting(s)	✓ *	✓ *	
7	Receive any announcements from the chairperson and/or chief executive	✓	✓	
8	Elect the leader of the council	✓ *		
9	Appoint the chairmen and vice-chairmen of committees and other bodies	✓ *		
10	Appoint at least one scrutiny committee and such other committees as Council considers appropriate to deal with matters which are neither reserved to Council nor are cabinet functions	✓ *		
11	Decide the size and terms of reference of those committees	✓ *		
12	Decide the allocation of seats on committees and other bodies to political or other groups in accordance with the political balance rules	✓ *		
13	Make such appointments to committees or outside bodies as are reserved to Council	✓ *		
14	Approve a programme of ordinary meetings of Council for the year	✓	✓	
15	Consider any other business specified in the summons to the meeting	✓	✓	✓
16	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda		✓	✓

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
17	Receive recommendations on statutory plans or other matters that are reserved to Council		✓	
	Review effectiveness of committee during previous year	✓		
18	Consider and debate any petitions which have reached the threshold for Council consideration		✓	
19	<p>Receive the following reports from the leader of the council (on which they may be questioned and if so, answer questions):</p> <ul style="list-style-type: none"> the work of the cabinet since the last meeting including a summary of those matters decided by the cabinet, cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; the first meeting following the annual meeting (except in a year when there are ordinary elections) an annual report on the priorities of the cabinet and progress made in meeting those priorities; and any report to Council required by a scrutiny committee 		✓	
20	Consider motions and debate those motions in the order in which they have been received, at the budget meeting motions must relate to the agenda or be time critical. Report will also include progress of all outstanding resolutions.		✓	
21	Receive any questions from and provide answers to members of the council. At the budget meeting questions must relate to items on the agenda		✓	

4.1.16 Time of meetings

- 4.1.17* Meetings of full Council will usually be at 10.00 am or any other such time as the chairperson agrees, and will continue for a maximum of three hours. Where the chairperson considers that the meeting may exceed 3 hours, then notice will be

given at the time of publication of the agenda that the meeting will become an all day meeting

- 4.1.18* At the expiry of three hours, the chairperson may determine:
- (a) that the meeting continue beyond three hours duration; or
 - (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the chairperson; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
 - (c) The meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

- 4.1.19* The chairperson has discretion to:
- order the adjournment of any meeting;
 - following consultation with the leader of the council, alter the date or time of any meeting;
 - cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval

4.1.20 Notice of meetings

- 4.1.21* The monitoring officer will, through publication on the council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the [access to information rules \(part 4 section 2\)](#)).

4.1.22 Conduct of the meeting

- 4.1.23* The chairperson's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the chairperson on the meaning of the constitution cannot be challenged at a meeting.

4.1.24 Quorum (minimum number of members)

- 4.1.25* Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.

- 4.1.26* If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

- 4.1.27* During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

- 4.1.28* Subject to 4.1.29 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

- 4.1.29* The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.27 that there are sufficient members present to constitute a quorum.

4.1.30 Variations in order of business

- 4.1.31* The chairperson has discretion to vary the order of business in setting the agenda other than where indicated in the table at paragraph 4.1.15 above. The compulsory order of business for ordinary meetings of Council applies to all cabinet and committee meetings of the council.

4.1.32* A proposed variation at the meeting may be moved by the chairperson or any other member. Where moved by the chairperson there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.33 Petitions

4.1.34 The chairperson will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of chairperson's announcements, any petitions received will be formally passed to the relevant cabinet member or committee chairperson who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the council's website.

4.1.35 If a petition has been signed by more than 5% of those registered to vote in Herefordshire, and has not been rejected by the monitoring officer it may be debated at a meeting of Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of Council, other than the meeting which is reserved for the budget. Guidance on how to submit a petition and reasons why a petition might be rejected are set out in the [Public Participation Guide \(Part 5 Section 8\)](#).

4.1.36 Where a petition is to be debated at full Council, the petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors. A maximum of 30 minutes will be allowed at any meeting to consider up to two petitions. This may be extended at the discretion of the chairperson.

4.1.37 Council will decide how to respond to the petition at this meeting. They may decide to:

- (a) take the action the petition requests (if it relates to a matter reserved to Council);
- (b) not to take the action requested for reasons put forward in the debate;
- (c) refer the matter to the relevant scrutiny committee to investigate further and report back (if it relates to a matter reserved to Council); or
- (d) refer the matter to cabinet or a committee to respond (and in doing so may make recommendations they would wish that body to consider).

4.1.38 Questions on notice

4.1.39 Appropriate questions may be asked by members of the public who live or work in Herefordshire and by elected members at the following public meetings of the council:

- Full Council
- Cabinet
- Audit and governance committee
- Health and wellbeing board
- Employment panel

- Scrutiny committees

4.1.40 A 'question on notice' means that the question must be in writing (including email) and submitted to the council at least 3 working days before the day of the meeting (not including the day of the meeting as set out in the table below);

Meeting Day	Question deadline Time: 9.30 am in all cases
Monday	Wednesday
Tuesday	Thursday
Wednesday	Friday
Thursday	Monday
Friday	Tuesday

4.1.41 If you have asked a question, you will also be able to ask a supplementary question. All supplementary questions if not asked in attendance at the meeting must be provided in writing 90 minutes before the start of the meeting.

4.1.40 At each public meeting a period of up to 30 minutes will be allocated for questions and supplementary questions. This period may be varied at the discretion of the chairperson.

Urgent questions

Elected members are able to ask a question that relates to an urgent matter provided they have the prior written consent of the member to whom the question is to be put, and the question is delivered, along with the members written consent to the monitoring officer by 9.30 am on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.52 Supplementary questions

4.1.53 At the discretion of the chairperson, a questioner may ask one supplementary question. A supplementary question must be a question and not a statement and arise directly out of the original question or the reply and must take no longer than one minute to ask. The chairperson may reject a supplementary question if the chairperson considers that it is inappropriate.

4.1.44 Order of questions

4.1.45 Questions and supplementary questions will be answered in the order in which they are received, unless grouping the questions into themes is appropriate.

4.1.46 Number of questions

4.1.47 One question and one supplementary question per person is allowed at any meeting of the council.

4.1.48 Scope of public questions

4.1.49 Questions must relate to the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to the correct meeting. They should be of a strategic nature, i.e not personal to the questioner or a person employed by the council. Questions can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted, that questioners may highlight their experiences to support their question. Questions may include requests for information.

The Monitoring Officer will reject a question if it is not appropriate to be asked at a public meeting, reasons for rejection may include but are not limited to:

1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or
2. It requires the disclosure of confidential or exempt information; or
3. It relates to an identifiable individual or employee of the council; or
4. it is more than 140 words; or
5. It relates to a planning or licensing application.

4.1.50 If a question is deemed to be inappropriate, the person who submitted it will be notified in writing before the meeting and given the reasons. This is a decision for the Monitoring officer/deputy monitoring officer/legal officer in attendance at the meeting.

4.1.54 Answers to questions

4.1.55 Answers to accepted questions will be published before the start of the meeting normally at 5pm the day before the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten clear working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.56 When questions cannot be asked at a public meeting:

4.1.57 No questions may be asked at the annual meeting of council.

- 4.1.58 No questions may be asked at the budget meeting except in relation to reports published with the agenda.
- 4.1.59 No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.
- 4.1.40 A period of up to 30 minutes at full Council or 15 minutes at other public meetings of the council where written questions are permitted, will be allocated for questions and supplementary questions This period may be varied at the discretion of the chairperson.
- 4.1.41 At meetings of full Council, members of the public may ask questions of members of the cabinet and any chairperson of a committee of the council; at other public meetings of the council where public questions are permitted the question should be addressed to the chairperson of that committee.
- NEW The cabinet may hold question and answer sessions with the public.

4.1.80 Motions

- 4.1.81 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted electronically to the monitoring officer not later than midday on the seventh working day before the date of the meeting (i.e. a Wednesday when the meeting is on a Friday of the following week). A member cannot propose more than one motion on notice per meeting.
- 4.1.82 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.83 Motions set out in the agenda

- 4.1.84 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of 3, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 4.1.85 Up to one and a half hours will be allocated for debate on notices of motion but that time may be varied at the discretion of the chairperson.

4.1.86 Scope

4.1.87 Motions must be about matters for which the council has a responsibility or which affect the county. The chairperson may, on the advice of the monitoring officer, refuse a motion which is illegal, scurrilous, improper, (subject to paragraph [4.1.132](#)) relates to a matter which has been the subject of debate or decision by Council in the previous six months, or is otherwise out of order. The member intending to give notice of the motion should consult the director(s) with responsibility for the matter, or their nominee, and the relevant cabinet member(s) and determine the context and possible consequences for what is proposed prior to submitting the motion.

4.1.88 If the motion requires referral to either cabinet or a committee of the council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.89 Exceptions

4.1.90 Where, following publication of the agenda for a meeting of Council, an urgent matter directly affecting part or all of the county arises and it is not practical to defer consideration of the motion to the next ordinary meeting of Council a motion signed by two members may be accepted by the chairperson following consultation with the monitoring officer.

4.1.91 Motions without notice

4.1.92 The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow
- (d) to refer something to an appropriate body or individual to consider or reconsider
- (e) to withdraw a motion
- (f) to amend a motion (refer to para 4.1.102 below)
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of Council where its consent is required by this constitution

- (o) to suspend a specified council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the leader following a change in political control.

4.1.93 Rules of debate

4.1.94 A debate will commence only when a proposal has been made, explained and seconded.

4.1.95 No member may speak unless called upon by the chairperson.

4.1.96 Speeches must be directed to the matter being debated.

4.1.97 When a member may speak

4.1.98 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader Cabinet member Committee chairperson	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Seconder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/seconder of original motion	3 minutes
Second an amended motion	Any member other than proposer/seconder of original motion	3 minutes
Speak during debate	Any member other than proposer and seconder of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on motion	Proposer of motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader	10 minutes
Second the budget	Deputy leader	5 minutes
Respond to budget proposals	Group leaders	5 minutes

Purpose of speech	Who can make the speech	Length of speech
Right to reply to budget debate	Leader	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes
Member in attendance	Any member who is not a member of the committee that is meeting	Chairpersons discretion

4.1.99 Amendments to motions

4.1.100 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the chairperson may require it to be written down or in its altered form to be written down and handed to them before it is discussed

4.1.101 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.

4.1.102 If an amended motion is not carried, other amendments to the original motion may be moved.

4.1.103 If an amended motion is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

4.1.104 After an amended motion has been carried, the chairperson will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.

4.1.105 Members intending to propose an amended motion should normally submit in written text the proposed amendment to the monitoring officer by 9.30am on the morning of the meeting or half an hour before the start of the meeting whichever is the earlier.

4.1.106 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment, in accordance with the budget and policy framework rules.

4.1.107 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is approved by Council the leader, on behalf of the cabinet, may indicate acceptance of the amendment.

4.1.108 Alteration of motion

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- 4.1.109 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.
- 4.1.110 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 4.1.111 Only alterations which could be made as an amendment may be made.
- 4.1.112 Withdrawal of motion**
- 4.1.113 A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.
- 4.1.114 Right of reply**
- 4.1.115 The proposer of an original motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.
- 4.1.116 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.
- 4.1.117 The proposer of an amended motion shall have no right of reply to the debate on the amendment.
- 4.1.118 Motions which may be moved during debate**
- 4.1.119 When a motion is under debate, no other motion may be moved except the following:
- (a) to withdraw the motion
 - (b) to amend the motion
 - (c) to proceed to the next business;
 - (d) that the question be now put
 - (e) to adjourn a debate
 - (f) to adjourn a meeting
 - (g) that the meeting continue for a further half hour
 - (h) to exclude the press and public in accordance with the access to information rules
 - (i) that a member be not further heard or to exclude the member from the meeting.
- 4.1.120 Closure motions**
-

- 4.1.121 A member may move without comment the following motions at the end of a speech of another member:
- (a) that the question be now put
 - (b) to adjourn a debate
 - (c) to adjourn a meeting.
- 4.1.122 If a motion that the question be now put is seconded and the chairperson thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.
- 4.1.123 Point of order**
- 4.1.124 A member may raise a point of order at any time and the chairperson will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the chairperson on the matter will be final and there will be no debate on the matter.
- 4.1.125 Personal explanation**
- 4.1.126 A member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the member which may appear to have been misunderstood or misquoted in the present debate. The ruling of the chairperson on the admissibility of a personal explanation will be final.
- 4.1.127 Conduct of the debate**
- 4.1.128 A member may indicate their wish to speak and shall wait to be called by the chairperson. If more than one member so indicates the chairperson shall call on them individually and in turn to speak.
- 4.1.129 Motion to rescind a previous decision**
- 4.1.130 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion to the Council is signed by at least eighteen of the members of Council and sets out evidence of a change in circumstances or position or other information that materially affects the decision taken. The chairperson shall, following consultation with the monitoring officer and chief finance officer, make the final determination as to whether the change identified has a material effect.
- 4.1.131 Motion similar to one previously rejected**
- 4.1.132 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of

motion or amendment is given signed by at least eighteen of the members of Council.

4.1.133* Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

4.1.134 Voting majority

4.1.135* Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.136 Chairperson of the council's casting vote

4.1.137* If there are equal numbers of votes for and against, the chairperson will have a second or casting vote. There will be no restriction on how the chairperson chooses to exercise a casting vote.

4.1.138 On the voices and show of hands

4.1.139* Unless a recorded vote is requested the chairperson will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the chairperson will take the vote by a show of hands.

4.1.140 Recorded vote

4.1.141* If at least eight members (or pro-rata for other committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a budget decision meeting and relating to a budget decision are to be recorded votes.

4.1.142* Reference to a "budget decision meeting" for the purposes of 4.1.143 means a meeting of Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.143 Right to require individual vote to be recorded

4.1.144* Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.145 Voting on appointments

4.1.146* Where there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.1.147 Keeping of minutes

4.1.148* Minutes of the proceedings of each meeting of the council will be prepared and will be published on the council's website.

4.1.149 Signing the minutes

4.1.150* The chairperson will sign the minutes at the next available meeting. The chairperson will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.151* In the case of any question of the accuracy of the minutes this can only be raised where notice is given to the monitoring officer by 9.30am on the morning of the meeting at which this is to be raised or half an hour before the start of the meeting whichever is the earlier unless the chairperson determines otherwise at the meeting.

4.1.152 No requirement to sign minutes of previous meeting at an extraordinary meeting

4.1.153* Where in relation to any meeting, the next meeting for the purposes of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of signing of minutes.

4.1.154 Exclusion of the public

4.1.155* The public and press may only be excluded either in accordance with the [access to information rules \(part 4 section 2\)](#) or in the case of disturbance by the public in accordance with these [council rules 4.1.164](#).

4.1.156 Members' conduct

4.1.157* When the chairperson stands during a debate any member(s) then speaking must discontinue and the council must be silent.

4.1.158* If a member is guilty of misconduct by persistently disregarding the ruling of the chairperson of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.

4.1.159* If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.1.160* If there is a general disturbance making orderly business impossible, the chairperson may adjourn the meeting for as long as they think necessary.

4.1.161 * The decision as to whether misconduct is taking place shall rest with the chairperson who will have due regard to the councillor code of conduct.

4.1.162 Disturbance by the public

4.1.163 * If a member of the public interrupts proceedings, the chairperson will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

4.1.164 * If there is a general disturbance in any part of the meeting room open to the public the chairperson shall order that part to be cleared and the chairperson may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.165 Suspension and amendment of council rules

4.1.166 * Any of the council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, [except rules 4.1.1 to 4.1.31, 4.1.135 to 4.1.167, and 4.1.173 to 4.1.176](#). [For ease of reference the rules which cannot be suspended are identified by the symbol *](#)

4.1.167 * Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.168 Substitution

4.1.169 The monitoring officer on behalf of the chief executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 3.00pm on the last working day prior to the date of the meeting is encouraged.

4.1.170 The monitoring officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the monitoring officer in writing that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 3.00pm on the last working day prior to the date of the meeting.

4.1.171 Recording, filming and reporting of meetings

4.1.172 Where meetings of the council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.173 Interests under the councillors' code of conduct

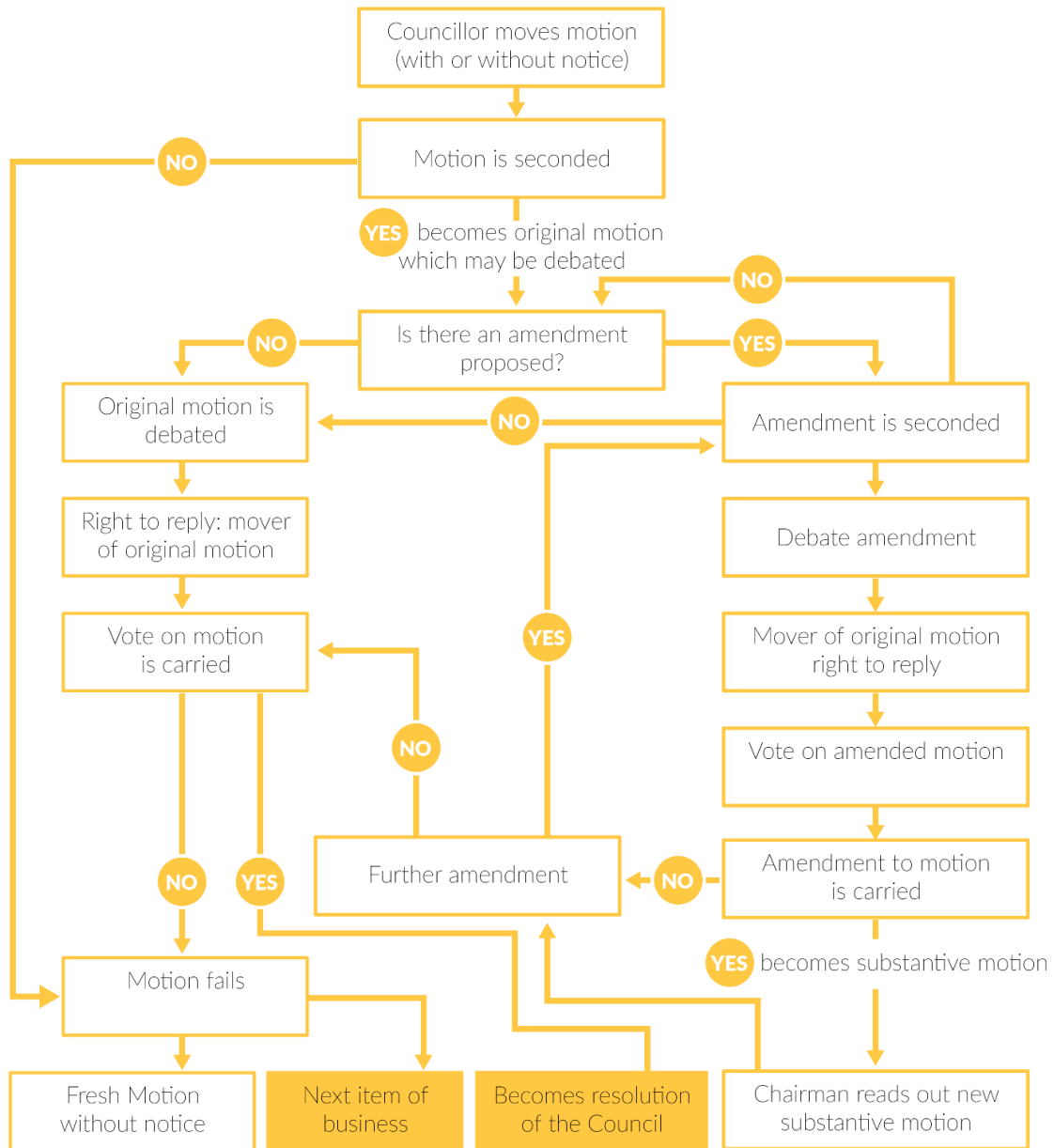
4.1.174* Members must abide by the [councillors' code of conduct \(part 5 section 1\)](#) adopted by the council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.175 **Confidentiality**

4.1.176* All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the council's business. Such determination shall ordinarily be made by the monitoring officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the [councillors' code of conduct \(part 5 section 1\)](#). Any alleged breaches shall be referred by the chairperson of the council to the monitoring officer for consideration and report if not previously referred by some other person. The chairperson may require the surrender of such material at the end of discussion of the relevant item.

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Process for consideration of motions at Council



1. Amendments to motions can be moved at any time during the debate
2. Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution

Section 1 - Council and committee meeting rules

Underlined paragraph numbers denote rules that apply to committees in accordance with rule 4.1.4.

* denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.2* These rules set out how meetings of full Council, committees and other bodies will be conducted.

4.1.3 Application

4.1.4* All of these rules apply to the meetings of full Council. Only rules 4.1.7-10, 4.1.22 – 37 and 4.1.147 – 176 apply to meetings of committees, sub-committees and other decision making bodies; they do not apply to meetings of cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.5* Where there is any inconsistency between these council and committee rules and the meeting specific rules that follow in the remainder of part 4 of the constitution, the latter shall prevail.

4.1.6* In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the chairperson of the meeting.

4.1.7 Interpretation

4.1.8* The ruling of the chairperson at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.9 Appointment of chairperson

4.1.10* If at any meeting the chairperson and vice-chairperson appointed by Council are absent, or if no chairperson or vice-chairperson has been appointed by Council, the meeting shall appoint a chairperson for that meeting only. The monitoring officer or his/her representative at the meeting shall at the start of the meeting invite nominations for chairperson and will take a vote on a show of hands for those members nominated for chairperson.

4.1.11 Council meetings

4.1.12* There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.13 below sets out when these may take place.

4.1.13*

	Type of meeting	When
1	The annual meeting	<ul style="list-style-type: none"> In a year when there have been ordinary elections, within 21 days of the retirement of outgoing councillors In other years in either March, April or May
2	Ordinary meetings	<ul style="list-style-type: none"> A minimum of five meetings a year as set out in a programme decided by Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table at 4.1.15 below.
3	Extraordinary meetings	<p>The chief executive may be requested to call a meeting by:</p> <ul style="list-style-type: none"> Council, by resolution; the chairperson of the council; the monitoring officer; or any five members of the council if they have <ul style="list-style-type: none"> signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it to the chairperson; and the chairperson has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>The chief executive will determine whether the stated business can wait until the next ordinary meeting of Council and, if it cannot, will call an extraordinary meeting.</p>

4.1.14 Business to be carried out

4.1.15* The business to be carried out at meetings of the council is as set out below; those items marked with * are compulsory items the order of which cannot be altered.

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
1	Elect a person to preside if the chairperson and vice-chairperson of the council are not present	✓*	✓*	✓*
2	Elect the chairperson of the council	✓*		

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
3	Appoint the vice-chairperson of council	✓ *		
4	Receive any apologies for absence	✓ *	✓ *	✓ *
5	Receive any declarations of interest	✓ *	✓ *	✓ *
6	Approve the minutes of the previous meeting(s)	✓ *	✓ *	
7	Receive any announcements from the chairperson and/or chief executive	✓	✓	
8	Elect the leader of the council	✓ *		
9	Appoint the chairmen and vice-chairmen of committees and other bodies	✓ *		
10	Appoint at least one scrutiny committee and such other committees as Council considers appropriate to deal with matters which are neither reserved to Council nor are cabinet functions	✓ *		
11	Decide the size and terms of reference of those committees	✓ *		
12	Decide the allocation of seats on committees and other bodies to political or other groups in accordance with the political balance rules	✓ *		
13	Make such appointments to committees or outside bodies as are reserved to Council	✓ *		
14	Approve a programme of ordinary meetings of Council for the year	✓	✓	
15	Consider any other business specified in the summons to the meeting	✓	✓	✓
16	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda		✓	✓

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
17	Receive recommendations on statutory plans or other matters that are reserved to Council		✓	
	<u>Review effectiveness of committee during previous year</u>	<u>✓</u>		
18	Consider and debate any petitions which have reached the threshold for Council consideration		✓	
19	Receive the following reports from the leader of the council (on which they may be questioned and if so, answer questions): <ul style="list-style-type: none"> the work of the cabinet since the last meeting including a summary of those matters decided by the cabinet, cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; the first meeting following the annual meeting (except in a year when there are ordinary elections) an annual report on the priorities of the cabinet and progress made in meeting those priorities; and any report to Council required by a scrutiny committee 		✓	
20	Consider motions and debate those motions in the order in which they have been received, at the budget meeting motions must relate to the agenda or be time critical. Report will also include progress of all outstanding resolutions.		✓	
21	Receive any questions from and provide answers to members of the council. At the budget meeting questions must relate to items on the agenda		✓	

4.1.16 Time of meetings

- 4.1.17* Meetings of full Council will usually be at 10.00 am or any other such time as the chairperson agrees, and will continue for a maximum of three hours. Where the chairperson considers that the meeting may exceed 3 hours, then notice will be

given at the time of publication of the agenda that the meeting will become an all day meeting

- 4.1.18* At the expiry of three hours, the chairperson may determine:
- (a) that the meeting continue beyond three hours duration; or
 - (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the chairperson; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
 - (c) The meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

-
- 4.1.19* The chairperson has discretion to:
- order the adjournment of any meeting;
 - following consultation with the leader of the council, alter the date or time of any meeting;
 - cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval

4.1.20 Notice of meetings

- 4.1.21* The monitoring officer will, through publication on the council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the [access to information rules \(part 4 section 2\)](#)).

4.1.22 Conduct of the meeting

- 4.1.23* The chairperson's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the chairperson on the meaning of the constitution cannot be challenged at a meeting.

4.1.24 Quorum (minimum number of members)

- 4.1.25* Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.
- 4.1.26* If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.
- 4.1.27* During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.
- 4.1.28* Subject to 4.1.29 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.
- 4.1.29* The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.27 that there are sufficient members present to constitute a quorum.

4.1.30 Variations in order of business

- 4.1.31* The chairperson has discretion to vary the order of business in setting the agenda other than where indicated in the table at paragraph 4.1.15 above. The compulsory order of business for ordinary meetings of Council applies to all cabinet and committee meetings of the council.

4.1.32* A proposed variation at the meeting may be moved by the chairperson or any other member. Where moved by the chairperson there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.33 Petitions

4.1.34 The chairperson will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of chairperson's announcements, any petitions received will be formally passed to the relevant cabinet member or committee chairperson who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the council's website.

4.1.35 If a petition has been signed by more than 5% of those registered to vote in Herefordshire, and has not been rejected by the monitoring officer it may be debated at a meeting of Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of Council, other than the meeting which is reserved for the budget. Guidance on how to submit a petition and reasons why a petition might be rejected are set out in the [Public Participation Guide \(Part 5 Section 8\)](#).

4.1.36 Where a petition is to be debated at full Council, the petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors. A maximum of 30 minutes will be allowed at any meeting to consider up to two petitions. This may be extended at the discretion of the chairperson.

4.1.37 Council will decide how to respond to the petition at this meeting. They may decide to:

- (a) take the action the petition requests (if it relates to a matter reserved to Council);
- (b) not to take the action requested for reasons put forward in the debate;
- (c) refer the matter to the relevant scrutiny committee to investigate further and report back (if it relates to a matter reserved to Council); or
- (d) refer the matter to cabinet or a committee to respond (and in doing so may make recommendations they would wish that body to consider).

4.1.38 Questions by the public

4.1.38 Questions on notice

4.1.39 Appropriate questions may be asked by members of the public who live or work in Herefordshire and by elected members at the following public meetings of the council:

- [Full Council](#)
- [Cabinet](#)
- [Audit and governance committee](#)
- [Health and wellbeing board](#)
- [Employment panel](#)

- Scrutiny committees

4.1.40 A 'question on notice' means that the question must be in writing (including email) and submitted to the council at least 3 working days before the day of the meeting (not including the day of the meeting as set out in the table below;

<u>Meeting Day</u>	<u>Question deadline</u>
	<u>Time: 9.30 am in all cases</u>
<u>Monday</u>	<u>Wednesday</u>
<u>Tuesday</u>	<u>Thursday</u>
<u>Wednesday</u>	<u>Friday</u>
<u>Thursday</u>	<u>Monday</u>
<u>Friday</u>	<u>Tuesday</u>

4.1.41 If you have asked a question, you will also be able to ask a supplementary question. All supplementary questions if not asked in attendance at the meeting must be provided in writing 90 minutes before the start of the meeting.

4.1.40 At each public meeting a period of up to 30 minutes will be allocated for questions and supplementary questions. This period may be varied at the discretion of the chairperson.

Urgent questions

Elected members are able to ask a question that relates to an urgent matter provided they have the prior written consent of the member to whom the question is to be put, and the question is delivered, along with the members written consent to the monitoring officer by 9.30 am on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.52 Supplementary questions

4.1.53 At the discretion of the chairperson, a questioner may ask one supplementary question. A supplementary question must be a question and not a statement and arise directly out of the original question or the reply and must take no longer than one minute to ask. The chairperson may reject a supplementary question if the chairperson considers that it is inappropriate.

4.1.44 Order of questions

4.1.45 Questions and supplementary questions will be answered in the order in which they are received, unless grouping the questions into themes is appropriate.

4.1.46 Number of questions

4.1.47 One question and one supplementary question per person is allowed at any meeting of the council.

4.1.48 Scope of public questions

4.1.49 Questions must relate to the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to the correct meeting. They should be of a strategic nature, i.e not personal to the questioner or a person employed by the council. Questions can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted, that questioners may highlight their experiences to support their question. Questions may include requests for information.

The Monitoring Officer will reject a question if it is not appropriate to be asked at a public meeting, reasons for rejection may include but are not limited to:

1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or
2. It requires the disclosure of confidential or exempt information; or
3. It relates to an identifiable individual or employee of the council; or
4. it is more than 140 words; or
5. It relates to a planning or licensing application.

4.1.50 If a question is deemed to be inappropriate, the person who submitted it will be notified in writing before the meeting and given the reasons. This is a decision for the Monitoring officer/deputy monitoring officer/legal officer in attendance at the meeting.

4.1.54 Answers to questions

4.1.55 Answers to accepted questions will be published before the start of the meeting normally at 5pm the day before the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten clear working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.56 When questions cannot be asked at a public meeting:

4.1.57 No questions may be asked at the annual meeting of council.

~~4.1.58~~ ~~No questions may be asked at the budget meeting except in relation to reports published with the agenda.~~

~~4.1.59~~ ~~No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.~~

~~4.1.39~~ ~~Questions may be asked by members of the public who live or work in Herefordshire at the following public meetings of the council:~~

- ~~• Full Council~~
- ~~• Cabinet (see cabinet rules)~~
- ~~• Audit and governance committee~~
- ~~• Health and wellbeing board~~
- ~~• Employment panel~~
- ~~• Scrutiny committees (see scrutiny rules)~~

4.1.40 A period of up to 30 minutes at full Council or 15 minutes at other public meetings of the council where **written** questions are permitted, will be allocated for questions and supplementary questions This period may be varied at the discretion of the chairperson.

4.1.41 At meetings of full Council, members of the public may ask questions of members of the cabinet and any chairperson of a committee of the council; at other public meetings of the council where public questions are permitted the question should be addressed to the chairperson of that committee.

NEW **The cabinet may hold question and answer sessions with the public.**

4.1.42 **Notice of public questions**

~~4.1.43~~ ~~A question may only be asked if notice has been given by delivering it in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm three clear working days before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Friday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.~~

~~4.1.44~~ ~~Order of public questions~~

~~4.1.45~~ ~~Questions will be answered in the order in which they are received.~~

~~4.1.46~~ ~~Number of public questions~~

~~4.1.47 — A member of the public may submit only one question at any meeting of the council.~~

~~4.1.48 — Scope of public questions~~

~~4.1.49 — The monitoring officer is authorised to reject a question in accordance with the following criteria:~~

~~it is longer than 140 words;~~

~~it is in multiple parts;~~

~~it is not about a matter for which the council has a responsibility or which affects Herefordshire~~

~~where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;~~

~~it is defamatory, frivolous or offensive;~~

~~it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;~~

~~it requires the disclosure of confidential or exempt information or relates to an identifiable individual;~~

~~it is from a council employee and the question is connected to their employment; or~~

~~it relates to a planning application or licensing application.~~

~~4.1.50 — If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.~~

~~4.1.51. — Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.~~

~~4.1.52 — Supplementary questions~~

~~4.1.53 — A questioner who is present at the meeting may, or who has provided a question in writing to be read aloud at the meeting, at the discretion of the chairperson, ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in 4.1.49 above, or if the question takes the form of a statement or more than a minute to ask.~~

~~4.1.54 — Answers to public questions~~

~~4.1.55 — Answers to accepted questions will be published before the start of the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.~~

4.1.56 — Restrictions on asking public questions

~~4.1.57 — No questions may be asked at the annual meeting of council.~~

~~4.1.58 — No questions may be asked at the budget meeting except in relation to reports published with the agenda.~~

~~4.1.59 — No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.~~

4.1.60 — Questions from councillors

~~4.1.61 — Questions may be asked by members of the council at the following public meetings of the council:~~

~~Full Council~~

~~Cabinet (see cabinet rules)~~

~~Audit and governance committee~~

~~Health and wellbeing board~~

~~Employment panel~~

~~Scrutiny committees (see scrutiny rules)~~

~~A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the chairperson.~~

~~4.1.62 — A member may ask the chairperson of the council, the leader, any member of the cabinet or the chairperson of a committee a question about any matter in relation to which the council has powers or duties or which affects the county, in accordance with these council rules.~~

4.1.63 — Notice of questions

~~4.1.64 — A member may ask a question only if either:~~

~~(a) — notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm three clear working days before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Friday); or~~

~~(b) — if the question relates to urgent matters, they have the consent of the member to whom the question is to be put, and the question is delivered to the monitoring officer (as above) by 9.30 am on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.~~

4.1.65 — Scope of questions

~~4.1.66 — The monitoring officer is authorised to reject a question in accordance with the following criteria:~~

~~it is longer than 140 words;
it is in multiple parts;
it is not about a matter for which the council has a responsibility or which affects Herefordshire where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;
it is defamatory, frivolous or offensive;
it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
it is from a council employee and the question is connected to their employment; or
it relates to a planning application or licensing application.~~

~~4.1.67 — If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.~~

~~4.1.68 — Where a question is accepted but it is directed at the incorrect meeting because the meeting does not exercise the function being questioned. The Monitoring Officer is authorised to direct the question to the correct meeting.~~

~~4.1.69 — Asking the supplementary question at the meeting~~

~~4.1.70 — The chairperson will invite the questioner to put the question to the member named in the notice.~~

~~4.1.71 — Supplementary question~~

~~4.1.72 — A member who has put a question in person may, or who has provided a question in writing to be read aloud at the meeting, at the discretion of the chairperson, ask one supplementary question., at the discretion of the chairperson, also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in 4.1.69 above, or if the question takes the form of a statement or more than a minute to ask.~~

~~4.1.73 — Answers to councillors' questions~~

~~4.1.74 — An answer to an accepted question will be published prior to the meeting. The answer to a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for councillors' questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.~~

~~4.1.75 — Restrictions on asking questions~~

~~4.1.76 — No questions may be asked at the annual meeting of Council.~~

~~4.1.77 — No questions may be asked at the budget meeting except in relation to those items listed on the agenda.~~

~~4.1.78 — No questions may be asked at an extraordinary meeting of Council except in relation to those items listed on the agenda.~~

~~4.1.79 — Members may submit no more than one question at any one meeting.~~

4.1.80 Motions

4.1.81 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted electronically to the monitoring officer not later than midday on the seventh working day before the date of the meeting (i.e. a Wednesday when the meeting is on a Friday of the following week). A member cannot propose more than one motion on notice per meeting.

4.1.82 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.83 Motions set out in the agenda

4.1.84 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of 3, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.85 Up to one and a half hours will be allocated for debate on notices of motion but that time may be varied at the discretion of the chairperson.

4.1.86 Scope

4.1.87 Motions must be about matters for which the council has a responsibility or which affect the county. The chairperson may, on the advice of the monitoring officer, refuse a motion which is illegal, scurrilous, improper, (subject to paragraph [4.1.132](#)) relates to a matter which has been the subject of debate or decision by Council in the previous six months, or is otherwise out of order. The member intending to give notice of the motion should consult the director(s) with responsibility for the matter, or their nominee, and the relevant cabinet member(s) and determine the context and possible consequences for what is proposed prior to submitting the motion.

4.1.88 If the motion requires referral to either cabinet or a committee of the council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.89 Exceptions

4.1.90 Where, following publication of the agenda for a meeting of Council, an urgent matter directly affecting part or all of the county arises and it is not practical to defer consideration of the motion to the next ordinary meeting of Council a motion signed by two members may be accepted by the chairperson following consultation with the monitoring officer.

4.1.91 Motions without notice

4.1.92 The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow
- (d) to refer something to an appropriate body or individual to consider or reconsider
- (e) to withdraw a motion
- (f) to amend a motion (refer to para 4.1.102 below)
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of Council where its consent is required by this constitution
- (o) to suspend a specified council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the leader following a change in political control.

4.1.93 Rules of debate

4.1.94 A debate will commence only when a proposal has been made, explained and seconded.

4.1.95 No member may speak unless called upon by the chairperson.

4.1.96 Speeches must be directed to the matter being debated.

4.1.97 When a member may speak

4.1.98 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader Cabinet member Committee chairperson	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Secunder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Second an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Speak during debate	Any member other than proposer and secunder of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on motion	Proposer of motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader	10 minutes
Second the budget	Deputy leader	5 minutes
Respond to budget proposals	Group leaders	5 minutes
Right to reply to budget debate	Leader	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes
<u>Member in attendance</u>	<u>Any member who is not a member of the committee that is meeting</u>	<u>Chairpersons discretion</u>

4.1.99 Amendments to motions

- 4.1.100 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the chairperson may require it to be written down or in its altered form to be written down and handed to them before it is discussed
- 4.1.101 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.
- 4.1.102 If an amended motion is not carried, other amendments to the original motion may be moved.
- 4.1.103 If an amended motion is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 4.1.104 After an amended motion has been carried, the chairperson will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.
- 4.1.105 Members intending to propose an amended motion should normally submit in written text the proposed amendment to the monitoring officer by 9.30am on the morning of the meeting or half an hour before the start of the meeting whichever is the earlier.
- 4.1.106 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment, in accordance with the budget and policy framework rules.
- 4.1.107 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is approved by Council the leader, on behalf of the cabinet, may indicate acceptance of the amendment.
- 4.1.108 Alteration of motion**
- 4.1.109 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.
- 4.1.110 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 4.1.111 Only alterations which could be made as an amendment may be made.
- 4.1.112 Withdrawal of motion**
-

4.1.113 A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.

4.1.114 Right of reply

4.1.115 The proposer of an original motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

4.1.116 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.

4.1.117 The proposer of an amended motion shall have no right of reply to the debate on the amendment.

4.1.118 Motions which may be moved during debate

4.1.119 When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the motion
- (c) to proceed to the next business;
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) that the meeting continue for a further half hour
- (h) to exclude the press and public in accordance with the access to information rules
- (i) that a member be not further heard or to exclude the member from the meeting.

4.1.120 Closure motions

4.1.121 A member may move without comment the following motions at the end of a speech of another member:

- (a) that the question be now put
- (b) to adjourn a debate
- (c) to adjourn a meeting.

4.1.122 If a motion that the question be now put is seconded and the chairperson thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any

member who has reserved their right to speak later in the debate will not be heard.

4.1.123 Point of order

4.1.124 A member may raise a point of order at any time and the chairperson will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the chairperson on the matter will be final and there will be no debate on the matter.

4.1.125 Personal explanation

4.1.126 A member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the member which may appear to have been misunderstood or misquoted in the present debate. The ruling of the chairperson on the admissibility of a personal explanation will be final.

4.1.127 Conduct of the debate

4.1.128 A member may indicate their wish to speak and shall wait to be called by the chairperson. If more than one member so indicates the chairperson shall call on them individually and in turn to speak.

4.1.129 Motion to rescind a previous decision

4.1.130 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion to the Council is signed by at least eighteen of the members of Council and sets out evidence of a change in circumstances or position or other information that materially affects the decision taken. The chairperson shall, following consultation with the monitoring officer and chief finance officer, make the final determination as to whether the change identified has a material effect.

4.1.131 Motion similar to one previously rejected

4.1.132 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least eighteen of the members of Council.

4.1.133* Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

4.1.134 Voting majority

4.1.135* Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.136 Chairperson of the council's casting vote

4.1.137* If there are equal numbers of votes for and against, the chairperson will have a second or casting vote. There will be no restriction on how the chairperson chooses to exercise a casting vote.

4.1.138 On the voices and show of hands

4.1.139* Unless a recorded vote is requested the chairperson will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the chairperson will take the vote by a show of hands.

4.1.140 Recorded vote

4.1.141* If at least eight members (or pro-rata for other committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a budget decision meeting and relating to a budget decision are to be recorded votes.

4.1.142* Reference to a "budget decision meeting" for the purposes of 4.1.143 means a meeting of Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.143 Right to require individual vote to be recorded

4.1.144* Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.145 Voting on appointments

4.1.146* Where there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.1.147 Keeping of minutes

4.1.148* Minutes of the proceedings of each meeting of the council will be prepared and will be published on the council's website.

4.1.149 Signing the minutes

4.1.150* The chairperson will sign the minutes at the next available meeting. The chairperson will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

- 4.1.151*** In the case of any question of the accuracy of the minutes this can only be raised where notice is given to the monitoring officer by 9.30am on the morning of the meeting at which this is to be raised or half an hour before the start of the meeting whichever is the earlier unless the chairperson determines otherwise at the meeting.
- 4.1.152** **No requirement to sign minutes of previous meeting at an extraordinary meeting**
- 4.1.153*** Where in relation to any meeting, the next meeting for the purposes of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of signing of minutes.
- 4.1.154** **Exclusion of the public**
- 4.1.155*** The public and press may only be excluded either in accordance with the [access to information rules \(part 4 section 2\)](#) or in the case of disturbance by the public in accordance with these [council rules 4.1.164](#).
- 4.1.156** **Members' conduct**
- 4.1.157*** When the chairperson stands during a debate any member(s) then speaking must discontinue and the council must be silent.
- 4.1.158*** If a member is guilty of misconduct by persistently disregarding the ruling of the chairperson of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.
- 4.1.159*** If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 4.1.160*** If there is a general disturbance making orderly business impossible, the chairperson may adjourn the meeting for as long as they think necessary.
- 4.1.161*** The decision as to whether misconduct is taking place shall rest with the chairperson who will have due regard to the councillor code of conduct.
- 4.1.162** **Disturbance by the public**
- 4.1.163*** If a member of the public interrupts proceedings, the chairperson will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 4.1.164*** If there is a general disturbance in any part of the meeting room open to the public the chairperson shall order that part to be cleared and the chairperson may for that purpose adjourn the meeting for as long as is needed, and may resume

the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.165 Suspension and amendment of council rules

4.1.166* Any of the council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, [except rules 4.1.1 to 4.1.31, 4.1.135 to 4.1.167, and 4.1.173 to 4.1.176](#). For ease of reference the rules which cannot be suspended are identified by the symbol *

4.1.167* Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.168 Substitution

4.1.169 The monitoring officer on behalf of the chief executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 3.00pm on the last working day prior to the date of the meeting is encouraged.

4.1.170 The monitoring officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the monitoring officer in writing that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 3.00pm on the last working day prior to the date of the meeting.

4.1.171 Recording, filming and reporting of meetings

4.1.172 Where meetings of the council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.173 Interests under the councillors' code of conduct

4.1.174* Members must abide by the [councillors' code of conduct \(part 5 section 1\)](#) adopted by the council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

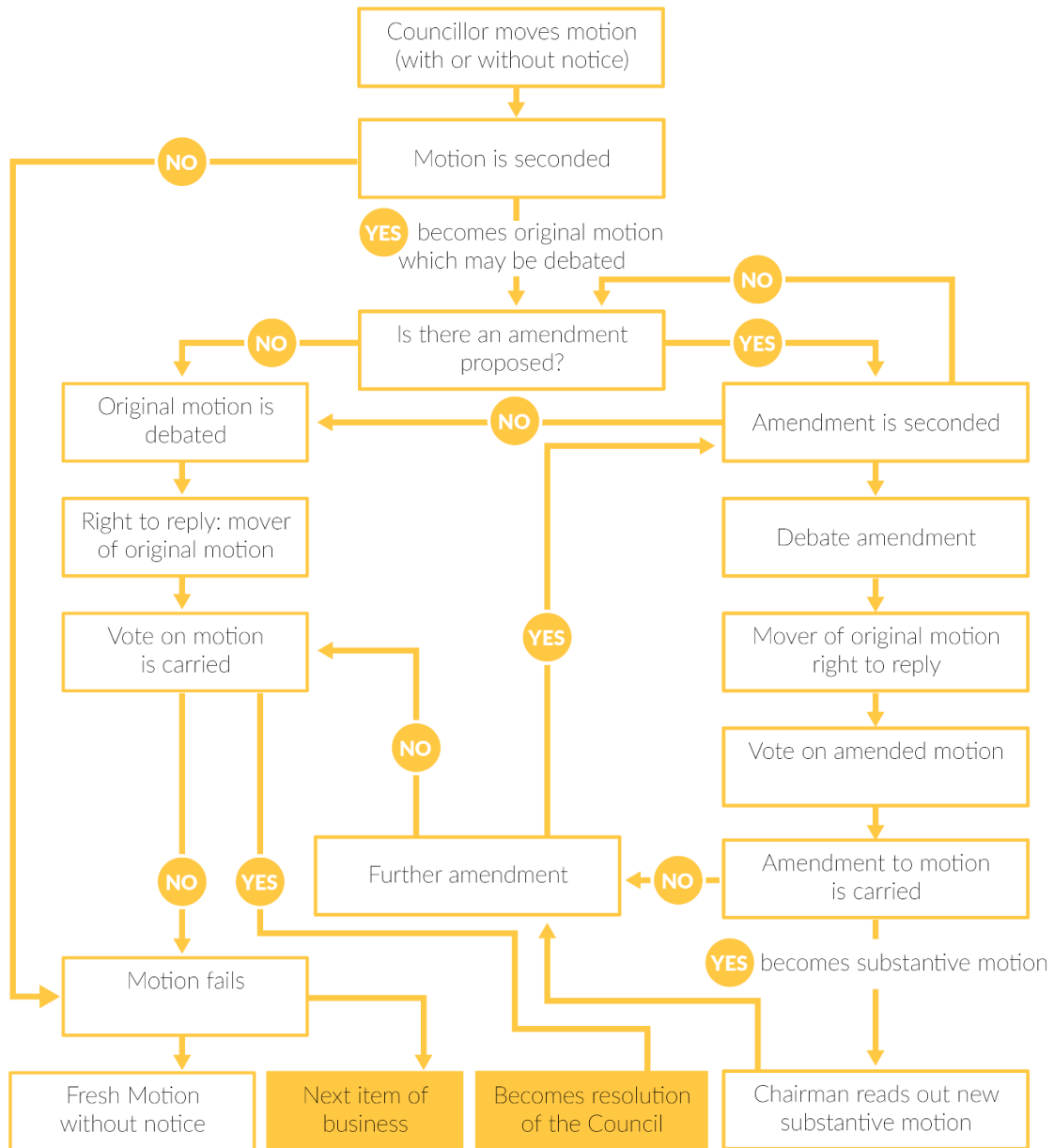
4.1.175 Confidentiality

4.1.176* All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the council's business. Such determination shall ordinarily be made by the

monitoring officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the [councillors' code of conduct \(part 5 section 1\)](#). Any alleged breaches shall be referred by the chairperson of the council to the monitoring officer for consideration and report if not previously referred by some other person. The chairperson may require the surrender of such material at the end of discussion of the relevant item.

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Process for consideration of motions at Council



1. Amendments to motions can be moved at any time during the debate
2. Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution

Section 3 - The budget and policy framework rules

4.3.1 The budget and policy framework

4.3.2 Council is responsible for the adoption of items within the budget and policy framework as set out in the [functions scheme \(part 3 section 1\)](#) and the cabinet is responsible for implementing them.

4.3.3 Process for developing framework items

4.3.4 The cabinet will publicise a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals.

4.3.5 The chairpersons of the a scrutiny committees shall take steps to ensure that the relevant committee work programmes include any such plan, strategy or budget to enable scrutiny members to inform and support the process for making cabinet proposals to Council in terms of the adoption of any item that forms part of the framework, including providing constructive challenge to the responsible cabinet member on policy proposals and exploring options for future policy development.

4.3.6 The cabinet shall have regard to such recommendations and other appropriate comments as are made to it in drawing up or amending draft proposals for submission to Council, and its report to Council shall reflect those recommendations and comments and the cabinet's response to them

4.3.7 The cabinet will determine the methods to be used to publicise the timetable to ensure that the appropriate consultees are informed about the process and the timetable for adoption of any such plan, strategy or budget. The consultation period shall, in each instance, normally be not less than four weeks unless the requirements of any statutory timetable or other council deadline make this impracticable.

4.3.8 Budget consultees should include parish councils, health partners, the schools forum, business ratepayers, council taxpayers, the trade unions, political groups on the council, the scrutiny committees and such other organisations and persons as the leader shall determine.

4.3.9 Following consultation and having had regard to the responses to the consultation, the cabinet will draw up firm proposals for the plan, strategy or budget under consideration for recommendation to Council.

4.3.10 The leader or relevant cabinet member will report the recommendations of cabinet to Council for any such plan, strategy or budget. The report from the cabinet to Council recommending the adoption of any of the strategies and plans that are part of the budget and policy framework will include a summary of the responses to consultation including scrutiny responses.

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- 4.3.11 In reaching a decision, Council may adopt the cabinet's proposals, amend them, refer them back to the cabinet for further consideration, or, in principle, substitute its own proposals in their place. Council should ensure that it takes into account the advice of its officers to ensure that any decision is properly informed by professional advice.
- 4.3.12 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment. ([see council and committee procedure rules 4.1.106 and 4.1.107](#))
- 4.3.13 Where an alternative budget is being proposed, the proposing group or member must have presented their proposals to the scrutiny committees (in accordance with paragraph 4.3.5 above) and secured confirmation from the chief finance officer that the alternative budget meets statutory requirements at least six clear working days before the meeting of Council at which the item is to be considered.
- 4.3.14 If Council accepts the recommendations of cabinet without amendment, Council may make a decision which has immediate effect.
- 4.3.15 If Council rejects or amends the cabinet's recommendation or substitutes alternative or additional proposals in place of the cabinet's recommendations, one of the following procedures will be followed:
Either:
(a) where an amendment to a draft plan or strategy, or to the budget has been submitted, the leader may indicate, on behalf of the cabinet, that they accept the amendment; in these circumstances, the amendment shall be regarded as incorporated in the draft plan or strategy before Council and Council's decision may take immediate effect; or
(b) where a majority vote has not been achieved immediately prior to the close of the meeting the chairperson of the council will adjourn the meeting until a date (not less than ten working days thereafter) to be agreed by the leader. The leader may agree that the matter be deferred to the next meeting of Council. At the reconvened or next meeting Council will consider the matter again.
- 4.3.16 At least five clear working days before the date on which the adjourned or next meeting is to be reconvened, the leader will provide a further report to Council in which he will set out the cabinet's response to the Council's proposals or concerns. That report must address all relevant issues and in particular, must include advice on the financial and legal implications.
- 4.3.17 The leader may:
(a) submit a revision of the draft budget plan or strategy with the cabinet's reasons for any amendments and any advice from officers for Council to consider
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(b) inform Council of any disagreement the cabinet has with Council's amendments or substitute proposals and the cabinet's reasons for such disagreement

(c) agree any in principle decisions of Council in whole or in part.

4.3.18 If the leader of the council fails to agree a date for the reconvened meeting of council or that the matter may be deferred to the next meeting, the chairperson of the council shall set the date of the reconvened meeting or decide that the matter be deferred to the next meeting.

4.3.19 At the reconvened or next meeting, Council may approve the cabinet's recommendation or approve a different decision that does not accord with the recommendation of the cabinet. A majority vote must be obtained and this may involve a vote being called more than once.

4.3.20 The decision shall then be made public and shall be implemented immediately.

4.3.21 Decisions outside the budget or policy framework

4.3.22 Subject to the virement arrangements in the [financial procedure rules](#), the cabinet, a committee of the cabinet, cabinet members, or officers may only take decisions that are in line with the budget and policy framework. If any of these bodies want to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council, unless it is an urgent decision as defined in these budget and policy framework rules.

4.3.23 If the cabinet, a committee of the cabinet, a cabinet member or officer want to make such a decision, they shall take advice from the chief executive, monitoring officer and chief finance officer as to whether the decision they want to take would be contrary to the policy framework or contrary to or not wholly in accordance with the budget. If the advice of any of those officers is that the decision would not be in line with the existing budget and policy framework, then the decision must be referred by that body to Council for decision, unless the decision is a matter of urgency in which case the provisions relating to urgent decisions apply as defined in these budget and policy framework rules.

4.3.24 Urgent decisions outside the budget or policy framework

4.3.25 The cabinet may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget if the decision is a matter of urgency. The decision may only be taken:

(a) if it is not practical to convene a quorate Council meeting; and

(b) if it is taken by cabinet collectively; and

(c) if the chairperson of the relevant a scrutiny committee agrees that the decision is a matter of urgency.

- 4.3.26 The reason why it is not practical to convene a Council meeting must be clear and noted on the record of the decision.
- 4.3.27 The chairperson of the relevant scrutiny committee's agreement must be noted on the record of the decision.
- 4.3.28 In the absence of the chairperson of the relevant scrutiny committee, the consent of the chairperson of the council, and if they are unavailable or unable to act, the vice-chairperson of the council, will suffice.
- 4.3.29 Following the decision, the cabinet will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- 4.3.30 In year changes to the budget and policy framework**
- 4.3.31 Any decisions that involve an in year change to the budget and policy framework must be approved or adopted by Council unless:
- (a) It is an urgent decision as provided for in these budget and policy framework rules
 - (b) It will result in the closure or discontinuance of a service or part of service to meet immediate budgetary constraint
 - (c) It is necessary to ensure compliance with the law, ministerial direction or government guidance
 - (d) It relates to the policy framework and is in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy does not provide for the matter under consideration
 - (e) It is within the scope of a specific delegation Council has previously agreed
 - (f) It is otherwise within the financial procedure rules
- 4.3.32 Call-in of decisions outside the budget and policy framework**
- 4.3.33 Where the relevant scrutiny committee is of the opinion that a decision has been taken or is likely to be taken by the cabinet, a committee of the cabinet or a cabinet member that is contrary to or not wholly in accordance with the budget and policy framework, that committee shall seek advice from the chief executive, the monitoring officer and the chief finance officer.
- 4.3.34 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was contrary to or not wholly in accordance with the budget and policy framework, a report will be prepared and presented to Council.
- 4.3.35 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was not contrary to or was wholly in accordance with the budget and policy framework, a report will be prepared and presented to the relevant scrutiny committee.
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- 4.3.36 If the decision has yet to be made or has been made but not implemented, and a report is presented to council stating that the decision is one that is contrary to or not wholly in accordance with the budget and policy framework, no further action will be taken in respect of that decision or its implementation until Council has met and considered the matter. Council shall meet within ten days of the submission of a request for advice by the relevant scrutiny committee to the chief executive, chief finance officer or monitoring officer.

Section 3 - The budget and policy framework rules

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- 4.3.31 Any decisions that involve an in year change to the budget and policy framework must be approved or adopted by Council unless:
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 - (b) It will result in the closure or discontinuance of a service or part of service to meet immediate budgetary constraint
 - (c) It is necessary to ensure compliance with the law, ministerial direction or government guidance
 - (d) It relates to the policy framework and is in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy does not provide for the matter under consideration
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- 4.3.34 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was contrary to or not wholly in accordance with the budget and policy framework, a report will be prepared and presented to Council.
- 4.3.35 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was not contrary to or was wholly in accordance with the budget and policy framework, a report will be prepared and presented to the relevant scrutiny committee.
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- 4.3.36 If the decision has yet to be made or has been made but not implemented, and a report is presented to council stating that the decision is one that is contrary to or not wholly in accordance with the budget and policy framework, no further action will be taken in respect of that decision or its implementation until Council has met and considered the matter. Council shall meet within ten days of the submission of a request for advice by the relevant scrutiny committee to the chief executive, chief finance officer or monitoring officer.

Section 5 - Scrutiny rules

4.5.1 Arrangements for scrutiny

4.5.2 The scrutiny arrangements for the council are as laid out in [part 2 article 6](#) and [section 4 of the functions scheme](#). The council has decided that it will have five scrutiny committees which will have responsibility for all the scrutiny functions on behalf of the council as set out in [part 3 section 4](#).

4.5.3 Who may sit on a scrutiny committee?

4.5.4 All councillors except cabinet members may be members of a scrutiny committee. Cabinet Support members may sit on a committee but not in relation to the same portfolio that they support the executive. No member may be involved in scrutinising a decision in which they have been directly involved, or for a decision in the cabinet portfolio they provide support to as a cabinet support member. All other members can attend a meeting but can only speak at the discretion of the chairperson.

4.5.5 Co-option

4.5.6 A scrutiny committee may co-opt non-voting people as and when required, for example for a particular meeting or to join a scrutiny group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or scrutiny group membership.

4.5.7 The committee with responsibility for education shall include the following co-opted statutory education representatives, as appointed by Council:

- one representative as nominated by the diocese of Hereford
- one representative as nominated by the archdiocese of Cardiff
- one parent governor as elected from the primary school sector
- one parent governor as elected by the secondary school sector
- one parent governor as elected by the special school sector and

Additionally

- One representative from the teaching sector
- One representative from a family who are or have been supported by social workers

The education co-optees may vote on items relating to education; on other items on the committee agenda they may speak but not vote. The additional representatives currently have no voting rights.

4.5.8 Quorum

4.5.9 The quorum for a scrutiny committee is one quarter of the voting membership of the committee, or three members, whichever is the greater. If the number is a part number it is rounded up.

4.5.10 Ways of working – scrutiny groups

4.5.11 Scrutiny committee's have a number of ways to undertake their work if the topic is not treated as a single on a committee agenda

- a) **A specific committee meeting known as “spotlight” review**
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- b) **task and finish review**—properly focused to ensure members can swiftly reach conclusions and make recommendations back to the scrutiny committee.
- c) **standing panel** when a complex topic requires significant detail, which may take a longer period of time.

- 4.5.12 The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the scrutiny group to determine:
- expert/specialist support required
 - officer input required
 - lines of questioning
 - witnesses (from the council or wider community)
 - evidence requirements
 - which aspects of the task are to be undertaken in private or public
- 4.5.13 The scrutiny groups will be composed of at least one members of the relevant scrutiny committee, other councillors, and may also include, as appropriate, co-opted people with specialist knowledge and or expertise to support the task appointed by the committee in accordance with paragraph 4.5.6 above. It is unlikely that voting will be necessary in scrutiny groups. However, should there be a need to vote, for example on the formation of recommendations within a committee report, for the avoidance of doubt any councillor appointed to a scrutiny group will have the right to vote. No co-opted members of scrutiny group will have voting powers (unless they are the statutory education co optees listed in 4.5.7 above). Matters put to the vote will be determined on a simple majority with the chairperson having a casting vote.
- 4.5.14 To assist in the identification of members for scrutiny groups, the chairperson of the scrutiny committees will ensure that group leaders are provided with the committee work programme, including potential activity. Group leaders will advise scrutiny chairpersons of those members suitable for such activities.
- 4.5.15 These scrutiny groups, as working groups of the committee, are not subject to the requirements of political proportionality or access to information.
- 4.5.16 Officer support will be provided to each scrutiny group, the level of which will be dependent on the matter being considered.
- 4.5.17 As working scrutiny groups of the committee, there is the discretion to meet either in public or in private. Where meeting in private there is no right of attendance by any member who is not a member of the scrutiny group.

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- 4.5.18 If a scrutiny group chooses to meet formally in public it may exclude the press and public including other members in attendance from any such meeting in accordance with the [access to information rules \(Part 4 section 2\)](#).
- 4.5.19 Scrutiny groups will report their findings/outcomes/recommendations to the relevant scrutiny committee who will decide if the findings/outcomes/recommendations should be reported to the cabinet or elsewhere..
- 4.5.21 Any changes proposed by the scrutiny group to the scope, timeframe or outcomes stipulated by the committee must be approved by the statutory scrutiny officer following consultation with the chairperson of the relevant scrutiny committee and will be reported to the relevant a scrutiny committee.
- 4.5.22 In the event of a scrutiny group being unable to agree recommendations or findings on a particular matter, a report will be made to the relevant a scrutiny committee for its consideration.
- 4.5.23 Appointment of chairperson and members of the scrutiny committees**
- 4.5.24 The chairpersons and vice chairpersons of the scrutiny committees are appointed at the annual meeting of Council. Council shall determine the number of members of the scrutiny committees annually or as required from time to time in compliance with the statutory rules on proportionality. The members of the committee shall be appointed by the chief executive on nomination by the group leaders.
- 4.5.25 Meetings of scrutiny committees**
- 4.5.26 The scrutiny committees will meet in accordance with the council's schedule of meetings, subject to the chairperson's power to cancel or postpone meetings in case of emergency or where there is no business. Where a scrutiny committee feels it is appropriate to hold additional meetings it may do so. The chairperson of a scrutiny committee may also call additional meetings if they consider it necessary or appropriate. In so doing, the chairperson shall have regard to the advice of the council's monitoring officer and statutory scrutiny officer.
- 4.5.27 Programme of work of scrutiny committees**
- The scrutiny committees are responsible for setting their own work programmes with input from the regular forward plan and coordination meetings. The scrutiny management board's role will be to coordinate and approve an annual work programme for itself and the other scrutiny committees to help ensure there is an efficient use of committee's time and the potential for duplication of effort is minimised. Where a matter falls within the remit of one or more scrutiny committees, the scrutiny management board will decide which committee will consider it and whether a spotlight, task and finish or standing panel review is appropriate. In setting their work programme a scrutiny committee shall have regard to the resources (including officer time) available.
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4.5.29 Scrutiny committee agendas

- 4.5.30 At each of its ordinary meetings a scrutiny committee shall consider the following business, where appropriate:
- (a) minutes of the last meeting
 - (b) questions from members of the public
 - (c) questions from members of the council
 - (d) any matter called-in in accordance with paragraphs 4.5.61-69 below
 - (e) a review of its work programme, including requests received for inclusion of items from members of the public, ward members, cabinet or Council
 - (f) consideration of any budget and policy framework items
 - (g) any response to reports of the scrutiny committee
 - (h) any item requested to be placed on the agenda by a member of the committee
 - (i) any councillor call for action
 - (j) any report from a task and finish scrutiny group;
 - (k) any business otherwise set out on the agenda for the meeting including items as identified in the work programme.

4.5.31 Any member may give notice to the statutory scrutiny officer that they wish an item relevant to the functions of a committee and not excluded by law to be included in the agenda and discussed at a meeting of that committee. On receipt of such a request the statutory scrutiny officer shall ensure that it is included in the agenda for and discussed at a meeting of the relevant committee.

4.5.32 A scrutiny committee shall also respond, as soon as its work programme permits, to requests from Council and from the cabinet to review particular areas of council performance or policy. On receipt of any such request from cabinet a scrutiny committee shall firstly consider whether it wishes to conduct the review as requested. Where it does so, and in response to any request from Council, a scrutiny committee shall conduct the review as requested and report its findings and any recommendations back to the cabinet and/or Council.

4.5.33 Councillor call for action

4.5.34 Any member of the council shall be entitled to give notice to the statutory scrutiny officer if they wish an item relating to a councillor call for action to be included on the agenda for discussion at the next available meeting of the relevant scrutiny committee.

4.5.35 On receipt of such a request and subject to it falling within the statutory definition of a matter that can be the subject of a councillor call for action and it meeting the procedural and other requirements set out in the [councillor call for action code \(Part 5 section 7\)](#) the statutory scrutiny officer shall ensure that it is included on the next available agenda of the committee.

- 4.5.36 Further guidance in respect of the councillor call for action is contained in [Part 5 section 7](#).
- 4.5.37 Policy review and development**
- 4.5.38 The role of a scrutiny committee in relation to the development of the council's budget and policy framework is found in the rules ([part 4 section 3](#)).
- 4.5.39 In relation to the development of the council's approach to other matters not forming part of its budget and policy framework, a scrutiny committee may make proposals to the cabinet for developments in so far as they relate to matters within its terms of reference.
- 4.5.40 A scrutiny committee may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers to assist it in this process. A committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend in order to address it on any matter under consideration and may pay to advisers, assessors and witnesses a reasonable fee and expenses for doing so, having regard to the resources (including officer time) available. In determining how to conduct such activities the chairperson of a committee should consult with the statutory scrutiny officer.
- 4.5.41 Reports from the scrutiny committees**
- 4.5.42 Following any investigation or review, the committee or scrutiny group shall prepare a report. Any report from a scrutiny group will first be considered by the relevant scrutiny committee and if adopted will be dealt with in accordance with the following rules.
- 4.5.43 If any review is in response to a request from Council, in accordance with paragraph 4.5.32 above, the scrutiny committee shall report its findings to Council.
- 4.5.44 In all other cases the report will be submitted to the chief executive for consideration by the executive or other body as appropriate. If the recommendations are such that a decision can be taken by an individual cabinet member acting within his/her portfolio in accordance with the [functions scheme \(Part 3 Section 3\)](#), the chief executive shall arrange for that cabinet member to consider the report.
- 4.5.45 If the recommendations in a scrutiny committee report are contrary to or not wholly in accordance with the budget and policy framework, the cabinet shall consider the scrutiny recommendations and report the matter with its response to the scrutiny recommendations to Council.
- 4.5.46 If the recommendations in the scrutiny report are in line with the budget and policy framework, the cabinet or the cabinet member shall consider the scrutiny recommendations and report their decision to the relevant scrutiny committee.
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4.5.47 Making sure that scrutiny reports are considered by the executive

4.5.48 On receipt of a report from a scrutiny committee (other than on budget and policy framework items) the chief executive, as the responsible officer, will arrange for the report to be considered either by cabinet or an individual cabinet member as appropriate.

4.5.49 If any individual cabinet member is minded to reject all of the recommendations in a report from a scrutiny committee, then the matter must be referred to the next meeting of the cabinet to decide its response.

4.5.50 The chief executive will notify the relevant scrutiny committee of the response of the executive within two months of receipt of the scrutiny report, with the exception of matters relating to statutory health scrutiny and issues relating to crime and disorder scrutiny which require a response from the relevant body within 28 days. If the cabinet or cabinet member wishes to extend the deadline a report will be made to the relevant scrutiny committee explaining why this is considered necessary. Decisions of the executive or Council on any scrutiny recommendations will be recorded in the usual way.

4.5.51 Recommendations from scrutiny committee in relation to a budget and policy framework item will be reported to the executive who will have regard to that report, and provide a response to any recommendations within it, in making their recommendation to Council.

4.5.52 Rights and powers of scrutiny committee members

4.5.53 Where a scrutiny committee or scrutiny group conducts investigations or reviews and people attend to give evidence or otherwise assist the committee the following principles will apply:

- (a) that the investigation be conducted fairly and all members of the committee or scrutiny group be given the opportunity to ask questions of attendees, and to contribute and speak
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy
- (c) that the investigation be conducted so as to maximise the efficiency and value of the investigation or analysis.

4.5.54 Members and officers giving account

4.5.55 A scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions, or as provided by statute certain other bodies. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the cabinet, the chief executive, committee chairperson, and/or senior officers carrying out functions on the chief executive's behalf to attend before it to explain in relation to matters within its remit regarding:

- (a) any particular decision or series of decisions

- (b) the extent to which the actions taken implement council policy; and/or
- (c) their performance.

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

4.5.57 Where any member or officer is required to attend a scrutiny committee under this provision, the chairperson of the committee will inform the statutory scrutiny officer. The statutory scrutiny officer shall inform the member or officer in writing normally giving at least ten working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

4.5.58 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then a scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance and/or a substitute as appropriate.

4.5.59 Unless in exceptional circumstances, any witnesses required to attend any meetings called under paragraphs 4.5.55 to 4.5.57 and 4.5.61-69 will be restricted to:-

- (a) any cabinet member involved in the decision the subject of the call in
- (b) any officer who in the view of the chairperson of the meeting would be able to supply evidence materially able to assist at the meeting.

4.5.60 The council has designated the democratic services manager as the statutory scrutiny officer who is required to discharge the following functions:

- (a) to promote the role of the council's scrutiny committees
- (b) to provide support to the council's scrutiny committee and the members of the committees
- (c) to provide support and guidance to (i) members of the council, (ii) members of the executive of the council, and (iii) officers of the council – in relation to the functions of the council's scrutiny committees

4.5.61 Call in

4.5.62 "Call in" is a statutory right for members of council to call in a decision of cabinet, an individual cabinet member, an officer with delegated authority or under joint arrangements after it is made by the executive but before it is implemented subject to the following provisions (4.5.59, 4.5.63, 4.5.65 and 4.5.69).

4.5.63 Call in does not apply to cabinet decisions that make recommendations to Council because those decisions are in fact recommendations and will not be

implemented in any event until the matter has been considered and decided by Council.

- 4.5.64 When a call in has been triggered, the call in process will be managed by the monitoring officer in consultation with the chairperson of the relevant scrutiny committee and the members who have triggered the call in. The chairperson of the relevant scrutiny committee will maintain responsibility for the conduct of any meeting at which the decision called in is considered.
- 4.5.65 Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision. It should only be used in exceptional circumstances and where there is evidence to show that one of the following may apply:
- (a) that there has been inadequate consultation with stakeholders prior to the decision being made;
 - (b) that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;
 - (c) that the decision materially departs from the budget and policy framework;
 - (d) that the decision is disproportionate to the desired outcome;
 - (e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;
 - (f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the monitoring officer and the chief finance officer, as appropriate, or has failed to have sufficient regard to that advice;
 - (g) that the decision exceeds the powers or terms of reference of the decision-maker responsible for the decision; or
 - (h) that the access to information rules have not been adhered to.
- 4.5.66 Advice should be sought from the monitoring officer on these matters.
- 4.5.67 When a decision is made by the cabinet or an individual cabinet member that decision will be published widely by electronic means. This includes:
- (a) displaying it on the council website
 - (b) sending a copy of the decision electronically to all members of the council identifying which scrutiny committee's remit the decision falls within
- 4.5.68 The decision will be in the form of a notice and bear the date upon which it is published and will specify that the decision will come into force, and may be subsequently implemented, at the expiry of four working days after the date of publication, unless it is called in under these call in rules.
- 4.5.69 To call the decision in a call in notice must be received by 5.00pm on the working day before the implementation date specified on the notice of decision by the monitoring officer (or their nominated officer) in writing or electronically which:
- (a) clearly states the decision(s) which is/are being called in by reference to the decisions as set out on the decision notice

- (b) clearly states the grounds for the call in as laid out in rule 4.5.65 above as applied to each decision being called-in and the evidence on which the grounds are based
- (c) is signed by seven elected members of the council (not including co-optees) who are not all members of the same political group. If electronic notification is being used an email in accordance with the requirements of this paragraph must be submitted by each member supporting the call in.

4.5.70 Limitations of call in

- 4.5.72 Where a decision has been taken in circumstances where the special urgency provisions apply, as set out in the [access to information rules \(Part 4 section 2\)](#), that decision will not be subject to call in.
- 4.5.73 The call in procedure will also not apply where the decision taken needs to be implemented urgently, where the access to information rules have been complied with but any delay likely to be caused by the call-in process would seriously prejudice the council's or the public interest.
- 4.5.74 In this case the record of the decision, and notice by which is it made public shall state whether in the opinion of the decision making person or body, the decision is one that requires urgent implementation and the reasons why, and the monitoring officer should confirm that as such it is not subject to call in.
- 4.5.75 The chairperson of the relevant scrutiny committee must agree both that the decision taken was reasonable in all the circumstances and to it being treated as a matter of urgency.
- 4.5.76 The consent to the decision being taken as a matter of urgency will be recorded on the published notice of the decision.
- 4.5.77 Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

4.5.78 Post call in

- 4.5.79 The monitoring officer will determine the validity of the call in as soon as possible. The monitoring officer may, if appropriate, reject a request for call in if, in their opinion, it fails to meet any of the grounds listed in 4.5.65 above, or if they consider it is in any way vexatious, frivolous or otherwise inappropriate. Examples include but are not limited to:
 - (a) the cited grounds bear no relevance to the decision that is identified for call-in;
 - (b) the requisition cites grounds for which no relevant evidence is produced in support;
 - (c) those requisitioning the call-in signed the requisition before it was complete (e.g. signed a blank form in advance or emailed consent without detailing the grounds and evidence);
 - (d) the call-in includes material which could be defamatory;
 - (e) the requisition is being used for improper purposes (e.g. to admonish an officer); or
 - (f) the decision is in accordance with the advice or recommendations provided to the decision maker by the scrutiny committee.

- 4.5.80 If the call in is determined not to be valid, the monitoring officer will inform those members submitting the notice of the call in of the reasons for that determination.
- 4.5.81 If accepted as valid, the monitoring officer will then advise the original decision maker of the call in and advise that the decision cannot be implemented
- 4.5.82 The monitoring officer shall then call a meeting of the relevant scrutiny committee on such a day as they shall determine in consultation with the relevant chairperson and in any event within ten working days of the monitoring officer accepting the validity of the call In notice, subject to paragraph 4.5.89.
- 4.5.83 Having considered the decision in light of the grounds and evidence for the call in, if the relevant scrutiny committee is still concerned about it, then it may refer the decision back to the decision-maker for reconsideration, setting out in writing the nature of its concerns.
- 4.5.84 The decision maker shall reconsider any decision referred to them following call-in, take into account any views expressed by the relevant scrutiny committee and may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.
- 4.5.85 If it is alleged that the decision appears to be contrary to or not in accordance with the budget and policy framework, the monitoring officer shall advise the cabinet on that or any other relevant legal issues raised by or in relation to the called in decision. The cabinet shall consider that advice and shall reconsider its decision. If the matter is outside the budget and policy framework the monitoring officer shall refer the matter to the next Council meeting for consideration or convene an extraordinary meeting of Council whichever may be sooner and in any event within ten working days of the meeting of cabinet.
- 4.5.86 Having been referred to the next Council meeting the Council has two options:
- (i) amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately; or
 - (ii) require the decision maker to reconsider the decision again and refer it to a meeting of the cabinet to be held within five working days of the Council meeting. The cabinet may choose to amend or confirm the decision and there will be no further right of call in.
- 4.5.87 If a scrutiny committee or the Council does not meet within the time permitted by these rules or such extended time as may be agreed in accordance with paragraph 4.5.89, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the meeting or expiry of the period in which the meeting should have been held, whichever is the earlier.
- 4.5.88 Extension of time limit**
- 4.5.89 In exceptional circumstances the time limit of ten working days for convening a meeting of a scrutiny committee to consider the called in decision may be extended as agreed by the original decision maker and/or the leader where

practical considerations or any unforeseen factor make such an extension appropriate.

4.5.90 Pre decision call in and the forward plan

4.5.91 The scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions.

4.5.92 A scrutiny committee may identify a forthcoming decision on the forward plan to be made shortly before (usually two to three weeks) by Cabinet. Pre-decision scrutiny carried out immediately before a decision is different in approach to post decision call in the policy development. Pre decision call in requires a focused committee meeting which asks key questions around the decision's implementation, risks and measures of success; in advance of it actually being taken.

4.5.94 Where the scrutiny committee has called-in a key decision before its due date, the decision cannot be called-in again after the decision has been taken unless there have been material changes to the decision that were not recommended by the scrutiny committee.

4.5.95 Party whip

4.5.96 Government guidance views party or group "whipping" as incompatible with scrutiny functions. Whipping arrangements are not to be applied to scrutiny committees and members are free to comment and vote on matters under consideration.

Section 5 - Scrutiny rules

4.5.1 Arrangements for scrutiny

4.5.2 The scrutiny arrangements for the council are as laid out in [part 2 article 6](#) and [section 4 of the functions scheme](#). The council has decided that it will have ~~five~~^{three} scrutiny committees which will have responsibility for all the scrutiny functions on behalf of the council as set out in [part 3 section 4](#).

4.5.3 Who may sit on a scrutiny committee?

4.5.4 All councillors except cabinet members may be members of a scrutiny committee. Cabinet Support members may sit on a committee but not in relation to the same portfolio that they support the executive. No member may be involved in scrutinising a decision in which they have been directly involved, or for a decision in the cabinet portfolio they provide support to as a cabinet support member. All other members can attend a meeting but can only speak at the discretion of the chairperson.

4.5.5 Co-option

4.5.6 A scrutiny committee may co-opt ~~a maximum of two~~ non-voting people as and when required, for example for a particular meeting or to join a ~~scrutiny task and finish~~ group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or ~~scrutiny task and finish~~ group membership.

4.5.7 The committee with responsibility for education shall include the following co-opted [statutory](#) education representatives, as appointed by Council:

- one representative as nominated by the diocese of Hereford
- one representative as nominated by the archdiocese of Cardiff
- one parent governor as elected from the primary school sector
- one parent governor as elected by the secondary school sector
- one parent governor as elected by the special school sector and

Additionally

- One representative from the teaching sector
- One representative from a family who are or have been supported by social workers

~~These~~ education co-optees may vote on items relating to education; on other items on the committee agenda they may speak but not vote. The additional representatives currently have no voting rights.

4.5.8 Quorum

4.5.9 The quorum for a scrutiny committee is one quarter of the voting membership of the committee, or three members, whichever is the greater. If the number is a part number it is rounded up.

4.5.10 ~~Task and finish groups~~ Ways of working – scrutiny groups

4.5.11 AsScrutiny committee's have a number of ways to undertake their work if the topic is not treated as a single on a committee agenda

- a) A specific committee meeting known as “spotlight” review

- _____

- b) task and finish review—properly focused to ensure members can swiftly reach conclusions and make recommendations back to the scrutiny committee.

- c) standing panel when a complex topic requires significant detail, which may take a longer period of time.

~~may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.~~

4.5.12 The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. It will be a matter for the scrutiny task and finish group to determine: ~~lines of questioning, witnesses (from the council or wider community) and evidence requirements.~~

- expert/specialist support required
- officer input required
- lines of questioning
- witnesses (from the council or wider community)
- evidence requirements
- which aspects of the task are to be undertaken in private or public

4.5.13 The ~~task and finish~~ scrutiny groups will be composed of at least onetwo members of the relevant scrutiny committee, other councillors, and may also include, as appropriate, co-opted people with specialist knowledge and or expertise to support the task appointed by the committee in accordance with paragraph 4.5.6 above. It is unlikely that voting will be necessary in ~~task and finish groups~~ scrutiny groups. However, should there be a need to vote, for example on the formation of recommendations within a ~~committee~~ task and finish group report, for the avoidance of doubt any councillor appointed to a ~~task and finish~~ scrutiny group will have the right to vote. No co-opted members of ~~task and finish groups~~ scrutiny groups will have voting powers (unless they are the statutory education co optees listed in 4.5.7 above). Matters put to the vote will be determined on a simple majority with the ~~task and finish group~~ chairperson having a casting vote.

4.5.14 To assist in the identification of members for ~~task and finish groups~~ scrutiny groups, the ~~chairperson~~ men of the scrutiny committees will ensure that group leaders are provided with the committee work programme, including potential ~~task and finish~~ activity. Group leaders will advise scrutiny ~~chairpersons~~ men of those members suitable for such ~~task and finish~~ activities.

4.5.15 ~~These~~ ask and finish ~~group~~ scrutiny group, as working groups of the committee, are not subject to the requirements of political proportionality or access to information.

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- 4.5.16 Officer support will be provided to each ~~task and finish groups~~scrutiny group, the level of which will be dependent on the matter being considered.
- 4.5.17 As working groupsscrutiny groups of the committee, ~~the task and finish groups will not be making decisions, and have~~there is the discretion to meet either in public or in private. Where meeting in private there is no right of attendance by any member who is not a member of ~~the~~a task and finish groupsscrutiny group.
- 4.5.18 If a ~~task and finish groups~~scrutiny group chooses to meet formally in public it may exclude the press and public including other members in attendance from any such meeting in accordance with the [access to information rules \(Part 4 section 2\)](#).
- 4.5.19 ~~Task and finish group~~Scrutiny groups will report their findings/outcomes/recommendations to the relevant scrutiny committee who will decide if ~~the~~e-findings/outcomes/recommendations should be reported to the cabinet or elsewhere.
- ~~4.5.20 At the first meeting of each task and finish project, the task and finish group will finalise:~~
- ~~expert/specialist support required~~
~~officer input required~~
~~lines of questioning~~
~~evidence requirements~~
~~which aspects of the task are to be undertaken in private or public.~~
- 4.5.21 Any changes proposed by the ~~task and finish groups~~scrutiny group to the scope, timeframe or outcomes stipulated by the committee must be approved by the statutory scrutiny officer following consultation with the chairperson of the relevant scrutiny committee and will be reported to the relevant a scrutiny committee.
- 4.5.22 In the event of a ~~task and finish groups~~scrutiny group being unable to agree recommendations or findings on a particular matter, a report will be made to the relevant a scrutiny committee for its consideration.
- 4.5.23 Appointment of chairperson and members of the scrutiny committees**
- 4.5.24 The chairpersons and vice chairpersons of the scrutiny committees are appointed at the annual meeting of Council. Council shall determine the number of members of the scrutiny committees annually or as required from time to time in compliance with the statutory rules on proportionality. The members of the committee shall be appointed by the chief executive on nomination ~~by~~ef the group leaders.
- 4.5.25 Meetings of scrutiny committees**
- 4.5.26 The scrutiny committees will meet in accordance with the council's schedule of meetings, subject to the chairperson's power to cancel or postpone meetings in case of emergency or where there is no business. Where a scrutiny committee

feels it is appropriate to hold additional meetings it may do so. The chairperson of a scrutiny committee may also call additional meetings if they consider it necessary or appropriate. In so doing, the chairperson shall have regard to the advice of the council's monitoring officer and statutory scrutiny officer.

4.5.27 Programme of work of scrutiny committees

- ~~4.5.28~~–The scrutiny committees ~~are~~will be responsible for setting their own work programmes with input from the regular forward plan and coordination meetings. The scrutiny management board's role will be to coordinate and approve an annual work programme for itself and the other scrutiny committees to help ensure there is an efficient use of committee's time and the potential for duplication of effort is minimised. Where a matter falls within the remit of one or more scrutiny committees, the scrutiny management board will decide which committee will consider it and whether a spotlight, task and finish or standing panel review is appropriate. In setting their work programme a scrutiny committee shall have regard to the resources (including officer time) available.

4.5.29 Scrutiny committee agendas

4.5.30 At each of its ordinary meetings a scrutiny committee shall consider the following business, where appropriate:

- (a) minutes of the last meeting
- (b) questions from members of the public
- (c) questions from members of the council
- (d) any matter called-in in accordance with paragraphs 4.5.61-69 below
- (e) a review of its work programme, including requests received for inclusion of items from members of the public, ward members, cabinet or Council
- (f) consideration of any budget and policy framework items
- (g) any response to reports of the scrutiny committee
- (h) any item requested to be placed on the agenda by a member of the committee
- (i) any councillor call for action
- (j) any report from a task and finish ~~group~~scrutiny group;
- (k) any business otherwise set out on the agenda for the meeting including items as identified in the work programme.

4.5.31 Any member may give notice to the statutory scrutiny officer that they wish an item relevant to the functions of a committee and not excluded by law to be included in the agenda and discussed at a meeting of that committee. On receipt of such a request the statutory scrutiny officer shall ensure that it is included in the agenda for and discussed at a meeting of the relevant committee.

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- 4.5.32 A scrutiny committee shall also respond, as soon as its work programme permits, to requests from Council and from the cabinet to review particular areas of council performance or policy. On receipt of any such request from cabinet a scrutiny committee shall firstly consider whether it wishes to conduct the review as requested. Where it does so, and in response to any request from Council, a scrutiny committee shall conduct the review as requested and report its findings and any recommendations back to the cabinet and/or Council.
- 4.5.33 Councillor call for action**
- 4.5.34 Any member of the council shall be entitled to give notice to the statutory scrutiny officer if they wish an item relating to a councillor call for action to be included on the agenda for discussion at the next available meeting of the relevant scrutiny committee.
- 4.5.35 On receipt of such a request and subject to it falling within the statutory definition of a matter that can be the subject of a councillor call for action and it meeting the procedural and other requirements set out in the [councillor call for action code \(Part 5 section 7\)](#) the statutory scrutiny officer shall ensure that it is included on the next available agenda of the committee.
- 4.5.36 Further guidance in respect of the councillor call for action is contained in [Part 5 section 7](#).
- 4.5.37 Policy review and development**
- 4.5.38 The role of a scrutiny committee in relation to the development of the council's budget and policy framework is found in the rules [\(part 4 section 3\)](#).
- 4.5.39 In relation to the development of the council's approach to other matters not forming part of its budget and policy framework, a scrutiny committee may make proposals to the cabinet for developments in so far as they relate to matters within its terms of reference.
- 4.5.40 A scrutiny committee may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers to assist it in this process. A committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend in order to address it on any matter under consideration and may pay to advisers, assessors and witnesses a reasonable fee and expenses for doing so, having regard to the resources (including officer time) available. In determining how to conduct such activities the chairperson of a committee should consult with the statutory scrutiny officer.
- 4.5.41 Reports from the scrutiny committees**
- 4.5.42 Following any investigation or review, the committee or ~~task and finish~~ [groupscrutiny group](#) shall prepare a report. Any report from a ~~task and finish~~ [scrutiny groupscrutiny group](#) will first be considered by the relevant scrutiny committee and if adopted will be dealt with in accordance with the following rules.
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- 4.5.43 If any review is in response to a request from Council, in accordance with paragraph 4.5.32 above, the scrutiny committee shall report its findings to Council.
- 4.5.44 In all other cases the report will be submitted to the chief executive for consideration by the executive or other body as appropriate. If the recommendations are such that a decision can be taken by an individual cabinet member acting within his/her portfolio in accordance with the [functions scheme \(Part 3 Section 3\)](#), the chief executive shall arrange for that cabinet member to consider the report.
- 4.5.45 If the recommendations in a scrutiny committee report are contrary to or not wholly in accordance with the budget and policy framework, the cabinet shall consider the scrutiny recommendations and report the matter with its response to the scrutiny recommendations to Council.
- 4.5.46 If the recommendations in the scrutiny report are in line with the budget and policy framework, the cabinet or the cabinet member shall consider the scrutiny recommendations and report their decision to the relevant scrutiny committee.
- 4.5.47 Making sure that scrutiny reports are considered by the executive**
- 4.5.48 On receipt of a report from a scrutiny committee (other than on budget and policy framework items) the chief executive, [as the responsible officer](#), will arrange for the report to be considered either by cabinet or an individual cabinet member as appropriate.
- 4.5.49 If any individual cabinet member is minded to reject all of the recommendations in a report from a scrutiny committee, then the matter must be referred to the next meeting of the cabinet to decide its response.
- 4.5.50 The chief executive will notify the relevant scrutiny committee of the response of the executive within two months of receipt of the scrutiny report, with the exception of matters relating to statutory health scrutiny and issues relating to crime and disorder scrutiny which require a response from the relevant body within 28 days. If the cabinet or cabinet member wishes to extend the deadline a report will be made to the relevant scrutiny committee explaining why this is considered necessary. Decisions of the executive or Council on any scrutiny recommendations will be recorded in the usual way.
- 4.5.51 Recommendations from scrutiny committee in relation to a budget and policy framework item will be reported to the executive who will have regard to that report, and provide a response to any recommendations within it, in making their recommendation to Council.
- 4.5.52 Rights and powers of scrutiny committee members**
- 4.5.53 Where a scrutiny committee or [scrutiny task and finish](#) group conducts investigations or reviews and people attend to give evidence or otherwise assist the committee the following principles will apply:

- (a) that the investigation be conducted fairly and all members of the committee or groupscrutiny group be given the opportunity to ask questions of attendees, and to contribute and speak
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy
- (c) that the investigation be conducted so as to maximise the efficiency and value of the investigation or analysis.

4.5.54 Members and officers giving account

4.5.55 A scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions, or as provided by statute certain other bodies. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the cabinet, the chief executive, committee chairperson, and/or senior officers carrying out functions on the chief executive's behalf to attend before it to explain in relation to matters within its remit regarding:

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

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

4.5.57 Where any member or officer is required to attend a scrutiny committee under this provision, the chairperson of the committee will inform the statutory scrutiny officer. The statutory scrutiny officer shall inform the member or officer in writing normally giving at least ten working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

4.5.58 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then a scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance and/or a substitute as appropriate.

4.5.59 Unless in exceptional circumstances, any witnesses required to attend any meetings called under paragraphs 4.5.55 to 4.5.57 and 4.5.61-69 will be restricted to:-

- (a) any cabinet member involved in the decision the subject of the call in
- (b) any officer who in the view of the chairperson of the meeting would be able to supply evidence materially able to assist at the meeting.

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- 4.5.60 The council has designated the democratic services manager as the statutory scrutiny officer who is required to discharge the following functions:
- (a) to promote the role of the council’s scrutiny committees
 - (b) to provide support to the council’s scrutiny committee and the members of the committees
 - (c) to provide support and guidance to (i) members of the council, (ii) members of the executive of the council, and (iii) officers of the council – in relation to the functions of the council’s scrutiny committees
- 4.5.61 Call in**
- 4.5.62 “Call in” is a statutory right for members of council to call in a decision of cabinet, an individual cabinet member, an officer with delegated authority or under joint arrangements after it is made by the executive but before it is implemented subject to the following provisions (4.5.59, 4.5.63, 4.5.65 and 4.5.69).
- 4.5.63 Call in does not apply to cabinet decisions that make recommendations to Council because those decisions are in fact recommendations and will not be implemented in any event until the matter has been considered and decided agreed by Council.
- 4.5.64 When a call in has been triggered, the call in process will be managed by the monitoring officer in consultation with the chairperson of the relevant scrutiny committee and the members who have triggered the call in. The chairperson of the relevant scrutiny committee will maintain responsibility for the conduct of any meeting at which the decision called in is considered.
- 4.5.65 Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision. It should only be used in exceptional circumstances and where there is evidence to show that one of the following may apply:
- (a) that there has been inadequate consultation with stakeholders prior to the decision being made;
 - (b) that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;
 - (c) that the decision materially departs from the budget and policy framework;
 - (d) that the decision is disproportionate to the desired outcome;
 - (e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;
 - (f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the monitoring officer and the chief finance officer, as appropriate, or has failed to have sufficient regard to that advice;
 - (g) that the decision exceeds the powers or terms of reference of the decision-maker responsible for the decision; or
 - (h) that the access to information rules have not been adhered to.
- 4.5.66 Advice should be sought from the monitoring officer on these matters.
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- 4.5.67 When a decision is made by the cabinet or an individual cabinet member that decision will be published widely by electronic means. This includes:
- (a) displaying it on the council website
 - (b) sending a copy of the decision electronically to all members of the council identifying which scrutiny committee's remit the decision falls within
- 4.5.68 The decision will be in the form of a notice and bear the date upon which it is published and will specify that the decision will come into force, and may be subsequently implemented, at the expiry of four working days after the date of publication, unless it is called in under these call in rules.
- 4.5.69 To call the decision in a call in notice must be received by 5.00pm on the working day before the implementation date specified on the notice of decision by the monitoring officer (or their nominated officer) in writing or electronically which:
- (a) clearly states the decision(s) which is/are being called in by reference to the decisions as set out on the decision notice
 - (b) clearly states the grounds for the call in as laid out in rule 4.5.65 above as applied to each decision being called-in and the evidence on which the grounds are based
 - (c) is signed by seven elected members of the council (not including co-optees) who are not all members of the same political group. If electronic notification is being used an email in accordance with the requirements of this paragraph must be submitted by each member supporting the call in.

4.5.70 Limitations of call in

~~4.5.71 — The call in procedure is restricted to decisions made by cabinet or individual cabinet members, decisions made by joint committees of the executive and decisions made by officers under delegation from the executive.~~

- 4.5.72 Where a decision has been taken in circumstances where the special urgency provisions apply, as set out in the [access to information rules \(Part 4 section 2\)](#), that decision will not be subject to call in.
- 4.5.73 The call in procedure will also not apply where the decision taken needs to be implemented urgently, ~~where the access to information rules have been complied with but~~ ~~-A decision will be urgent if~~ any delay likely to be caused by the call-in process would seriously prejudice the council's or the public interest.
- 4.5.74 In this case the record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is one that requires urgent implementation and the reasons why, and the monitoring officer should confirm that as such it is not subject to call in.
- 4.5.75 The chairperson of the relevant scrutiny committee must agree both that the decision taken was reasonable in all the circumstances and to it being treated as a matter of urgency.

- 4.5.76 The consent to the decision being taken as a matter of urgency will be recorded on the published notice of the decision.
- 4.5.77 Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.
- 4.5.78 Post call in**
- 4.5.79 The monitoring officer will determine the validity of the call in as soon as possible. The monitoring officer may, if appropriate, reject a request for call in if, in their opinion, it fails to meet any of the grounds listed in 4.5.65 above, or if they consider it is in any way vexatious, frivolous or otherwise inappropriate. Examples include but are not limited to:
- (a) the cited grounds bear no relevance to the decision that is identified for call-in;
 - (b) the requisition cites grounds for which no relevant evidence is produced in support;
 - (c) those requisitioning the call-in signed the requisition before it was complete (e.g. signed a blank form in advance or emailed consent without detailing the grounds and evidence);
 - (d) the call-in includes material which could be defamatory;
 - (e) the requisition is being used for improper purposes (e.g. to admonish an officer); or
 - (f) the decision is in accordance with the advice or recommendations provided to the decision maker by the scrutiny committee.
- 4.5.80 If the call in is determined not to be valid, the monitoring officer will inform those members submitting the notice of the call in of the reasons for that determination.
- 4.5.81 If accepted as valid, the monitoring officer will then advise the original decision maker of the call in and advise that the decision cannot be implemented-
- 4.5.82 The monitoring officer shall then call a meeting of the relevant scrutiny committee on such a day as they shall determine in consultation with the relevant chairperson and in any event within ten working days of the monitoring officer accepting the validity of the call In notice, subject to paragraph 4.5.89.
- 4.5.83 Having considered the decision in light of the grounds and evidence for the call in, if the relevant scrutiny committee is still concerned about it, then it may refer the decision back to the decision-maker for reconsideration, setting out in writing the nature of its concerns.
- 4.5.84 The decision maker shall reconsider any decision referred to them following call-in, take into account any views expressed by the relevant scrutiny committee and may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.
- 4.5.85 If it is alleged that the decision appears to be contrary to or not in accordance with the budget and policy framework, the monitoring officer shall advise the cabinet on that or any other relevant legal issues raised by or in relation to the called in decision. The cabinet shall consider that advice and shall reconsider its

decision. If the matter is outside the budget and policy framework the monitoring officer shall refer the matter to the next Council meeting for consideration or convene an extraordinary meeting of Council whichever may be sooner and in any event within ten working days of the meeting of cabinet.

- 4.5.86 Having been referred to the next Council meeting the Council has two options:
- (i) amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately; or
 - (ii) require the decision maker to reconsider the decision again and refer it to a meeting of the cabinet to be held within five working days of the Council meeting. The cabinet may choose to amend or confirm the decision and there will be no further right of call in.

- 4.5.87 If a scrutiny committee or the Council does not meet within the time permitted by these rules or such extended time as may be agreed in accordance with paragraph 4.5.89, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the meeting or expiry of the period in which the meeting should have been held, whichever is the earlier.

4.5.88 Extension of time limit

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

4.5.90 Pre decision call in and the forward plan

- 4.5.91 The scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions.

4.5.92 A scrutiny committee may identify a forthcoming decision on the forward plan ~~relevant to the remit of the committee and examine the issues around it.~~ to be made shortly before (usually two to three weeks) by Cabinet. Pre-decision scrutiny carried out immediately before a decision is different in approach to post decision call in the policy development. Pre decision call in requires a focused committee meeting which asks key questions around the decision's implementation, risks and measures of success;

~~4.5.93 — In order not to obstruct the council in its business, the scrutiny committee may call in an executive decision in advance of its actually being taken. In such a situation all the time limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the scrutiny committee not called it in.~~

- 4.5.94 Where the scrutiny committee has called-in a key decision ~~from the forward plan~~ before its due date, the decision cannot be called-in again after the ~~final~~ decision has been taken: unless there have been material changes to the decision that were not recommended by the scrutiny committee.

4.5.95 Party whip

4.5.96 Government guidance views party or group “whipping” as incompatible with scrutiny functions. Whipping arrangements ~~should~~are ~~not~~to be applied to scrutiny committees and members ~~should~~are be free to comment and vote on matters under consideration.

4.5.97 — Public questions

~~4.5.98 — A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairperson.~~

~~4.5.99 — A question may only be asked if notice has been given by delivering it in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm three clear working days before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Friday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.~~

~~4.5.100 — Questions will be answered in the order in which they are received.~~

~~4.5.101 — A member of the public may submit only one question at any meeting of the council.~~

~~4.5.102 — The monitoring officer is authorised to reject a question in accordance with the following criteria:~~

~~it is longer than 140 words;~~

~~it is in multiple parts;~~

~~it is not about a matter for which the council has a responsibility or which affects Herefordshire~~

~~where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;~~

~~it is defamatory, frivolous or offensive;~~

~~it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;~~

~~it requires the disclosure of confidential or exempt information or relates to an identifiable individual;~~

~~it is from a council employee and the question is connected to their employment; or~~

~~it relates to a planning application or licensing application.~~

~~4.5.103 — If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.~~

~~4.5.105 — Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.~~

~~4.5.106 — A questioner who is present at the meeting may, or who has provided a question in writing to be read aloud at the meeting, at the discretion of the chairperson, ask one supplementary question. At the discretion of the chairperson, also put one supplementary question without notice. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in 4.4.102 above, or if the question takes the form of a statement or more than a minute to ask.~~

~~4.5.107 — Where more than one person wishes to raise the same issue or question, they shall be asked to agree a spokesperson to speak on that issue. If they cannot reach such an agreement, the chairperson may restrict the number of questions on that issue.~~

~~4.5.108 — Answers to public questions~~

~~4.5.109 — Answers to accepted questions will be provided by either the chairperson or the cabinet member and published before the start of the meeting. An answer to a supplementary question will be provided by either the chairperson or the cabinet member.~~

~~If the question is asking for an item to be considered for future inclusion in the work programme the questioner will be advised by the chairperson that they will be informed of the outcome of the committee's consideration of the request once it has been considered as part of the overall work programme prioritisation.~~

~~If the question is asking for a substantive answer to a question the cabinet member for the area will make reasonable endeavours to attend the scrutiny meeting, if the questioner confirms that they wish to ask a supplementary question at the meeting.~~

~~The answer from the cabinet member may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the cabinet member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.~~

~~4.5.110 — Unless the chairperson decides otherwise, no discussion will take place on any question or a supplemental question~~

~~4.5.111 — Questions from members~~

~~4.5.112 — A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council who are not members of the committee. This period may be varied at the discretion of the chairperson.~~

~~4.5.113 — A member may ask the chairperson a question relating to a matter of the agenda or otherwise within the remit of the committee only if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no~~

~~later than 5.00pm three clear working days before the day of the meeting (e.g. 5.00pm on a Monday where the meeting is on a Friday); or.~~

~~4.5.114—The monitoring officer is authorised to reject a question in accordance with the following criteria:~~

~~it is longer than 140 words;~~

~~it is in multiple parts;~~

~~it is not about a matter for which the council has a responsibility or which affects Herefordshire~~

~~where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;~~

~~it is defamatory, frivolous or offensive;~~

~~it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;~~

~~it requires the disclosure of confidential or exempt information or relates to an identifiable individual;~~

~~it is from a council employee and the question is connected to their employment; or~~

~~it relates to a planning application or licensing application.~~

~~4.5.115—If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.~~

~~4.5.116—A member who has put a question in person may, or who has provided a question in writing to be read aloud at the meeting, at the discretion of the chairperson, ask one supplementary question. at the discretion of the chairperson, also put one supplementary question without notice. The same procedure for public questions will be followed.~~

Section 9 - Employment rules

4.9.1 **Employment and dismissal of senior officers**

- 4.9.2 These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations') and Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 ('the 2015 Regulations').
- 4.9.3 Subject to paragraphs 4.9.2 to 4.9.5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the council must be discharged, on behalf of the council, by the head of paid service or his nominees.
- 4.9.4 Paragraph 4.9.2 shall not apply to the appointment or dismissal of, or disciplinary action against:
- (a) head of paid service
 - (b) section 151 officer
 - (c) monitoring officer
 - (d) director for adults and communities
 - (e) director for children and families
 - (f) director for economy and place
 - (g) director of public health
- 4.9.5 Where a committee is discharging, on behalf of Council, the function of the appointment or dismissal of an officer designated as the head of paid service, or the dismissal of the council's monitoring officer or section 151 officer Council must approve that appointment before an offer of appointment is confirmed to him or, as the case may be, must approve that dismissal before notice of dismissal is given. The designation of a post, but not the appointment of an individual to that post, as monitoring officer or section 151 officer must be approved by Council.
- 4.9.6 Where a committee of Council is discharging, on behalf of Council, the function of the appointment or dismissal of any officer referred to in paragraph 4.9.3 at least one member of the cabinet must be a member of that committee or sub-committee. Where the appointment is for the Director of Public Health this process is undertaken jointly with the Secretary of State for Health in accordance with s73A National Health Service Act 2006.
- 4.9.7 In paragraph 4.9.7 "appointor" means, in relation to the appointment of a person as an officer of the council, Council or where a committee, is discharging the function of appointment on behalf of Council, that committee, as the case may be.
- 4.9.8 An offer of an appointment as an officer referred to in paragraph 4.9.3 must not be

made by the appointor until:

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor had notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader on behalf of the cabinet to the proper officer; and
 - (iv) the leader has, within the period specified in the notice notified the appointor that neither they nor any other member of the cabinet has any objection to the making of the offer;
- (c) the proper officer has notified the appointor that no objection was received by them within that period from the leader; or
- (d) the appointor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.9 In paragraph 4.9.9, “dismissor” means, in relation to the dismissal of an officer of the council, Council or, where a committee, is discharging the function of dismissal on behalf of the council, that committee, as the case may be.

4.9.10 Notice of the dismissal of an officer referred to in paragraph 4.9.3 must not be given by the dismissor until:

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the leader on behalf of the cabinet to the proper officer; and either:
- (c) the leader has, within the period specified in the notice notified the dismissor that neither they nor any other member of the cabinet has any

objection to the dismissal;

(d) the proper officer has notified the dismissor that no objection was received by them within that period from the leader; or

(e) the dismissor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.11 The employment panel shall be the appropriate body for the purposes of the functions set out in paragraphs 4.9.4 to 4.9.9 of these rules.

4.9.12 Interim senior officer arrangements

4.9.13 The head of paid service will make such interim arrangements under contracts for services for senior officers named in 4.9.3 above as may be necessary from time to time to ensure that the statutory functions of the council are adequately fulfilled.

4.9.14 Appointment of officers

4.9.15 All jobs will be open to competition and appointments will be made on merit except as provided for in the council's employment policies and its recruitment and selection procedures and all appointments will be made in accordance with those policies and procedures.

4.9.16 Where the council propose to appoint an officer to any post the head of paid service or his nominee will:

(a) draw up a statement specifying:

- the duties of the officer concerned; and
- any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way that is likely to bring it to the attention and attract the maximum interest of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

4.9.17 The head of paid service or his nominee shall make arrangements for the long listing, short listing and interview of applicants.

4.9.18 Where the appointment is to a post specified in paragraph 4.9.3 above, the head of paid service or his nominee will carry out all steps related to the appointment following consultation with the leader of the council or his nominee.

4.9.19 Where the appointment is to the post of head of paid service, the leader of the council will nominate an officer to carry out all the steps related to the appointment following consultation with the leader of the council or his nominee.

- 4.9.20 The short-listing and interview of candidates for posts specified in paragraph 4.9.3 above will be carried out by the employment panel. Where the appointment is for the Director of Public Health this process is undertaken jointly with the Secretary of State for Health.
- 4.9.21 Every appointment of any officer specified in paragraph 4.9.3 above shall be made by the employment panel, save that the appointment of a head of paid service must be approved by full Council.
- 4.9.22 The employment panel shall be advised by the head of paid service or in the event of the appointment of the head of paid service by the officer nominated for that purpose by the leader of the council.
- 4.9.23 The leader of the council (in relation to the appointment of the head of paid service) and the head of paid service in consultation with the leader in relation to those officers to be appointed by the employment panel may appoint external recruitment consultants to assist or advise the employment panel.
- 4.9.24 Disciplinary action – head of paid service, section 151 officer and monitoring officer**
- 4.9.25 The Employment Panel has power to decide whether to investigate any allegation of misconduct by a statutory chief officer, and all matters relating to the conduct of the investigation and/or any subsequent disciplinary process.
- 4.9.26 These rules are in accordance with the 2015 Regulations.
- 4.9.27 **Suspension**
- 4.9.28 The Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer may be suspended on full pay whilst an investigation takes place into alleged misconduct.
- 4.9.29 The decision to suspend the Chief Executive (Head of Paid Service) will be the Monitoring Officer and the Director of Human Resources with the Leader of the Council. The decision to suspend the Monitoring Officer and Chief Finance Officer will be the Chief Executive and the Director of Human Resources.
- 4.9.30 The Employment Panel may take disciplinary action short of dismissal or recommend to full Council that the Chief Executive (Head of Paid Service) or the Chief Finance Officer (S151 Officer) or the Monitoring Officer be dismissed.
- 4.9.31 Only full Council can approve the dismissal of the Chief Executive (Head of Paid Service), the Chief Finance Officer (S151 Officer) or the Monitoring Officer.

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- 4.9.32 The disciplinary procedure involves four stages: an Investigating and Disciplinary Committee , an Appeals Committee, the Independent Panel and the Council.
- 4.9.33 The Employment Panel is a politically balanced committee comprising six members, at least two of whom will be a member of the Cabinet. Arrangements for flexibility will be required, including the use of reserve members or substitutes, in the event that a member of the Panel has a conflict of interest in the matter to be considered.

The Investigating and Disciplinary Committee (IDC) is a committee comprising of three elected members from the Employment panel and at least one of whom will be a member of cabinet.

- 4.9.34 The Appeals Committee is committee comprising three members selected from the Employment Panel and at least one of whom will be a member of the Cabinet, who have not be involved in the IDC. It hears appeals against action short of dismissal, and decides either to confirm the action, impose no sanction or a lesser sanction.
- 4.9.35 The Independent Panel is an advisory panel comprises at least two independent persons appointed by the Council for the purposes of hearing complaints under the Members' standards regime. The Independent Panel is only used if the IDC, having received the report of the independent investigator and held a hearing, is minded to recommend dismissal to full Council.
- 4.9.36 If the recommendation is for any action short of dismissal such as a written warning, the Employment Panel has the power to impose this without referring to either the Independent Panel or full Council. The relevant officer can then appeal the sanction to the Appeals Committee.
- 4.9.37 If the Employment Panel recommendation is dismissal, then the Independent Panel will hold a hearing where it will listen to both the chair of the IDC and the relevant officer and a report from an independent investigator and will then give their advice/views/recommendations to Council. The matter then goes to full Council for a decision. The relevant officer is allowed to put his or her case to council before a decision is taken.

4.9.38 The head of paid service, section 151 officer and monitoring officer may not be dismissed unless the procedure set out in these rules are complied with. The head of paid service will be the proper officer for these purposes except where the disciplinary action or dismissal relates to the head of paid service in which case the leader of the council will nominate an officer to carry out these steps in accordance with the JNC for chief officers' model procedures.

NEW The IDC and Appeals committee will also hear grievances by the chief executive.

4.9.39 The investigating and disciplinary committee (IDC) will meet at least 20 working days before the full Council meeting and will consider whether or not to dismiss. NEW The IDC and Appeals committee will also hear grievances by the chief executive.

- 4.9.40 An “*independent person*” means any independent person who has been appointed by the council and who has accepted an invitation issued by the monitoring officer in accordance with the following priority order -
- (a) a relevant independent person who has been appointed by the authority under section 28(7) of the localism act 2011 and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 4.9.41
- 4.9.42 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, Council must take into account, in particular -
- (a) any advice, views or recommendations of the independent advisory panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 4.9.43 The employment panel**
- 4.9.44 The employment panel consists of six members of the council and must include at least two members of the cabinet.
- 4.9.45 Terms and conditions of employment**
- 4.9.46 The employment panel shall be responsible for determining the terms and conditions of employment of the officers specified in paragraph 4.9.1.2 above, and will be a consultee on overall employment terms and conditions (including policies) to be determined by the head of paid service.
- 4.9.47 Voting on appointments**
- 4.9.48 Where three or more candidates are interviewed for a post and there is not a majority of votes cast at the relevant meeting of the employment panel in favour of one candidate, the candidate receiving the least number of votes shall be disregarded and a fresh vote taken and so on until one candidate receives a majority of the votes.
- 4.9.49 Declarations and member involvement**
- 4.9.50 Candidates for appointment to any post within the council will be required to declare whether they are related to an existing member or officer of the council; any candidate making such a declaration will not be appointed without the

independent authorisation of the relevant director or head of paid service as appropriate

- 4.9.51 No member will seek support for any person for any appointment.
- 4.9.51 The council shall disqualify any applicant who directly or indirectly seeks the support of any member for any appointment with the council

Section 9 - Employment rules

4.9.1 Employment and dismissal of senior officers

4.9.2 [These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities \(Standing Orders\) \(England\) Regulations 2001 \('the 2001 Regulations'\) and Local Authorities \(Standing Orders\) \(England\)\(Amendment\) Regulations 2015 \('the 2015 Regulations'\).](#)

4.9.23 Subject to paragraphs 4.9.2 to 4.9.5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the council must be discharged, on behalf of the council, by the head of paid service or his nominees.

4.9.34 Paragraph 4.9.2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) head of paid service
- (b) section 151 officer
- (c) monitoring officer
- (d) director for adults and communities
- (e) director for children and families
- (f) director for economy and place
- (g) director of public health

4.9.45 Where a committee is discharging, on behalf of Council, the function of the appointment or dismissal of an officer designated as the head of paid service, or the dismissal of the council's monitoring officer or section 151 officer Council must approve that appointment before an offer of appointment is confirmed to him or, as the case may be, must approve that dismissal before notice of dismissal is given. The designation of a post, but not the appointment of an individual to that post, as monitoring officer or section 151 officer must be approved by Council.

4.9.56 Where a committee of Council is discharging, on behalf of Council, the function of the appointment or dismissal of any officer referred to in paragraph 4.9.3 at least one member of the cabinet must be a member of that committee or sub-committee. Where the appointment is for the Director of Public Health this process is undertaken jointly with the Secretary of State for Health in accordance with s73A National Health Service Act 2006.

4.9.67 In paragraph 4.9.7 "appointor" means, in relation to the appointment of a person as an officer of the council, Council or where a committee, is discharging the function of appointment on behalf of Council, that committee, as the case may be.

4.9.78 An offer of an appointment as an officer referred to in paragraph 4.9.3 must not be

made by the appointor until:

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor had notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader on behalf of the cabinet to the proper officer; and
 - (iv) the leader has, within the period specified in the notice notified the appointor that neither they nor any other member of the cabinet has any objection to the making of the offer;
- (c) the proper officer has notified the appointor that no objection was received by them within that period from the leader; or
- (d) the appointor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.89 In paragraph 4.9.9, “dismissor” means, in relation to the dismissal of an officer of the council, Council or, where a committee, is discharging the function of dismissal on behalf of the council, that committee, as the case may be.

4.9.910 Notice of the dismissal of an officer referred to in paragraph 4.9.3 must not be given by the dismissor until:

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the leader on behalf of the cabinet to the proper officer; and either:
- (c) the leader has, within the period specified in the notice notified the dismissor that neither they nor any other member of the cabinet has any

objection to the dismissal;

(d) the proper officer has notified the dismissor that no objection was received by them within that period from the leader; or

(e) the dismissor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.101 The employment panel shall be the appropriate body for the purposes of the functions set out in paragraphs 4.9.4 to 4.9.9 of these rules.

4.9.142 Interim senior officer arrangements

4.9.123 The head of paid service will make such interim arrangements under contracts for services for senior officers named in 4.9.3 above as may be necessary from time to time to ensure that the statutory functions of the council are adequately fulfilled.

4.9.134 Appointment of officers

4.9.145 All jobs will be open to competition and appointments will be made on merit except as provided for in the council's employment policies and its recruitment and selection procedures and all appointments will be made in accordance with those policies and procedures.

4.9.156 Where the council propose to appoint an officer to any post the head of paid service or his nominee will:

(a) draw up a statement specifying:

- the duties of the officer concerned; and
- any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way that is likely to bring it to the attention and attract the maximum interest of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

4.9.167 The head of paid service or his nominee shall make arrangements for the long listing, short listing and interview of applicants.

4.9.178 Where the appointment is to a post specified in paragraph 4.9.3 above, the head of paid service or his nominee will carry out all steps related to the appointment following consultation with the leader of the council or his nominee.

4.9.189 Where the appointment is to the post of head of paid service, the leader of the council will nominate an officer to carry out all the steps related to the appointment following consultation with the leader of the council or his nominee.

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- 4.9.19~~20~~ The short-listing and interview of candidates for posts specified in paragraph 4.9.3 above will be carried out by the employment panel. Where the appointment is for the Director of Public Health this process is undertaken jointly with the Secretary of State for Health.
- 4.9.20~~1~~ Every appointment of any officer specified in paragraph 4.9.3 above shall be made by the employment panel, save that the appointment of a head of paid service must be approved by full Council.
- 4.9.21~~2~~ The employment panel shall be advised by the head of paid service or in the event of the appointment of the head of paid service by the officer nominated for that purpose by the leader of the council.
- 4.9.22~~3~~ The leader of the council (in relation to the appointment of the head of paid service) and the head of paid service in consultation with the leader in relation to those officers to be appointed by the employment panel may appoint external recruitment consultants to assist or advise the employment panel.
- 4.9.23~~4~~ Disciplinary action – head of paid service, section 151 officer and monitoring officer**
- 4.9.25 The Employment Panel has power to decide whether to investigate any allegation of misconduct by a statutory chief officer, -and all matters relating to the conduct of the investigation and/or any subsequent disciplinary process.
- 4.9.26 These rules are in accordance with the 2015 Regulations.
- 4.9.27 **Suspension**
- 4.9.28 The Chief Executive (Head of Paid Service), Monitoring Officer and Chief Finance Officer may be suspended on full pay whilst an investigation takes place into alleged misconduct.
- 4.9.29 The decision to suspend the Chief Executive (Head of Paid Service) will be the Monitoring Officer and the Director of Human Resources with the Leader of the Council. The decision to suspend the Monitoring Officer and Chief Finance Officer will be the Chief Executive and the Director of Human Resources.
- 4.9.30 The Employment Panel may take disciplinary action short of dismissal or recommend to full Council that the Chief Executive (Head of Paid Service) or the Chief Finance Officer (S151 Officer) or the Monitoring Officer be dismissed.
- 4.9.31 Only full Council can approve the dismissal of the Chief Executive (Head of Paid Service), the Chief Finance Officer (S151 Officer) or the Monitoring Officer.
-

4.9.32 The disciplinary procedure involves four stages: an Investigating and Disciplinary Committee (~~the Employment Panel~~), an Appeals Committee, the Independent Panel and the Council.

4.9.33 The Employment Panel is a politically balanced committee comprising ~~six~~five members, at least ~~two~~one of whom will be a member of the Cabinet. Arrangements for flexibility will be required, including the use of reserve members or substitutes, in the event that a member of the Panel has a conflict of interest in the matter to be considered.

The Investigating and Disciplinary Committee (IDC) is a committee comprising of three elected members from the Employment panel and at least one of whom will be a member of cabinet.

4.9.34 The Appeals Committee is a ~~politically balanced~~ committee comprising ~~five~~three members selected from the Employment Panel and at least one of whom will be a member of the Cabinet, ~~who have not be involved in the IDC~~. It hears appeals against action short of dismissal, ~~†~~ and decides either to confirm the action, impose no sanction or a lesser sanction.

4.9.35 The Independent Panel is an advisory panel ~~comprises~~ at least two independent persons appointed by the Council for the purposes of hearing complaints under the Members' standards regime. The Independent Panel is only used if the IDC, having received the report of the independent investigator and held a hearing, is minded to recommend dismissal to full Council.

4.9.36 If the recommendation is for any action short of ~~dimissal~~dismissal such as a written warning, the Employment Panel has the power to impose this without referring to either the Independent Panel or full Council. The relevant officer can then appeal the sanction to the Appeals Committee.

4.9.37 If the Employment Panel recommendation is dismissal, then the Independent Panel will hold a hearing where it will listen to both the chair of the IDC and the relevant officer and a report from an independent investigator and will then ~~give~~ their advice/views/recommendations to Council. The matter then goes to full Council for a decision. The relevant officer is allowed to put his or her case to council before a decision is taken.

4.9.2438 The head of paid service, section 151 officer and monitoring officer may not be dismissed unless the procedure set out in ~~the following paragraph~~these rules ~~is~~ are complied with. The head of paid service will be the proper officer for these purposes except where the disciplinary action or dismissal relates to the head of paid service in which case the leader of the council will nominate an officer to carry out these steps in accordance with the JNC for chief officers' model procedures.

NEW The IDC and Appeals committee will also hear grievances by the chief executive.

4.9.2539 The investigating and disciplinary committee (IDC) ~~is the employment panel. The council has appointed an independent persons panel consisting independent persons as defined in 4.9.2640. This panel which~~ will meet at least 20 working days before the full Council meeting ~~which and~~ will consider whether ~~or not~~ to dismiss.

NEW ~~The IDC and Appeals committee will also hear grievances by the chief executive.~~

4.9.2640 An “independent person” means any independent person who has been appointed by the council and who has accepted an invitation issued by the monitoring officer in accordance with the following priority order -

- (a) a relevant independent person who has been appointed by the authority under section 28(7) of the localism act 2011 and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

4.9.2741 ~~Any remuneration, allowances or fees paid by the authority to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Localism Act.~~

4.9.4228 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, Council must take into account, in particular -

- (a) any advice, views or recommendations of the independant advisory panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

4.9.2943 The employment panel

4.9.4430 The employment panel consists of ~~six~~five members of the council and must include at least ~~two~~one members of the cabinet.

4.9.3145 Terms and conditions of employment

4.9.3246 The employment panel shall be responsible for determining the terms and conditions of employment of the officers specified in paragraph 4.9.1.2 above, and will be a consultee on overall employment terms and conditions (including policies) to be determined by the head of paid service.

4.9.3347 Voting on appointments

4.9.[3448](#) Where three or more candidates are interviewed for a post and there is not a majority of votes cast at the relevant meeting of the employment panel in favour of one candidate, the candidate receiving the least number of votes shall be disregarded and a fresh vote taken and so on until one candidate receives a majority of the votes.

4.9.[3549](#) Declarations and member involvement

4.9.[3650](#) Candidates for appointment to any post within the council will be required to declare whether they are related to an existing member or officer of the council; any candidate making such a declaration will not be appointed without the independent authorisation of the relevant director or head of paid service as appropriate

4.9.[3751](#) No member will seek support for any person for any appointment.

4.9.[5138](#) The council shall disqualify any applicant who directly or indirectly seeks the support of any member for any appointment with the council

Section 8 – Public Guide to Participation

5.8.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community, and this guide gives an overview of the ways in which you can do that.

5.8.2 Attending meetings

5.8.3 We encourage the public to attend meetings of the council and its committees, and anyone attending is able to record or film what takes place at them provided that doesn't disrupt the meeting. Details of what meetings are coming up are published on the council's [website](#), and also published in public offices of the council.

5.8.4 The agenda and papers are normally published on our website at least five working days in advance of the meeting and a small number of copies are available for members of the public at the meeting. Draft minutes of the meeting are also published on the website as soon as possible after the meeting.

5.8.5 [not used].

5.8.6 Why are some meetings private?

5.8.7 Nearly all meetings of the council and its committees are held in public. However on rare occasions an agenda item includes information which may be personal to an individual, which would compromise the commercial position of the council or another individual or organisation or which there are other particular legal or employment reasons for considering asking the public to leave the meeting for discussion of that item. When this is the case we will explain the reasons why and, as far as is legally possible, will afterwards provide a public summary of the decision taken.

5.8.8 Asking questions at meetings of the council

5.8.9 Which meetings can the public ask questions at?

5.8.10 Questions can be asked at public meetings of:

- Full Council
- Audit and governance committee
- Cabinet
- Employment panel
- Health and wellbeing board
- Scrutiny committees

5.8.11 Who can ask questions?

5.8.12 Appropriate questions can be put by anyone living or working in Herefordshire and any elected member of Herefordshire Council

5.8.13 What notice is required for questions?

5.8.14 A question must be delivered by email (councillorservices@herefordshire.gov.uk) or in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE or by no later than 9.30 am three working days **before** the date of the meeting. Each question must provide the name and address of the questioner. See table below

Meeting Day	Question deadline Time: 9.30 am in all cases
Monday	Wednesday
Tuesday	Thursday
Wednesday	Friday
Thursday	Monday
Friday	Tuesday

The Council's Monitoring Officer will reject questions which are not submitted in writing, within the time limit. You will be notified if your question, is rejected for these reasons and you may be able to re-submit your question, provided your question is in accordance with constitution rules relating to public questions.

5.8.15 How many questions can be asked?

5.8.16

One question and one supplementary question per person is allowed at any public meeting of the council as listed above. Questions must not take longer than one minute to ask or to read out.

5.8.17 What is the purpose and scope for questions?

5.8.18 The purpose of questions is to enable both members of the public and any councillor to ask the council about an issue that is of local concern, that has not been raised within the last 6 months and is the most practical way of progressing the members concerns.

Questions must relate to the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to the correct meeting. They should be of a strategic nature, i.e not personal to the questioner

or a person employed by the council. Questions can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted, that questioners may highlight their experiences to support their question. Questions may include requests for information.

5.8.19

The Monitoring Officer will reject a question if it is not appropriate to be asked at a public meeting, reasons for rejection may include but are not limited to:

1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or
2. It requires the disclosure of confidential or exempt information; or
3. It relates to an identifiable individual or employee of the council; or
4. it is more than 140 words; or
5. It relates to a planning or licensing application.

If a question is rejected because it is not appropriate the Monitoring Officer will give the reason(s) for the rejection

5.8.20 What happens at the meeting?

5.8.21 Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions and answers will be published on the council's website before the start of the meeting, and will be made available to members of the public who attend the meeting.

5.8.22 The chairperson will invite the questioner to put a supplementary question to the councillor named in the notice. If the questioner is unable to attend the meeting, no supplementary question will be permitted.

5.8.23 A questioner who has put a question in person or in writing can also ask one supplementary question, without notice, in response to the reply to their question. A supplementary question must arise directly out of the original question or the reply given. The chairperson can reject a supplementary question in consultation with the Monitoring officer/deputy monitoring officer/legal officer in attendance at the meeting on any of the grounds detailed in the section above.

5.8.24 What form will the reply take?

5.8.25 The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten clear working days.

5.8.26 There cannot be any discussion on questions but any matters raised by a question can be referred to the relevant cabinet member or the appropriate committee to consider.

5.8.27 Petitions

5.8.28 We welcome petitions from those who live or work in Herefordshire and recognise that petitions are one way in which people can let us know their concerns or the strength of public feeling.

5.8.29 What is the scope for petitions?

5.8.30 Petitions must relate to a matter over which the council has powers or duties and may be rejected if they: contain language or statements which are defamatory, frivolous, vexatious, discriminatory, false, or otherwise offensive; disclose confidential or exempt information; name individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies; make criminal accusations; contain advertising statements; refer to an issue which is currently the subject of a formal council complaint, Local Government Ombudsman complaint or any legal proceedings; or relate to a matter where there are other statutory processes in place for dealing with these matters (such as planning or licensing application matters or statutory petitions for a referendum.

5.8.31 How can a petition be submitted?

5.8.32 Petitions may be paper based or online and an online facility for running a petition is provided on the council's website. There is no standard format for a petition but it must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish us to take;
- the name and address and signature of any person supporting the petition, which must be not fewer than 15 people; and
- contact details, including an address, for the petition organiser who will be the person we will contact to explain how we will respond.

5.8.33 The chairperson of the council is available to receive petitions before the start of each ordinary meeting of full Council; if you wish to arrange this please contact: councillorservices@herefordshire.gov.uk . During the meeting, as part of chairperson's announcements, any petitions received will be formally passed to the relevant cabinet member or committee chairperson who will respond in writing to the petition organiser. You may ask your ward councillor to present the petition on your behalf. Petitions may also be sent in to:

Democratic Services Manager
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Or scanned and emailed to: councillorservices@herefordshire.gov.uk

5.8.34 What happens once a petition has been submitted?

5.8.35 All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt explaining how we will respond.

5.8.36 Details of all petitions received, and of our response, will be published on the website. The contact details of the petition organiser or signatories to a petition will not be placed on the website.

5.8.37 If your petition has been signed by a certain number of people who are registered to vote in the county then you may request that the petition is scheduled for debate at the next ordinary meeting of full Council. If that is the case up to 30 minutes will be allowed for the debate and the petition organiser will have the opportunity to briefly present the petition at the start of the debate. In order to be debated at a meeting of full council the number of Herefordshire electors who have signed the petition must be at least 5% of those on the electoral roll for the county.

5.8.38 What do councillors and officers do?

5.8.39 What councillors do....

5.8.40 Councillors are directly elected to represent the people and therefore have to consider not just the interests of their ward, but those throughout the whole county.

5.8.41 Your councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Herefordshire. They do this by setting the overall policies and strategies for the council and by monitoring the way in which these are implemented. Councillors have a complex role and act in a number of capacities: as committee member, constituency representative and party activist.

5.8.42 The full Council of 53 members is responsible for agreeing the main policies and priorities for all services, including the council's budget. The cabinet have responsibility for all decisions which the law, or the Council, does not require to be taken by others and agrees policies and actions to implement the budget and policies set by full Council. Councillors who are cabinet portfolio holders have more specialised roles in agreeing particular policies, representing the council while at the same time working with other agencies to tackle issues such as

improving overall health and wellbeing, social care and safeguarding, education, housing, transport, and promoting economic growth within the county.

5.8.43 What council officers do....

5.8.44 Council officers are the professional people who work for the council and who are paid to deliver the services agreed by councillors.

5.8.45 Officers help councillors to develop policies and objectives through providing professional expertise and advice but they must remain impartial and serve the council as a whole. Their main role is to provide the public with the highest possible standards of service within the budget that the councillors set and in accordance with the priorities agreed by the councillors.

5.8.46 What can my councillor do for me?

5.8.47 Your councillor can:

- be contacted to discuss your problem or ideas to improve the ward or county
- help you if you need information or are dissatisfied with a council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf
- as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
- campaign on local issues
- represent your community within the council and to other organisations
- speak at planning and regulatory committee on matters affecting the ward they represent
- ask questions or put forward views on your behalf at public meetings of the council
- present petitions on your behalf
- get an issue (either within the remit of the council or on a matter affecting the county) debated at full Council by submitting a motion.

5.8.48 Decisions

5.8.49 How do I know what decisions are being taken about matters that affect me or where I live?

5.8.50 We provide on our website ([Forward Plan](#)) summary information about future significant decisions to be taken by the cabinet, together with contact details so that you can find out more information or provide your views. You can also contact your ward member and ask them to put forward your views on your behalf.

5.8.51 Planning or licensing applications which have been submitted are also published on the council's website so that those who may be affected are able to make comments on the proposal.

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- 5.8.52 The agendas and minutes of meetings are published on the website, and where a decision has been taken by a cabinet member or officer, the decision report and notice of the decision are published on the website.
- 5.8.53 Are all decisions recorded and published?**
- 5.8.54 Many are, but there are lots of day to day decisions which are not published. The council has decided that officer decisions with a financial value of less than £50,000 will not be published unless there is a legal requirement to do so. This is because the number of such decisions would make it impractical to publish.
- 5.8.55 Why is some information kept confidential?**
- 5.8.56 We aim to publish information unless there is good reason not to. Sometimes a decision takes into account information which may be personal to an individual, or which would compromise the commercial position of the council or another individual or organisation. There may be particular legal or employment reasons for not making the information public. When this is the case we will explain why the information cannot be made public, and will periodically review whether those reasons remain valid. If they do not we will then release the information.
- 5.8.57 How long is information about decisions kept?**
- 5.8.58 Generally the law requires information to be available for public inspection for six years from the date of the decision.
- 5.8.59 How do I find out about decisions taken by partnerships?**
- 5.8.60 Herefordshire Council works with a wide range of partners to achieve shared objectives in an efficient and effective way. We keep a register of strategic partnerships on our website which includes information about where decisions taken by those partners is recorded and how you can find out more about them.
- 5.8.61 What if I can't find the information I am looking for?**
- 5.8.62 The Freedom of Information Act 2000 gives you a general right of access to all types of recorded information that we hold. More information about how to make a request, and about your other legal rights to information, can be found at: [Access to information](#).
- 5.8.63 Other ways of getting involved**
- 5.8.64 Planning**
- 5.8.65 Information about planning applications submitted is available on the council's website and public notices are displayed in the area affected. You may submit comments on a planning application which will be considered by the decision-maker. If the application raises unusual or sensitive planning issues you can ask
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your ward member to request that the application is considered by the planning and regulatory committee rather than a single officer.

5.8.66 If you have provided comments on a particular planning application which is considered by the planning and regulatory committee you will be asked whether you wish to register to speak at the committee to present your views. Three minutes is generally set aside for public speaking in objection to an application. Registration is on a first come first served basis. The time can be shared with the agreement of the person who has registered first.

5.8.67 Consultations

5.8.68 The council encourages as many people as possible to give their views on decisions which affect them. Details of live consultations and how to get involved are available on the council website at [Get Involved](#). You can also find information about past consultations there.

5.8.69 Scrutiny reviews

5.8.70 You may request that a matter or concern be considered for inclusion in the future work programme of a scrutiny committee. The committees cannot include every suggestion but prioritise items taking into account: the significance and impact of the issue; the ability of scrutiny input to add value; the need to avoid any duplication; the timeliness of scrutiny involvement and the resources available to undertake the work.

5.8.71 The committee may invite members of the public to submit their views or evidence to inform its work; when they do this the call for evidence will be publicised.

5.8.72 Vote

5.8.73 Elections take place for Herefordshire Council and all the town and parish councils in the county every four years as well as national elections, and police and crime commissioner elections. Your vote in all these elections and any other referendums that take place is important, but in order to vote you must be on the electoral register. Information about how to register is available at [Register to Vote](#).

5.8.74 Stand for election

5.8.75 If you are interested in standing for election as a parish councillor or as a Herefordshire councillor you can find out more at [Standing as a Councillor](#).

5.8.76 Volunteer

5.8.77 We provide a wide variety of services to people in Herefordshire, particularly to those who are vulnerable and have complex needs. As more pressure is placed on our budget, and on the budgets of partner organisations, different ways of

delivering these services are being developed. Individuals and communities are doing more to help each other and themselves. If you are interested in volunteering or have an idea for your community you would like to develop more information is available at [Volunteering](#).

5.8.78 Give feedback

5.8.79 We want to hear what you think about our services. What you say is important and will help us improve our services. More information can be found at: https://www.herefordshire.gov.uk/info/200148/your_council/50/contact_us

5.8.80 Find out more...

5.8.81 The council's website provides lots of advice and information as well as access to online services and you can sign up to receive updates on particular matters of interest. If you can't find what you are looking for some useful contacts are below:

Customer services.....

https://www.herefordshire.gov.uk/info/200148/your_council/50/contact_us

Freedom of information.....

https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/2

Governance.....

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved

Find your councillor or parish council information

https://www.herefordshire.gov.uk/info/200152/elections/219/election_information_for_your_area_search

Section 8 – Public Guide to Participation

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<u>Meeting Day</u>	<u>Question deadline</u> Time: 9.30 am in all cases
<u>Monday</u>	<u>Wednesday</u>
<u>Tuesday</u>	<u>Thursday</u>
<u>Wednesday</u>	<u>Friday</u>
<u>Thursday</u>	<u>Monday</u>
<u>Friday</u>	<u>Tuesday</u>

The Council's Monitoring Officer will reject questions which are not submitted in writing, within the time limit. You will be notified if your question, is rejected for these reasons and you may be able to re-submit your question, provided your question is in accordance with constitution rules relating to public questions.

5.8.15 How many questions can be asked?

5.8.16

One question and one supplementary question per person is allowed at any public meeting of the council as listed above. Questions must not take longer than one minute to ask or to read out.

~~A member of the public may ask one question at any public meeting of the council as listed above.~~

5.8.17 What is the purpose and scope for questions?

5.8.18 The purpose of questions is to enable both members of the public and any councillor to ask ~~any member of~~ the council about an issue that is of local concern, that has not been raised within the last 6 months and is the most practical way of progressing the members concerns.

Questions ~~must should~~ relate ~~to the to~~ the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to

~~the correct meeting. They should be of function of the committee where they are being asked a strategic nature, i.e. A question not personal to the questioner or a person employed by the council. Questions at full Council can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted, that questioners may highlight their experiences to support their question. Questions may include requests for the provision of access to a published report, designated background paper or report commissioned by the Council.~~information.

5.8.19 ~~We will not consider any appropriate question.~~

~~The Monitoring Officer will reject a question if it is not appropriate to be asked at a public meeting, reasons for rejection may include but are not limited to:~~

- ~~1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or~~
- ~~— It is defamatory or potentially defamatory, frivolous or offensive; or~~
- ~~— It is substantially the same as a question posed to a meeting of the Council in the past six months; or~~
- ~~2. It requires the disclosure of confidential or exempt information; or~~
- ~~3. It relates to an identifiable individual or employee of the council; or~~
- ~~4. it is more than 140 words; or~~
- ~~5. It relates to a planning or licensing application.~~

~~If a question is rejected because it is not appropriate (the Monitoring Officer will give the reason(s) for the rejection)~~

~~that is defamatory, offensive or frivolous. Additionally, we will reject a question which is substantially the same as a question which has been put at any meeting of the council in the last six months, is in multiple parts, is longer than 140 words, or requires the disclosure of confidential information or relates to an identifiable individual, is from a member of staff and relates to their employment, relates to a planning or licensing application or if at a meeting other than full Council does not relate to the function of the committee or a matter on the relevant agenda.~~

~~If your a question is rejected, you the questioner will be told before the start of the meeting and given the reasons why.~~

5.8.20 What happens at the meeting?

5.8.21 Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions and answers will be published on the council's website before the start of the meeting, and will be made available to members of the public who attend the meeting.

5.8.22 The chairperson will invite the questioner to put a supplementary question to the councillor named in the notice. If the questioner is unable to attend the meeting, no supplementary question will be permitted.

5.8.23 A questioner who has put a question in person or in writing can also ask one supplementary question, without notice, in response to the reply to their question. A supplementary question must arise directly out of the original question or the reply given. The chairperson ~~if appropriate questions and~~ can reject a supplementary question in consultation with the Monitoring officer/deputy monitoring officer/legal officer in attendance at the meeting on any of the grounds detailed in the section above.

5.8.24 What form will the reply take?

5.8.25 The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten clear working days.

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- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish us to take;

- the name and address and signature of any person supporting the petition, which must be not fewer than 15 people; and
- contact details, including an address, for the petition organiser who will be the person we will contact to explain how we will respond.

5.8.33 The chairperson of the council is available to receive petitions before the start of each ordinary meeting of full Council; if you wish to arrange this please contact: councillorservices@herefordshire.gov.uk . During the meeting, as part of chairperson's announcements, any petitions received will be formally passed to the relevant cabinet member or committee chairperson who will respond in writing to the petition organiser. You may ask your ward councillor to present the petition on your behalf. Petitions may also be sent in to:

Democratic Services Manager
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Hereford
HR4 0LE

Or scanned and emailed to: councillorservices@herefordshire.gov.uk

5.8.34 What happens once a petition has been submitted?

5.8.35 All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt explaining how we will respond.

5.8.36 Details of all petitions received, and of our response, will be published on the website. The contact details of the petition organiser or signatories to a petition will not be placed on the website.

5.8.37 If your petition has been signed by a certain number of people who are registered to vote in the county then you may request that the petition is scheduled for debate at the next ordinary meeting of full Council. If that is the case up to 30 minutes will be allowed for the debate and the petition organiser will have the opportunity to briefly present the petition at the start of the debate. In order to be debated at a meeting of full council the number of Herefordshire electors who have signed the petition must be at least 5% of those on the electoral roll for the county.

5.8.38 What do councillors and officers do?

5.8.39 What councillors do....

5.8.40 Councillors are directly elected to represent the people and therefore have to consider not just the interests of their ward, but those throughout the whole county.

5.8.41 Your councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Herefordshire. They

do this by setting the overall policies and strategies for the council and by monitoring the way in which these are implemented. Councillors have a complex role and act in a number of capacities: as committee member, constituency representative and party activist.

5.8.42 The full Council of 53 members is responsible for agreeing the main policies and priorities for all services, including the council's budget. The cabinet have responsibility for all decisions which the law, or the Council, does not require to be taken by others and agrees policies and actions to implement the budget and policies set by full Council. Councillors who are cabinet portfolio holders have more specialised roles in agreeing particular policies, representing the council while at the same time working with other agencies to tackle issues such as improving overall health and wellbeing, social care and safeguarding, education, housing, transport, and promoting economic growth within the county.

5.8.43 What council officers do....

5.8.44 Council officers are the professional people who work for the council and who are paid to deliver the services agreed by councillors.

5.8.45 Officers help councillors to develop policies and objectives through providing professional expertise and advice but they must remain impartial and serve the council as a whole. Their main role is to provide the public with the highest possible standards of service within the budget that the councillors set and in accordance with the priorities agreed by the councillors.

5.8.46 What can my councillor do for me?

5.8.47 Your councillor can:

- be contacted to discuss your problem or ideas to improve the ward or county
- help you if you need information or are dissatisfied with a council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf
- as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
- campaign on local issues
- represent your community within the council and to other organisations
- speak at planning and regulatory committee on matters affecting the ward they represent
- ask questions or put forward views on your behalf at public meetings of the council
- present petitions on your behalf
- get an issue (either within the remit of the council or on a matter affecting the county) debated at full Council by submitting a motion.

5.8.48 Decisions

5.8.49 How do I know what decisions are being taken about matters that affect me or where I live?

5.8.50 We provide on our website ([Forward Plan](#)) summary information about future significant decisions to be taken by the cabinet, together with contact details so that you can find out more information or provide your views. You can also contact your ward member and ask them to put forward your views on your behalf.

5.8.51 Planning or licensing applications which have been submitted are also published on the council's website so that those who may be affected are able to make comments on the proposal.

5.8.52 The agendas and minutes of meetings are published on the website, and where a decision has been taken by a cabinet member or officer, the decision report and notice of the decision are published on the website.

5.8.53 Are all decisions recorded and published?

5.8.54 Many are, but there are lots of day to day decisions which are not published. The council has decided that officer decisions with a financial value of less than £50,000 will not be published unless there is a legal requirement to do so. This is because the number of such decisions would make it impractical to publish.

5.8.55 Why is some information kept confidential?

5.8.56 We aim to publish information unless there is good reason not to. Sometimes a decision takes into account information which may be personal to an individual, or which would compromise the commercial position of the council or another individual or organisation. There may be particular legal or employment reasons for not making the information public. When this is the case we will explain why the information cannot be made public, and will periodically review whether those reasons remain valid. If they do not we will then release the information.

5.8.57 How long is information about decisions kept?

5.8.58 Generally the law requires information to be available for public inspection for six years from the date of the decision.

5.8.59 How do I find out about decisions taken by partnerships?

5.8.60 Herefordshire Council works with a wide range of partners to achieve shared objectives in an efficient and effective way. We keep a register of strategic partnerships on our website which includes information about where decisions taken by those partners is recorded and how you can find out more about them.

5.8.61 What if I can't find the information I am looking for?

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- 5.8.62 The Freedom of Information Act 2000 gives you a general right of access to all types of recorded information that we hold. More information about how to make a request, and about your other legal rights to information, can be found at: [Access to information](#).
- 5.8.63 Other ways of getting involved**
- 5.8.64 Planning**
- 5.8.65 Information about planning applications submitted is available on the council's website and public notices are displayed in the area affected. You may submit comments on a planning application which will be considered by the decision-maker. If the application raises unusual or sensitive planning issues you can ask your ward member to request that the application is considered by the planning and regulatory committee rather than a single officer.
- 5.8.66 If you have provided comments on a particular planning application which is considered by the planning and regulatory committee you will be asked whether you wish to register to speak at the committee to present your views. Three minutes is generally set aside for public speaking in objection to an application. Registration is on a first come first served basis. The time can be shared with the agreement of the person who has registered first.
- 5.8.67 Consultations**
- 5.8.68 The council encourages as many people as possible to give their views on decisions which affect them. Details of live consultations and how to get involved are available on the council website at [Get Involved](#). You can also find information about past consultations there.
- 5.8.69 Scrutiny reviews**
- 5.8.70 You may request that a matter or concern be considered for inclusion in the future work programme of a scrutiny committee. The committees cannot include every suggestion but prioritise items taking into account: the significance and impact of the issue; the ability of scrutiny input to add value; the need to avoid any duplication; the timeliness of scrutiny involvement and the resources available to undertake the work.
- 5.8.71 The committee may invite members of the public to submit their views or evidence to inform its work; when they do this the call for evidence will be publicised.
- 5.8.72 Vote**
- 5.8.73 Elections take place for Herefordshire Council and all the town and parish councils in the county every four years as well as national elections, and police and crime commissioner elections. Your vote in all these elections and any other referendums that take place is important, but in order to vote you must be on the
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electoral register. Information about how to register is available at [Register to Vote](#).

5.8.74 Stand for election

5.8.75 If you are interested in standing for election as a parish councillor or as a Herefordshire councillor you can find out more at [Standing as a Councillor](#).

5.8.76 Volunteer

5.8.77 We provide a wide variety of services to people in Herefordshire, particularly to those who are vulnerable and have complex needs. As more pressure is placed on our budget, and on the budgets of partner organisations, different ways of delivering these services are being developed. Individuals and communities are doing more to help each other and themselves. If you are interested in volunteering or have an idea for your community you would like to develop more information is available at [Volunteering](#).

5.8.78 Give feedback

5.8.79 We want to hear what you think about our services. What you say is important and will help us improve our services. More information can be found at: https://www.herefordshire.gov.uk/info/200148/your_council/50/contact_us

5.8.80 Find out more...

5.8.81 The council's website provides lots of advice and information as well as access to online services and you can sign up to receive updates on particular matters of interest. If you can't find what you are looking for some useful contacts are below:

Customer services.....

https://www.herefordshire.gov.uk/info/200148/your_council/50/contact_us

Freedom of information.....

https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/2

Governance.....

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved

Find your councillor or parish council information

https://www.herefordshire.gov.uk/info/200152/elections/219/election_information_for_your_area_search

Section 9 – Guide to roles and responsibilities of councillors

5.9.1 **Summary**

- 5.9.2 To serve all constituents within the ward, and the citizens of Herefordshire as a whole by acting as an effective advocate, campaigner and representative.
- 5.9.3 To promote the economic, social and environmental wellbeing of ward constituents and the those who live and work in the county as a whole, and to act in accordance with the high standards of probity in public life, seeking to serve the community without personal gain.
- 5.9.4 To be a corporate parent to looked after children and young people in the county.

5.9.5 **Being effective**

- 5.9.6 To be effective councillors should:
- fully understand and act in accordance with the councillors' code of conduct and the general principles that govern councillors' conduct.
 - have a knowledge and understanding of the council's constitution.
 - have a knowledge and understanding of the council's organisation and management structure and who to ask for information and advice.
 - attend all meetings of bodies on which they serve together with seminars and training sessions on subjects of relevance to them and their particular areas of involvement and interest.
 - accept personal responsibility to take up opportunities for training and development that may be provided and generally to extend and broaden their knowledge of local government affairs through reading, discussion and enquiry.

5.9.7 **Different roles for some councillors**

- 5.9.8 Some councillors will undertake markedly different roles (e.g. the leader, cabinet member, committee chairperson, scrutiny member etc). These differing roles are outlined in the role profiles at appendix 1 to this section.

5.9.9 **Standards of conduct and probity**

- 5.9.10 All councillors must agree to abide by the councillor code of conduct. Councillors will be given suitable training on taking office and receive ongoing support and briefings on this subject during their time in office.
- 5.9.11 Councillors must also abide by all the requirements of the council's own constitutional arrangements. Any breach of the codes in the constitution may constitute a breach of the councillor code of conduct and councillors should be aware of the procedures for dealing with complaints.
- 5.9.12 Councillors are expected to behave at all times in accordance with the high standards of personal conduct and in a manner that is consistent with the values

of the council to achieve best value for residents and maintain public confidence in Herefordshire Council.

5.9.13 Working as part of the council

5.9.14 At meetings of the council and as a member of one or more of the different council bodies, councillors will be expected to contribute to the formulation and review of policies and strategies and the review and development of services and programmes as appropriate.

5.9.15 Councillors should be constructive and forward looking. An innovative and questioning approach is required.

5.9.16 The work of the council is conducted in a political environment. As a councillor, who may have been elected with the endorsement and backing of a political party, or who may be a member of a political group within the council, members will naturally wish to secure aims and objectives that match their political affiliation. A political approach is legitimate, however, councillors should guard against pursuing political objectives to the point that it impedes the effective management of the council's affairs and undermines people's' confidence in the council's ability to exercise a leadership role in the wider community.

5.9.17 Councillors should have regard to the council's corporate plan and other council policies and strategies, especially when considering the quality and scope of services and weighing the merits of competing interests and demands upon the council budget.

5.9.18 When participating in scrutiny activity councillors should have regard to the council's scrutiny procedure rules and in particular the requirement to take an independent approach, seek consensus on outcomes, be constructive and not judgmental.

5.9.19 Community representative and advocate

5.9.20 Councillors should be aware of the needs, priorities and aspirations of their local community. To do this, they should make yourself known to those who live and work in their ward (your constituents). Councillors may wish to hold regular surgeries, publish newsletters or otherwise make themselves accessible. Liaise/consult extensively and meet with local groups and organisations including parish councils.

5.9.21 Councillors should represent the views of ward constituents and local groups. In doing so councillors should take careful note of the different, often conflicting, interests, and attempt to represent the community as a whole. Councillors should act as an advisor or advocate to local groups with a special interest, or generally provide advice and assistance on matters within their ward and the implications of particular courses of action.

5.9.22 Such a representational role must be undertaken responsibly. As politicians, councillors will naturally want to have regard to the views of voters and avoid, or at least minimise criticism by political opponents. Councillors do, however, have a wider responsibility to protect the council's interests and reputation and help reach the best decision.

- 5.9.23 Councillors should encourage constituents to raise matters of importance or personal concern and take appropriate action, either responding personally or ensuring a response is provided. Where necessary councillors should seek advice on any response made as they may be seen to be acting on behalf of the council as a whole.
- 5.9.24 Councillors should seek to foster a sense of civic pride within the community and encourage all citizens to develop and maintain a personal commitment to civic responsibility, and should avoid statements and actions that serve to undermine confidence in the institutions of local government without justification or good cause.
- 5.9.25 Working with others in the local community**
- 5.9.26 Councillors are expected to work with partners and other organisations with which the council is actively involved.
- 5.9.27 If a councillor is appointed by the council representative on any outside bodies they will have a responsibility to explain the council's policies and position where appropriate and to listen to the views of others and report back to the council.
- 5.9.28 Councillors should play a leading role in explaining to others outside the council how the decision making process operates and the respective roles of members and officers have.
- 5.9.29 Councillors may also be involved in other local organisations, such as those in the voluntary sector, and should recognise that as an elected councillor others may regard statements they make as having council backing. Councillors should always make it clear when they are speaking in an individual capacity, and follow the council's approved communication protocols.
- 5.9.30 Accountability**
- 5.9.31 The roles, duties and responsibilities outlined in this guide relate to the political or member level activities of the council. Accountability for a councillor's performance is through the political and electoral process.

Appendix 1: Member role profiles

All councillors:

Community leader

- Champion your ward
- Deal with casework
- Represent the community within the council and other agencies
- Campaign on local issues
- Keep in touch with constituents
- Able to engage with all groups within your community

Decision maker and influencer

- Actively contribute to the development and scrutiny of the council's policies, strategies, budget, and service delivery
- Attend meetings of full Council and any committees you are appointed to
- Work with partners and outside bodies as a representative of the council
- Act as a corporate parent for children and young people in the care of the council
- Liaise with town and parish councils

Day to day councillor

- Juggle roles and responsibilities
- Understand and interpret information
- Use ICT effectively
- Communicate using all types of media ensuring adherence to corporate guidance for media, social media and internet usage
- Use a communication style that takes into account different needs of different audiences
- Act as a facilitator.
- Take personal responsibility for continuous professional development to develop and build understanding, knowledge and skills to ensure that the role is undertaken as effectively as possible
- Interact with officers, partners, community and fellow councillors in accordance with the council's codes of conduct and behaviour.

Chairperson of the Council

- Uphold and promote the purpose of the constitution
- Decide what the constitution means if there is a dispute, on advice from the monitoring officer
- Chair full Council meetings so that decisions can be taken efficiently and with regard to the rights of councillors and the interests of the community
- Make sure that Council meetings are a place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account
- Promote public involvement in the council's activities and in the democratic process
- Be the conscience of the council
- Attend those civic and ceremonial functions which they or the council consider appropriate
- Approve, as urgent, decisions which will not be subject to call in, when no chair of a scrutiny committee is available.

The chairperson of the council fulfils several roles:

- (a) **Ceremonial role** - The chairperson is the ceremonial head of the whole Council and its countywide representative at civic and social occasions. The chairperson has considerable discretion in exercising the ceremonial aspects of the office.
- (b) **Apolitical role** - It is important that the chairperson maintains an apolitical stance especially when chairing Council meetings. The chairperson must act entirely neutrally allowing different opinions to be fully and fairly presented and debated subject to any relevant procedure rules.
- (c) **Chairperson's announcements** - Any group leader or committee chairperson may approach the chairperson before a Council meeting to suggest items for the chairperson to use in making announcements to Council. The chairperson has complete discretion as to which items they may think appropriate to announce.
- (d) **Rules of debate** - The chairperson's role in conducting meetings is to enforce the council rules at the Council meeting as set out in part 4.
- (e) **Casting vote** - If there are equal numbers of votes for and against, the chairperson will have a second or casting vote. There will be no restriction on how the chairperson chooses to exercise a casting vote.

Committee chairperson:

- Understand the role of the committee
- Understand the role of the chairperson
- Provide leadership and direction
- Provide effective meeting management
- Spend time with relevant officers to agree agendas and minutes
- Ensure all attendees have an opportunity to contribute to the meeting

Group leader

- Provide clear leadership to and be the main spokesperson and representative for members of their political group
- Promote the best interests of the county and ensure that members of their political group act in the same matter
- Lead their group by ensuring that:
 - Members of their group understand and uphold the council's codes of conduct
 - Members actively engage with and liaise in a positive manner with other political groups to further the interests of the council
 - Members actively engage with and liaise with members of the management board on all matters affecting the services provided, or commissioned by, them on behalf of the council
 - There is regular and meaningful communication within their groups and that members are fully briefed on all council matters
 - If in opposition, engage in constructive criticism, to provide credible checks and balances, challenges and realistic alternatives or amendments on proposed decisions of the cabinet where appropriate
 - There is adequate support is provided to group members to carry out and develop in their role (e.g. induction, regular meetings, supervision, identification of training needs and support)
- Make nominations to the membership of, and substitutes at, committees, as and when required
- Work with their group to formulate overall policy and priorities for the group
- Represent the council on local, regional and national bodies as appropriate

Group leader meetings

The purpose of Group Leaders' meeting should be to:

- Provide information and communication to and from political groups
- Facilitate cross-party working to achieve County Plan objectives
- To promote good working relationships between political parties and between Members and Officers of the council for the benefit of all.
- To otherwise liaise with other group leaders as appropriate and as required

Leader of the council

- Provide an overall cohesive, corporate and strategic leadership and direction for the council
- Lead and chair the cabinet and ensure its overall effectiveness
- Lead in developing the council's partnerships with other organisations
- Work with portfolio holders to ensure effective delivery of services within their portfolios against the agreed policies of the council, and to ensure the delivery of the cabinet's responsibilities
- Ensure effective communication and explanation of all cabinet's decisions and recommendations to Council and the public
- Ensure that the cabinet manages the business of the council within the financial limits set by the council

Cabinet member

The cabinet is responsible for all council functions which are not the responsibility of any other part of the council, provided the decisions made are within the council's agreed policy and budget framework.

- Participate effectively as a cabinet member taking joint responsibility for all actions and be collectively accountable.
- Build good relationships with appropriate officers and work with them in developing policy
- Take a proactive approach to the early engagement of scrutiny committees to help in policy development
- Give political and strategic direction to officers working within the portfolio
- Ensure up to date knowledge of related developments and policies at national, regional and local level
- Enhance the council's reputation through taking the national stage where possible and participating in regional and national networks
- Have an overview of performance management, efficiency and effectiveness of the portfolio
- Represent cabinet by attending scrutiny committees if requested in connection with any issues associated with the portfolio and consider scrutiny reports as required.
- Make executive decisions within the portfolio and in accordance with the principles of good decision-making
- Act as a strong, competent and persuasive figure to represent the portfolio and a figurehead in meetings with stakeholders
- Be prepared to take part in learning and development opportunities to ensure that the role is undertaken as effectively as possible
- Represent the council on external bodies and feedback to cabinet any issues of relevance and importance

Overall responsibility

- Ensure that cabinet exercises responsibility for the prudent management of the council's resources
- Have overall responsibility for the political management of the authority and the delivery of agreed council priorities, strategies and policies

Working with partners

- Be the main representative of the council, with others as appropriate, in dealing with the community, business, voluntary sector and other local and national organisations
- Ensure effective liaison with other political groups within the council

Scrutiny member

The scrutiny committees, and any task groups they establish, review and scrutinise decisions made or actions taken by the cabinet. They may also be involved in policy development prior to decisions being taken by the cabinet. The committees may make reports and recommendations to full Council, cabinet or any relevant partner in connection with council or certain other public functions such as health.

- Assist with the development of an effective work programme
- Engage with all stages of the scrutiny process
- Lead the committee in prioritising its work so as to ensure effective scrutiny
- Develop a constructive relationship with cabinet, especially with relevant portfolio holders
- Develop a constructive relationship with members of management board in the areas that the committee scrutinises
- Be responsible for outputs and outcomes of scrutiny
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Make recommendations based on the committee's deliberation

Committee member

Council has established a number of committees through which functions which are not the responsibility of cabinet are fulfilled. Seats on these committees are allocated to political groups on a proportional basis and appointments to fill those seats are a matter for the relevant group leaders to determine. Members who are appointed to certain committees, such as planning and regulatory committee, are required to undertake training before taking up their seats.

- Maintain up to date knowledge of council and national policies and processes relevant to the work of the committee
- Attend meetings and, if unable to attend, liaise with your group leader or the monitoring officer to arrange a substitute
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Take decisions in accordance with the principles of good decision-making

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of the council to achieve best value for residents and maintain public confidence in Herefordshire Council.

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- Make sure that Council meetings are a place for debating matters of concern to the local community and the place at which members who are not on the [Ceabinet](#) are able to hold the [Ceabinet](#) to account
- Promote public involvement in the council's activities and in the democratic process
- Be the conscience of the council
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The chairperson of the council fulfils several roles:

- (a) **Ceremonial role** - The chairperson is the ceremonial head of the whole [eCouncil](#) and its countywide representative at civic and social occasions. The chairperson has considerable discretion in exercising the ceremonial aspects of the office.
- (b) **Apolitical role** - It is important that the chairperson maintains an apolitical stance especially when chairing Council meetings. The chairperson must act entirely neutrally allowing different opinions to be fully and fairly presented and debated subject to any relevant procedure rules.
- (c) **Chairperson's announcements** - Any group leader or committee chairperson may approach the chairperson before a Council meeting to suggest items for the chairperson to use in making announcements to Council. The chairperson has complete discretion as to which items they may think appropriate to announce.
- (d) **Rules of debate** - The chairperson's role in conducting meetings is to enforce the council rules at the Council meeting as set out in part 4.
- (e) **Casting vote** - If there are equal numbers of votes for and against, the chairperson will have a second or casting vote. There will be no restriction on how the chairperson chooses to exercise a casting vote.

Committee chairperson:

- Understand the role of the committee
- Understand the role of the chairperson
- Provide leadership and direction
- Provide effective meeting management
- Spend time with relevant officers to agree agendas and minutes
- Ensure all attendees have an opportunity to contribute to the meeting

Group leader

- Provide clear leadership to and Be be the main spokesperson and representative for members of their political group
- Promote the best interests of the county and ensure that members of their political group act in the same matter Act in a manner which is likely to promote rather than undermine the best interests of the county and ensure that members of their political group act in a similar manner
- Lead their group by ensuring that:
 - Members of their group understand and abide by uphold the council's codes of conduct
 - Members actively engage with and liaise Adequate liaison takes place in a positive manner with ~~with~~ other political groups to further the interests of the council
 - Members actively engage with and liaise with Adequate liaison takes place with members of the management board on all matters affecting the services provided, or commissioned by, them on behalf of the council
 - Regular briefings take place to ensure good communications takes place on all council matters to members of their group There is regular and meaningful communication within their groups and that members are fully briefed on all council matters
 - If in opposition, engage in constructive criticism, to provide credible checks and balances, challenges and realistic alternatives or amendments ~~offered by members of the group~~ on proposed decisions of the cabinet where appropriate
 - There is adequate support is provided to group members to carry out and develop in their role (e.g. induction, regular meetings, supervision, identification of training needs and support)
- Make nominations to the membership of, and substitutes at, committees, as and when required
- Work with their group to formulate overall policy and priorities for the group
- Represent the council on local, regional and national bodies as appropriate

Group leader meetings

The purpose of Group Leaders' meeting should be to:

- Provide information and communication to and from political groups
- Facilitate cross-party working to achieve County Plan objectives
- To promote good working relationships between political parties and between Members and Officers of the council for the benefit of all.
- To otherwise liaise with other group leaders as appropriate and as required

Leader of the council

- Provide an overall cohesive, corporate and strategic leadership and direction for the council
- Lead and chair the cabinet and ensure its overall effectiveness
- Lead in developing the council's partnerships with other organisations
- Work with portfolio holders to ensure effective delivery of services within their portfolios against the agreed policies of the council, and to ensure the delivery of the cabinet's responsibilities
- Ensure effective communication and explanation of all cabinet's decisions and recommendations to Council and the public
- Ensure that the cabinet manages the business of the council within the financial limits set by the council

Cabinet member

The cabinet is responsible for all council functions which are not the responsibility of any other part of the council, provided the decisions made are within the council's agreed policy and budget framework.

- Participate effectively as a cabinet member taking joint responsibility for all actions and be collectively accountable.
- Build good relationships with appropriate officers and work with them in developing policy
- Take a proactive approach to the early engagement of scrutiny committees to help in policy development
- Give political [and strategic](#) direction to officers working within the portfolio
- Ensure up to date knowledge of related developments and policies at national, regional and local level
- Enhance the council's reputation through taking the national stage where possible and participating in regional and national networks
- Have an overview of performance management, efficiency and effectiveness of the portfolio
- Represent cabinet by attending scrutiny committees if requested in connection with any issues associated with the portfolio and consider scrutiny reports as required.
- Make executive decisions within the portfolio and in accordance with the principles of good decision-making
- Act as a strong, competent and persuasive figure to represent the portfolio and a figurehead in meetings with stakeholders
- Be prepared to take part in learning and development opportunities to ensure that the role is undertaken as effectively as possible
- Represent the council on external bodies and feedback to cabinet any issues of relevance and importance

Overall responsibility

- Ensure that cabinet exercises responsibility for the prudent management of the council's resources
- Have overall responsibility for the political management of the authority and the delivery of agreed council priorities, strategies and policies

Working with partners

- Be the main representative of the council, with others as appropriate, in dealing with the community, business, voluntary sector and other local and national organisations
- Ensure effective liaison with other political groups within the council

Scrutiny member

The scrutiny committees, and any task groups they establish, review and scrutinise decisions made or actions taken by the cabinet. They may also be involved in policy development prior to decisions being taken by the cabinet. The committees may make reports and recommendations to full Council, cabinet or any relevant partner in connection with council or certain other public functions such as health.

- Assist with the development of an effective work programme
- Engage with all stages of the scrutiny process
- Lead the committee in prioritising its work so as to ensure effective scrutiny
- Develop a constructive relationship with cabinet, especially with relevant portfolio holders
- Develop a constructive relationship with members of management board in the areas that the committee scrutinises
- Be responsible for outputs and outcomes of scrutiny
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Make recommendations based on the committee's deliberation

Committee member

Council has established a number of committees through which functions which are not the responsibility of cabinet are fulfilled. Seats on these committees are allocated to political groups on a proportional basis and appointments to fill those seats are a matter for the relevant group leaders to determine. Members who are appointed to certain committees, such as planning and regulatory committee, are required to undertake training before taking up their seats.

- Maintain up to date knowledge of council and national policies and processes relevant to the work of the committee
- Attend meetings and, if unable to attend, liaise with your group leader or the monitoring officer to arrange a substitute
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Take decisions in accordance with the principles of good decision-making

Chief Executive Scheme of Delegation to Officers

1. To support the council's intention that decision taking should be delegated in the interests of speed, and consistent with democratic accountability and openness, the constitution delegate's officer decision making to the chief executive.
2. The chief executive is unable to take all decisions personally and this scheme of delegation sets out: who the chief executive has authorised to take decisions or fulfil specified proper officer functions on his behalf; and the framework in which those delegations may be exercised.
3. It remains open to the officer making the delegation to call back a matter for their own determination, and for the decision maker to refer a matter back to the officer who delegated it to them.

General delegations

4. The table at appendix 1 identifies which senior managers the chief executive has authorised to take executive (non-key), or non- executive decisions on his behalf, and the service areas their authority extends to.
5. Each senior manager identified in appendix 1 has delegated to them power to act on behalf of the council in relation to any incidental operational matters within the service areas for which they are responsible, including spending decisions, subject to the following overriding provision:
6. Any action taken under delegated powers shall be in accordance with:
 - i. the overall policies approved by full Council, the Cabinet or a committee;
 - ii. the provisions of the constitution, including the contract and financial procedure rules;
 - iii. no contracts, of any value, may be approved or authorised below the level of Assistant Director¹;
 - iv. human resources policies and procedures;
 - v. approved capital and revenue budgets; and
 - vi. the requirements of the relevant legislation.
7. In exercising delegated authority, decision makers will:
 - be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
 - consult properly and have regard to the professional advice from the council's officers;
 - have regard to the public sector equality duty and respect for natural justice and human rights;
 - make the decision public unless there are good reasons for it not to be;
 - give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;

¹ as per the instruction issued by the Chief Executive with effect from 17 May 2017.

- explain what options were considered and give the reasons for the decision; and
 - follow proper procedures.
8. Without prejudice to these delegations, senior managers are expected to have regard to any resolution of full Council, Cabinet, relevant cabinet member or committee, on any matter of principle or policy relating to the power being exercised and shall, as appropriate:
- a) maintain a close liaison with the relevant cabinet member(s), or in their absence the Leader;
 - b) ensure that the local member is consulted on, or advised of the exercise of delegated powers;
 - c) ensure that the Monitoring Officer, Chief Finance Officer are consulted and advised of any decisions as necessary; and
 - d) ensure that management board is consulted and advised where appropriate in relation to cross service issues

Staff

9. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to act in relation to the appointment of staff within approved budgets, in accordance with the personnel policies and procedures of the council.
10. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to act in relation to the dismissal of staff in accordance with the personnel policies and procedures of the council.
11. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to make variations in establishment using grades approved in accordance with the council's personnel policies and procedures, and to determine all other matters relating to the employment of staff, within approved budgets and in accordance with the personnel policies and procedures of the council.

Emergencies

12. Where the chief executive or directors are operating under the council's emergency management procedures (or silver and gold officers as listed below in the absence of the chief executive and all directors) and 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 they are authorised to take 'all necessary 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.
13. Before exercising this delegated authority any officer shall use their best 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.

14. Where the delegated powers in paragraph 12 above are exercised, contract and financial procedure rules are deemed to be waived for that purpose.
15. Any action taken under the powers delegated above will be reported to the chief executive at the earliest opportunity. All emergency decision 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.

Indemnity

16. The Council will provide an indemnity (in accordance with SI 2004/3082) to any of their members, employees, former members and former employees relating to any neglect, act, error or omission committed by them as they undertook their duties which were authorised by the Council or arose from powers conferred or duties placed on the member or employee at the request of or with approval of the Council. This indemnity shall include when they are acting for other persons or bodies with the Council's consent. The indemnity will include costs awarded and reasonable costs incurred.
17. For the avoidance of doubt this indemnity will only apply for former members and employees in respect of acts and omissions whilst they were members or employees of the council
18. The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
 - (a) fraud, dishonesty or a criminal offence on the part of the employee; or
 - (b) any neglect, error or omission by the employee other than in the course of his duties; or
 - (c) Activities which are "ultra vires", that is to say outside the powers of the council, save to the extent that at the time of the activity concerned the individual truly and reasonably believed that the activity was intra vires, i.e. within the legal powers of the council; or
 - (d) liability in respect of losses certified by the auditor caused by wilful misconduct, or
 - (e)
19. The Council will not usually itself make claims against its employees for any loss or damage as a result of the officers' actions, unless claims fall within the cover provided to its employees under any policy of insurance taken out by the council or any motor vehicle insurance policy taken out by the employee. In the case of criminal proceedings, if the officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal reimbursement will be sought.
20. This indemnity will not cover the making by a member or employee of any claim.. This indemnity will however include an indemnity for the defence by a member or employee in any claim where there actions whilst acting on behalf of the council are challenged..
21. The indemnity will not apply if an employee admits liability, negotiates or attempts to negotiate a settlement of any claim that falls within the scope of this indemnity, without the written authority of the Council. The indemnity will also not apply where there is evidence that the employee had acted with reckless disregard for the

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

Sub delegation

23. Where a director is absent from the workplace for any period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated in writing, the nomination be approved by the chief executive and forwarded to the governance team.

24. Each of the three corporate directors and those in the corporate centre shall maintain a directorate scheme of delegation specifying specific delegations relevant to the service.

Statutory and proper officer functions

25. Council has designated posts as fulfilling the following statutory and proper officer functions:

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP01	Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Chief executive
SP02	Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	Solicitor to the council
SP03	Officer responsible for financial administration (Section 151 – Local Government Act 1972)	Chief finance officer
SP04	Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	Chief executive
SP05	Chief Education Officer (Section 532 – Education Act 1996)	Director for children and families
SP06	Director of Children’s Services (Section 18 – Children Act 2004)	Director for children and families
SP07	Director of Adult Social Services (Section 6 – Local Authority Social Services Act 1970)	Director for adults and communities
SP08	Director of Public Health (Section 73A National Health Service Act 2006)	Director of public health
SP09	Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Democratic services manager

REPRESENTATION OF THE PEOPLE ACT 1983

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP10	Section 8 – The Electoral Registration Officer for the purpose of the registration of electors, as required by law	Chief executive Deputy Electoral Registration Officers: Assistant Director, Corporate Support Head of Information Compliance and Equality
SP11	Section 28 – The Acting Returning Officer at an election of a Member of Parliament	Chief executive
SP12	Section 35 – The Returning Officer at an election of local elections	Chief executive

LOCAL GOVERNMENT ACT 1972

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP13	Section 83(1) – The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Chief executive Monitoring officer Deputy monitoring officer
SP14	Section 83(3)(b) – The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made	Chief executive Monitoring officer
SP15	Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Monitoring officer
SP16	Section 86 – To declare any vacancy in any office under this section	Monitoring officer
SP17	Section 88(2) – The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened	Chief executive Monitoring officer
SP18	Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Monitoring officer

SP19	Section 99 and Schedule 12 – To give notice and send summonses in respect of any council meeting	Monitoring officer
SP20	Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Monitoring officer
SP21	Section 100B(2) – The officer to exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Monitoring officer
SP22	Section 100B(7)(c) – The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration	Democratic services manager
SP23	Section 100C(2) – The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded	Monitoring officer
SP24	Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet	Director economy and place, Director for children and families, Director for adults and communities
SP25	Section 100D(5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Director economy and place Director for children and families and families Director for adults and communities
SP26	Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring officer

LOCAL GOVERNMENT ACT 1972

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP27	Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Monitoring officer
SP28	Section 115 – The officer to whom money properly due from officers shall be paid	Chief finance officer
SP29	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Chief finance officer
SP30	Section 151 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Chief finance officer
SP31	Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	Solicitor to the council
SP32	Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Solicitor to the council
SP33	Section 229(5) – The officer to certify photographic copies of documents	Solicitor to the council
SP34	Section 233 – The officer to receive documents required to be served on the authority	Solicitor to the council
SP35	Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	Solicitor to the council
SP36	Section 238 – The officer to certify printed copies of bylaws	Solicitor to the council

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP37	Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Monitoring officer
SP38	Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Sections 9(1) & (2), 13(2)(h) and (3)(b) and 20(b) of the Registration Services Act 1953 (Proper Officer)	Electoral services manager

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP39	Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Monitoring officer
SP40	Section 16 – Notices requiring details of interest in land	Solicitor to the council

LOCAL GOVERNMENT AND HOUSING ACT 1989

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP41	Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted	Chief executive Assistant Director People
SP42	Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Chief executive Monitoring officer

LOCAL GOVERNMENT ACT 2000

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP43	The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Monitoring officer
SP44	To establish and maintain the members' register of interest (Section 81 LGA 2000) and ensure it is available for public inspection	Monitoring officer
SP45	To ensure that copies of the constitution are available for inspection (Section 37)	Monitoring officer
SP46	To make payments of relevant allowances in accordance with the council's members allowances scheme (Section 99)	Democratic services manager
SP47	Officer for the purpose of verifying the validity of any electoral petition and for the purposes of announcing and holding any referendum	Chief executive

LAND CHARGES ACT 1975

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP48	The officer to act as Local Registrar as defined in Section 3 of the Local Land Charges Act 1975	Land charges manager

NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP49	Proper officer to seek an order for removal of persons into care	Director for adults and communities Director for children and families

REGISTRATION SERVICES ACT 1953

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP50	Section 6 - Proper officer for births, deaths and marriages	Direct services manager

LOCAL GOVERNMENT ACT 2003

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP51	Section 6 - Proper officer for births, deaths and marriages	Direct services manager
SP52	Section 25 – requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	S151 Officer

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP53	Requirement to appoint a suitably qualified person as the council's medical advisor on environmental health and proper officer for notifiable diseases	Director of public health
SP53a	To act on behalf of the council in respect of the legislation specified in the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020	Director of public health Director, economy and place

CIVIL EVIDENCE ACT 1995

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP54	To certify council records for the purposes of admitting the document in evidence in civil proceedings	Solicitor to the council

CRIME AND DISORDER ACT 1998

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP55	Section 12 – to apply for the discharge or variation of a Child Safety Order	Director for adults and communities Director for children and families
SP56	Sections 17 and 37 – to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	The chief executive and Directors

CRIMINAL JUSTICE AND POLICE ACT 2001

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP57	Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	Assistant Director for Regulation, Environment & Waste Services

LOCAL GOVERNMENT FINANCE ACT 1988

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP58	Section 114 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Chief finance officer
SP59	Section 116 – Notification to the council's auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Chief finance officer
SP60	Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Chief finance officer

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP61	Certification of relevant powers to enter into contracts	Solicitor to the council

LOCAL AUTHORITIES' CEMETERIES ORDER 1977 (SI 1977 NO 204)

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP62	Section 10 – To appoint an officer for the purpose of signing the Grants of Exclusive Right of Burial Deeds on behalf of the burial authority	Direct services manager

NATIONAL HEALTH SERVICE ACT 2006

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP63	Section 2B – the exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area	Director of public health
SP64	Section 111 (amended by Health and Social Care Act 2012 part 1 s. 29) – the exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health	Director of public health
SP65	Section 249 – the exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners	Director of public health
SP66	Schedule 1 – the exercise by the authority of any of its functions as set out in Schedule 1 and Section 73B as amended by Health and Social Care Act 2012	Director of public health
SP67	Section 6C(1) – the exercise by the authority of any of the Secretary of State's public health functions, which it is required to carry out by regulations issued by the Secretary of State	Director of public health

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP68	Section 7A – the exercise by the authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State	Director of public health
SP69	Section 73A(1)(d) – the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of public health
SP70	Section 73A(1)(e) – the exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders)	Director of public health
SP71	Section 73A(1)(f) – the exercise by the authority of such other functions relating to public health as may be prescribed	Director of public health

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP72	<i>No longer in use.</i>	N/A

DATA PROTECTION ACT 1998

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP73	Section 20 – to notify the Information Commission of any changes as per this provision	Head of Information compliance and equality

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2000

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP74	The officer responsible for ensuring a proper record and access is made of Executive reports, background papers and decisions and that the document comprising the Authority’s Forward Plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012	Democratic services manager

GENERAL DATA PROTECTION REGULATION (EU REGULATION 2016/679)

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP75	Article 35 - An officer responsible for; monitoring, informing, advising the controller or the processor and the employees who carry out processing of their obligations pursuant to the Regulation and other UK data protection legislation.	Head of Information compliance and equality

HOUSING ACT 2004

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP76	Section 4 – The officer to receive complaints that any category 1 or 2 hazards may exist on premises or that an area in the district should be dealt with as a clearance area	Director for adults and communities

AGRICULTURAL ACT 1970

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP77	Section 67(3) – To appoint an inspector and agricultural analyst and, if the authority thinks fit, one or more deputy agricultural analyst	Chief executive

WEIGHTS AND MEASUREMENTS ACT 1985

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP78	Section 72(1) – To appoint a chief inspector of weights and measures and such number of other inspectors if necessary	Trading standards service manager

CALDICOTT REPORT 1997

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP79	Recommendation 3 – Caldicott guardian to ensure patient data is kept secure and adherence to the Caldicott principles.	Director for Adults and Communities

INFORMATION GOVERNANCE TOOLKIT

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP80	A senior information risk owner who will take overall ownership of the local authority's Information Risk Policy.	Assistant director corporate support

MENTAL HEALTH ACT 1983

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP81	Section 114 – persons to act as an approved mental health professional for the purposes of the Mental Health Act. This includes the power to make applications under Sections 2, 3, 4, 18, 135, and 138. This also includes duties under Section 13, 136 and 17A of the Mental Health Act 1983.	Approved mental health professionals

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP82	Schedule 1 Part 2 Para 5(2) notification of appointment, Para 6(2) notification of dismissal and any objections	Assistant Director People

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) (ENGLAND) REGULATIONS 2011

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP83	Regulation 4 – publish the verification number Regulation 10 - validation decision	Chief executive

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP84	Regulation 8 – enforcement of requirement Regulation 10 – fixed penalty notices	Director for Economy and Place

26. The chief executive is designated as the council’s proper officer for all other such purposes.

Appendix 1

In accordance with the constitution 3.7.13 it is not appropriate for executive decisions to be taken by any officer below the level of assistant director in the organisation structure. Where senior officers below assistant directors are named their delegation is to undertake operational decisions only.

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	Service area	Who may carry it out²
SA01	Act as chief executive including the power to grant delegations in accordance with this scheme And in the absence of or a conflict of interest of the chief executive or deputy chief executives	Deputy chief executives Director for children and families Director for adults and communities
ADULTS AND COMMUNITIES		
SA02	Adult social care operation and policy provision of assessment and care management; approved mental health practitioners; deprivation of liberty functions; strategic and operational safeguarding adults policies and procedures; prevention and support services (including welfare rights, occupational therapy, financial assessments, direct payments, telecare, rapid response registered service).	Director for adults and communities Assistant director all ages commissioning Assistant director adults and communities operations
SA03	Public health	Chief executive Director of public health

² Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

	Service area	Who may carry it out²
SA04	<p>To discharge any functions in relation to the corporate public health duties of the council authorised to the director of public health under the NHS Act 2006 and the Health and Social Care Act 2012, including responsibility for:</p> <ul style="list-style-type: none"> • The annual report on the health of the local population; • Improving public health, including commissioning alcohol and drug misuse services, sexual health services, child health services, smoking cessation services; • Planning for, and responding to, emergencies that present a risk to public health; • Promoting safer communities by working with local criminal justice partners and police and crime commissioners, the probation service and the prison service; • The council's public health response to licensing applications; • Developing wellbeing, implementing the health and wellbeing strategy 	Director of public health
SA05	<p>To carry out such public health protection or health improvement functions as the Secretary of State shall delegate to local authorities either by arrangement or under regulations and including services mandated by regulations made under Section 6C of the National Health Service Act 2006, as amended, namely:</p> <ul style="list-style-type: none"> • ensuring appropriate access to sexual health services; • the delivery of the national child measure programme; • the delivery of the NHS health check assessment; • public health advice to NHS commissioners; • to be a statutory member of the health and wellbeing board 	Director of public health
SA06	Community resilience and development	Director for adults and communities
SA07	Health and wellbeing including leading on the development of the health and wellbeing board	Director for adults and communities
SA08	Housing and homelessness support and solutions	Director for adults and communities Director economy and place

	Service area	Who may carry it out²
SA09	Commissioning, quality assurance and contract management relating to all ages	Director for adults and communities Assistant director all ages commissioning
SA10	Herefordshire safeguarding adults board strategic development	Director for adults and communities Assistant director all ages commissioning
SA11	Safeguarding children and young people in Herefordshire, Herefordshire safeguarding adults, and community safety partnership board business unit	Director for children and families
SA12	Directorate lead for Caldicott guardian functions	Assistant director all ages commissioning
SA13	Customer services	Director for adults and communities
SA14	Sustainable communities	Director for adults and communities
SA15	Promoting community cohesion and preventing anti-social behaviour	Director for adults and communities
SA16	Directorate performance	Director for adults and communities

	Service area	Who may carry it out²
SA17	Directorate risk management	Director for adults and communities
SA18	Overall lead for community safety and the prevent strategy	Director for adults and communities
CHILDREN AND FAMILIES		
SA19	Commissioning for children’s services including schools, early years, colleges, adult learning, social care and vulnerable	Director for children and families
SA20	Safeguarding and child protection services	Director for children and families Assistant director safeguarding and family support
SA21	Early help and family support services	Director for children and families Assistant director safeguarding and family support Assistant director education, development and skills
SA22	Children’s centres	Director for children and families Assistant director education, development and skills
SA23	Early years and school improvement and support	Director for children and families Assistant director education, development and skills
SA24	Special educational needs and disabilities service	Director for children and families Assistant director education, development and skills
SA25	Sufficiency of places in early years, schools and colleges	Director for children and families Assistant director education, development and skills

	Service area	Who may carry it out?
SA26	Schools admissions	Director for children and families Assistant director education, development and skills
SA27	Effective health and wellbeing board, Herefordshire safer children and young people partnership, and children and young people's partnership arrangements	Director for children and families
SA28	Delivery of adult and community learning	Director for children and families Assistant director education, development and skills
SA29	Youth justice	Director for children and families Assistant director safeguarding and family support
SA30	Adoption and fostering	Director for children and families Assistant director safeguarding and family support
SA31	Herefordshire safer children and young people partnership	Director for children and families Assistant director safeguarding and family support
SA32	Directorate lead for Caldicott guardian functions	Assistant director safeguarding and family support
SA33	Education services	Director for children and families Assistant director education, development and skills
SA34	School admissions	Director for children and families Assistant director for education, development and skills

	Service area	Who may carry it out²
SA35	Home to school transport policy	Director economy and place Assistant director education, development and skills
SA36	Tracking and reduction of those not in education, employment or training	Director for children and families Assistant director education, development and skills
SA37	Education and commissioning policies and procedures	Director for children and families Assistant director education, development and skills/Director for adults and communities Assistant director all ages commissioning
SA38	Commissioning of children’s and young people’s services including schools, early years, colleges, adult and community learning, social care and vulnerable children; and children’s centre services	Director for children and families
SA39	Directorate performance	Director for children and families
SA40	Directorate risk management	Director for children and families
	ECONOMY AND PLACE	
SA41	Libraries	Director economy and place
SA42	Cultural and leisure service	Director economy and place
SA43	European and external funding	Director economy and place
SA44	Strategic planning policy including neighbourhood planning	Director economy and place
SA45	Economic development	Director economy and place
SA46	Hoople - commissioning	Chief finance officer
SA47	Number not used at present time	N/A

	Service area	Who may carry it out²
SA48	Environment and waste	Director economy and place
SA49	Sustainability	Director economy and place
SA50	Highways and transportation	Director economy and place
SA51	Public rights of way	Director economy and place
SA52	Parks and countryside	Director economy and place
SA53	Development management	Director economy and place
SA54	Conservation	Director economy and place
SA55	Building control	Director economy and place
SA56	Markets, fairs and street trading	Director economy and place
SA57	Bereavement services including Coroners services and Registration services	Director economy and place
SA58	Environmental health and trading standards	Director economy and place
SA59	Technical and parking services	Director economy and place
SA60	Enforcement	Director economy and place
SA61	Community protection	Director economy and place
SA62	Property services	Director economy and place
SA63	Housing growth, development and strategy	Director economy and place
CORPORATE CENTRE		
SA64	Corporate information, research and needs analysis	Assistant director corporate support
SA65	Information access and handling all complaints in accordance with the customer strategy;	Assistant director corporate support
SA66	Customer services standards	Assistant director corporate support
SA67	Facilities management	Assistant director corporate support

	Service area	Who may carry it out²
SA68	Management Board, Leader and Chairman support	Assistant director corporate support
SA69	Policy planning	Assistant director strategy
SA70	Equalities	Assistant director corporate support
SA71	Corporate grants and income development	Assistant director corporate support
SA72	Democratic services	Solicitor to the council
SA73	Legal services	Solicitor to the council
SA73a	Payments for maladministration under s92 Local government Act 2000	Solicitor to the council
SA74	Electoral services	Assistant director corporate support
SA75	ICT commissioning and strategy	Assistant director corporate support
SA76	Communications	Assistant director strategy
SA77	Records and information compliance.	Assistant director corporate support
SA78	County-wide broadband deployment and digital inclusion	Assistant director corporate support
SA79	Procurement / commercial team	Assistant director corporate support
SA80	Human resources and organisational development	Assistant Director People
SA81	Flexible working	Assistant Director People
SA82	Payroll	Assistant Director People
SA83	Hoople HR services	Assistant Director People
SA84	Business continuity and emergency planning	Assistant Director People

	Service area	Who may carry it out²
SA85	Health and safety	Assistant Director People
SA86	Transformation	Assistant director strategy
SA87	Project management	Assistant director strategy
SA88	Corporate performance to include strategic corporate planning and CPIP	Assistant director strategy
SA89	Corporate risk management	Solicitor to the council
SA90	Corporate co-ordination risk management	Assistant director corporate support
SA91	Corporate co-ordination performance reporting / management	Assistant director corporate support
SA92	Finance services	Chief finance officer
SA93	Revenues and benefits	Chief finance officer
SA94	Audit	Chief finance officer
SA95	Insurance	Chief finance officer

Appendix 2 – Gold and Silver officers

Officer appointed	Gold/Silver officer
Chief executive	Gold
Deputy chief executive	Gold
Director for economy and place	Gold
Director for children and families	Gold
Director for adults and communities	Gold
Director for public health	Gold
Assistant director corporate support	Silver
Assistant director strategy	Silver
Assistant director all ages commissioning	Silver
Assistant director adults social care operations	Silver
Assistant director safeguarding and early help	Silver
Assistant director talk community	Silver
Assistant director education, development and skills	Silver
Chief finance officer	Gold
Monitoring officer	Silver
Programme director housing and growth	Silver
Assistant director (regulatory, environment & waste services)	Silver
Acting assistant director highways and transport	Silver
Assistant director technical services	Silver
Assistant director people	Silver
Assistant director, safeguarding, quality and improvement	Silver

Signed:

Date: 29 September 2020

**Alistair Neill
Chief Executive**

Chief Executive Scheme of Delegation to Officers

1. To support the council's intention that decision taking should be delegated in the interests of speed, and consistent with democratic accountability and openness, the constitution delegate's officer decision making to the chief executive.
2. The chief executive is unable to take all decisions personally and this scheme of delegation sets out: who the chief executive has authorised to take decisions or fulfil specified proper officer functions on his behalf; and the framework in which those delegations may be exercised.
3. It remains open to the officer making the delegation to call back a matter for their own determination, and for the decision maker to refer a matter back to the officer who delegated it to them.

General delegations

4. The table at appendix 1 identifies which senior managers the chief executive has authorised to take executive (non-key), or non- executive decisions on his behalf, and the service areas their authority extends to.
5. Each senior manager identified in appendix 1 has delegated to them power to act on behalf of the council in relation to any incidental operational matters within the service areas for which they are responsible, including spending decisions, subject to the following overriding provision:
6. Any action taken under delegated powers shall be in accordance with:
 - i. the overall policies approved by full Council, the Cabinet or a committee;
 - ii. the provisions of the constitution, including the contract and financial procedure rules;
 - iii. no contracts, of any value, may be approved or authorised below the level of Assistant Director¹;
 - iv. human resources policies and procedures;
 - v. approved capital and revenue budgets; and
 - vi. the requirements of the relevant legislation.
7. In exercising delegated authority, decision makers will:
 - be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
 - consult properly and have regard to the professional advice from the council's officers;
 - have regard to the public sector equality duty and respect for natural justice and human rights;
 - make the decision public unless there are good reasons for it not to be;
 - give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;

¹ as per the instruction issued by the Chief Executive with effect from 17 May 2017.

- explain what options were considered and give the reasons for the decision; and
 - follow proper procedures.
8. Without prejudice to these delegations, senior managers are expected to have regard to any resolution of full Council, Cabinet, relevant cabinet member or committee, on any matter of principle or policy relating to the power being exercised and shall, as appropriate:
- a) maintain a close liaison with the relevant cabinet member(s), or in their absence the Leader;
 - b) ensure that the local member is consulted on, or advised of the exercise of delegated powers;
 - c) ensure that the Monitoring Officer, Chief Finance Officer are consulted and advised of any decisions as necessary; and
 - d) ensure that management board is consulted and advised where appropriate in relation to cross service issues

Staff

9. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to act in relation to the appointment of staff within approved budgets, in accordance with the personnel policies and procedures of the council.
10. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to act in relation to the dismissal of staff in accordance with the personnel policies and procedures of the council.
11. Subject to the provisions of the council's employment rules, each senior manager identified in appendix 1 is authorised to make variations in establishment using grades approved in accordance with the council's personnel policies and procedures, and to determine all other matters relating to the employment of staff, within approved budgets and in accordance with the personnel policies and procedures of the council.

Emergencies

12. Where the chief executive or directors are operating under the council's emergency management procedures (or silver and gold officers as listed below in the absence of the chief executive and all directors) and 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 they are authorised to take 'all necessary 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.
13. Before exercising this delegated authority any officer shall use their best 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.

14. Where the delegated powers in paragraph 12 above are exercised, contract and financial procedure rules are deemed to be waived for that purpose.
15. Any action taken under the powers delegated above will be reported to the chief executive at the earliest opportunity. All emergency decision 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.

Indemnity

16. The Council will provide an indemnity (in accordance with SI 2004/3082) to any of their members, employees, former members and former employees relating to any neglect, act, error or omission committed by them as they undertook their duties which were authorised by the Council or arose from powers conferred or duties placed on the member or employee at the request of or with approval of the Council. This indemnity shall include when they are acting for other persons or bodies with the Council's consent. The indemnity will include costs awarded and reasonable costs incurred.
17. For the avoidance of doubt this indemnity will only apply for former members and employees in respect of acts and omissions whilst they were members or employees of the council

~~16-18.~~ The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence on the part of the employee; or
- ~~(b)~~ any neglect, error or omission by the employee other than in the course of his duties; or;
- ~~(b)~~(c) Activities which are "ultra vires", that is to say outside the powers of the council, save to the extent that at the time of the activity concerned the individual truly and reasonably believed that the activity was intra vires, i.e. within the legal powers of the council; or
- ~~(d)~~ liability in respect of losses certified by the auditor caused by wilful misconduct, or
- ~~(e)~~(e):-

19. The Council will not usually itself make claims against its employees for any loss or damage as a result of the officers' actions, unless claims fall within the cover provided to its employees under any policy of insurance taken out by the council or any motor vehicle insurance policy taken out by the employee. In the case of criminal proceedings, if the officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal reimbursement will be sought.

~~17-20.~~ This indemnity will not cover the making by a member or employee of any claim in relation to an alleged defamation of that member or employee. This indemnity will however include an indemnity for the defence by a member or employee in any claim where there actions whilst acting on behalf of the council are challenged. action for defamation in cases which the express authority of the council has been given

- ~~18-21.~~ The indemnity will not apply if an employee admits liability, negotiates or attempts to negotiate a settlement of any claim that falls within the scope of this

indemnity, without the written authority of the Council. The indemnity will also not apply where there is evidence that the employee had acted with reckless disregard for the consequences.

~~19.22.~~ The indemnity is without prejudice to the right of the Council to take or start disciplinary action against an employee in respect of any neglect, act, error or omission.

Sub delegation

~~20.23.~~ Where a director is absent from the workplace for any period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated in writing, the nomination be approved by the chief executive and forwarded to the governance team.

21.24. Each of the three corporate directors and those in the corporate centre shall maintain a directorate scheme of delegation specifying specific delegations relevant to the service.

Statutory and proper officer functions

22.25. Council has designated posts as fulfilling the following statutory and proper officer functions:

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP01	Head of Paid Service (Section 4 – Local Government & Housing Act 1989)	Chief executive
SP02	Monitoring Officer (Section 5 – Local Government & Housing Act 1989)	Solicitor to the council
SP03	Officer responsible for financial administration (Section 151 – Local Government Act 1972)	Chief finance officer
SP04	Electoral Registration Officer and Returning Officer (Sections 8, 28 and 35 – Representation of the People Act 1983)	Chief executive
SP05	Chief Education Officer (Section 532 – Education Act 1996)	Director for children and families
SP06	Director of Children’s Services (Section 18 – Children Act 2004)	Director for children and families
SP07	Director of Adult Social Services (Section 6 – Local Authority Social Services Act 1970)	Director for adults and communities
SP08	Director of Public Health (Section 73A National Health Service Act 2006)	Director of public health
SP09	Scrutiny Officer (Section 31 – Local Democracy, Economic Development and Construction Act 2009)	Democratic services manager

REPRESENTATION OF THE PEOPLE ACT 1983

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP10	Section 8 – The Electoral Registration Officer for the purpose of the registration of electors, as required by law	Chief executive Deputy Electoral Registration Officers: Assistant Director, Corporate Support Head of Information Compliance and Equality
SP11	Section 28 – The Acting Returning Officer at an election of a Member of Parliament	Chief executive
SP12	Section 35 – The Returning Officer at an election of local elections	Chief executive

LOCAL GOVERNMENT ACT 1972

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP13	Section 83(1) – The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act	Chief executive Monitoring officer Deputy monitoring officer
SP14	Section 83(3)(b) – The officer before whom a declaration of acceptance of office of chair of council or deputy chair of council may be made	Chief executive Monitoring officer
SP15	Section 84 – The officer to whom written notice of resignation of elected office shall be delivered	Monitoring officer
SP16	Section 86 – To declare any vacancy in any office under this section	Monitoring officer
SP17	Section 88(2) – The officer by whom a meeting of the council for the election of the vacant office of chairperson of the council may be convened	Chief executive Monitoring officer
SP18	Section 96 – The officer to whom general notices and recording of disclosures of interests under Section 94 should be given	Monitoring officer

SP19	Section 99 and Schedule 12 – To give notice and send summonses in respect of any council meeting	Monitoring officer
SP20	Section 100A(6) – To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Monitoring officer
SP21	Section 100B(2) – The officer to exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Monitoring officer
SP22	Section 100B(7)(c) – The officer to supply to any newspaper copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration	Democratic services manager
SP23	Section 100C(2) – The officer to prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded	Monitoring officer
SP24	Section 100D(1)(a) – The officer to prepare a list of background papers for reports considered by committees, sub-committees, council or the cabinet	Director economy and place, Director for children and families, Director for adults and communities
SP25	Section 100D(5) – The officer to determine which documents constitute background papers and Section 100H – ability to charge for the provision of such documents	Director economy and place Director for children and families and families Director for adults and communities
SP26	Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Monitoring officer

LOCAL GOVERNMENT ACT 1972

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP27	Section 100G – To maintain a register of the names and addresses of members and membership of committees, lists of delegations and the like	Monitoring officer
SP28	Section 115 – The officer to whom money properly due from officers shall be paid	Chief finance officer
SP29	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Chief finance officer
SP30	Section 151 – The officer to be responsible for the proper administration of the authority's financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Chief finance officer
SP31	Section 223 – Authorising officers to attend court and appear on behalf of the council under Local Government Act 1972 and the County Courts Act 1984	Solicitor to the council
SP32	Section 225(1) – The officer to receive and retain statutory documents on behalf of the authority	Solicitor to the council
SP33	Section 229(5) – The officer to certify photographic copies of documents	Solicitor to the council
SP34	Section 233 – The officer to receive documents required to be served on the authority	Solicitor to the council
SP35	Section 234(1) and (2) – The officer to authenticate documents on behalf of the authority	Solicitor to the council
SP36	Section 238 – The officer to certify printed copies of bylaws	Solicitor to the council

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP37	Schedule 12 [paragraphs 4(2)(b) & 4(3)] – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Monitoring officer
SP38	Schedule 29 [paragraph 41] – The officer responsible for the exercise of functions under Sections 9(1) & (2), 13(2)(h) and (3)(b) and 20(b) of the Registration Services Act 1953 (Proper Officer)	Electoral services manager

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP39	Section 41 – The officer to certify copies of any resolution, order, report or minutes of proceedings of the authority as evidence in any legal proceedings	Monitoring officer
SP40	Section 16 – Notices requiring details of interest in land	Solicitor to the council

LOCAL GOVERNMENT AND HOUSING ACT 1989

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP41	Section 2 – The officer to hold on deposit the list of politically restricted posts and Section 2 – provision of certificates as to whether a post is politically restricted	Chief executive Assistant Director People
SP42	Sections 15-17 (and regulations made thereunder) – The officer to receive notices relating to the membership of political groups	Chief executive Monitoring officer

LOCAL GOVERNMENT ACT 2000

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP43	The officer responsible for ensuring a proper record is made of cabinet decisions and that the document comprising the authority's forward plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Monitoring officer
SP44	To establish and maintain the members' register of interest (Section 81 LGA 2000) and ensure it is available for public inspection	Monitoring officer
SP45	To ensure that copies of the constitution are available for inspection (Section 37)	Monitoring officer
SP46	To make payments of relevant allowances in accordance with the council's members allowances scheme (Section 99)	Democratic services manager
SP47	Officer for the purpose of verifying the validity of any electoral petition and for the purposes of announcing and holding any referendum	Chief executive

LAND CHARGES ACT 1975

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP48	The officer to act as Local Registrar as defined in Section 3 of the Local Land Charges Act 1975	Land charges manager

NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP49	Proper officer to seek an order for removal of persons into care	Director for adults and communities Director for children and families

REGISTRATION SERVICES ACT 1953

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP50	Section 6 - Proper officer for births, deaths and marriages	Direct services manager

LOCAL GOVERNMENT ACT 2003

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP51	Section 6 - Proper officer for births, deaths and marriages	Direct services manager
SP52	Section 25 – requirement to report to council annually on the robustness of estimates and the adequacy of the proposed financial reserves	S151 Officer

PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP53	Requirement to appoint a suitably qualified person as the council's medical advisor on environmental health and proper officer for notifiable diseases	Director of public health
SP53a	To act on behalf of the council in respect of the legislation specified in the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020	Director of public health Director, economy and place

CIVIL EVIDENCE ACT 1995

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP54	To certify council records for the purposes of admitting the document in evidence in civil proceedings	Solicitor to the council

CRIME AND DISORDER ACT 1998

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP55	Section 12 – to apply for the discharge or variation of a Child Safety Order	Director for adults and communities Director for children and families
SP56	Sections 17 and 37 – to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	The chief executive and Directors

CRIMINAL JUSTICE AND POLICE ACT 2001

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP57	Delegated power to authorise officers to enter premises and seize items where the council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	Assistant Director for Regulation, Environment & Waste Services

LOCAL GOVERNMENT FINANCE ACT 1988

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP58	Section 114 – The officer to be responsible for the proper administration of the authority’s financial affairs (and to issue a report to members if there is or is likely to be unlawful expenditure or an unbalanced budget)	Chief finance officer
SP59	Section 116 – Notification to the council’s auditor of any meeting to be held under Section 115 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114)	Chief finance officer
SP60	Section 139A – Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Chief finance officer

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP61	Certification of relevant powers to enter into contracts	Solicitor to the council

LOCAL AUTHORITIES' CEMETERIES ORDER 1977 (SI 1977 NO 204)

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP62	Section 10 – To appoint an officer for the purpose of signing the Grants of Exclusive Right of Burial Deeds on behalf of the burial authority	Direct services manager

NATIONAL HEALTH SERVICE ACT 2006

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP63	Section 2B – the exercise by the authority of its duty to take steps as it considers appropriate for improving the health of the people in its area	Director of public health
SP64	Section 111 (amended by Health and Social Care Act 2012 part 1 s. 29) – the exercise by the authority of any functions prescribed by Secretary of State in relation to dental public health	Director of public health
SP65	Section 249 – the exercise by the authority of its duty to cooperate with the prison service with a view to improving the exercise of their respective functions in relation to securing and maintaining the health of prisoners	Director of public health
SP66	Schedule 1 – the exercise by the authority of any of its functions as set out in Schedule 1 and Section 73B as amended by Health and Social Care Act 2012	Director of public health
SP67	Section 6C(1) – the exercise by the authority of any of the Secretary of State's public health functions, which it is required to carry out by regulations issued by the Secretary of State	Director of public health

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP68	Section 7A – the exercise by the authority of any of the Secretary of State’s public health functions, which are delegated to it by the Secretary of State	Director of public health
SP69	Section 73A(1)(d) – the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of public health
SP70	Section 73A(1)(e) – the exercise by the authority of its functions under section 325 Criminal Justice Act 2003 (cooperating with “responsible bodies” in relation to the assessment of risks posed by certain offenders)	Director of public health
SP71	Section 73A(1)(f) – the exercise by the authority of such other functions relating to public health as may be prescribed	Director of public health

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP72	<i>No longer in use.</i>	N/A

DATA PROTECTION ACT 1998

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP73	Section 20 – to notify the Information Commission of any changes as per this provision	Head of Information compliance and equality

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2000

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP74	The officer responsible for ensuring a proper record and access is made of Executive reports, background papers and decisions and that the document comprising the Authority’s Forward Plan is published in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012	Democratic services manager

GENERAL DATA PROTECTION REGULATION (EU REGULATION 2016/679)

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP75	Article 35 - An officer responsible for; monitoring, informing, advising the controller or the processor and the employees who carry out processing of their obligations pursuant to the Regulation and other UK data protection legislation.	Head of Information compliance and equality

HOUSING ACT 2004

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP76	Section 4 – The officer to receive complaints that any category 1 or 2 hazards may exist on premises or that an area in the district should be dealt with as a clearance area	Director for adults and communities

AGRICULTURAL ACT 1970

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP77	Section 67(3) – To appoint an inspector and agricultural analyst and, if the authority thinks fit, one or more deputy agricultural analyst	Chief executive

WEIGHTS AND MEASUREMENTS ACT 1985

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP78	Section 72(1) – To appoint a chief inspector of weights and measures and such number of other inspectors if necessary	Trading standards service manager

CALDICOTT REPORT 1997

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP79	Recommendation 3 – Caldicott guardian to ensure patient data is kept secure and adherence to the Caldicott principles.	Director for Adults and Communities

INFORMATION GOVERNANCE TOOLKIT

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP80	A senior information risk owner who will take overall ownership of the local authority's Information Risk Policy.	Assistant director corporate support

MENTAL HEALTH ACT 1983

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP81	Section 114 – persons to act as an approved mental health professional for the purposes of the Mental Health Act. This includes the power to make applications under Sections 2, 3, 4, 18, 135, and 138. This also includes duties under Section 13, 136 and 17A of the Mental Health Act 1983.	Approved mental health professionals

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP82	Schedule 1 Part 2 Para 5(2) notification of appointment, Para 6(2) notification of dismissal and any objections	Assistant Director People

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) (ENGLAND) REGULATIONS 2011

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP83	Regulation 4 – publish the verification number Regulation 10 - validation decision	Chief executive

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020

SPO Ref No.	TITLE/DESCRIPTION (and statutory derivation)	OFFICER APPOINTED
SP84	Regulation 8 – enforcement of requirement Regulation 10 – fixed penalty notices	Director for Economy and Place

23-26. The chief executive is designated as the council’s proper officer for all other such purposes.

Appendix 1

In accordance with the constitution 3.7.13 it is not appropriate for executive decisions to be taken by any officer below the level of assistant director in the organisation structure. Where senior officers below assistant directors are named their delegation is to undertake operational decisions only.

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	Service area	Who may carry it out²
SA01	Act as chief executive including the power to grant delegations in accordance with this scheme And in the absence of or a conflict of interest of the chief executive or deputy chief executives	Deputy chief executives Director for children and families Director for adults and communities
ADULTS AND COMMUNITIES		
SA02	Adult social care operation and policy provision of assessment and care management; approved mental health practitioners; deprivation of liberty functions; strategic and operational safeguarding adults policies and procedures; prevention and support services (including welfare rights, occupational therapy, financial assessments, direct payments, telecare, rapid response registered service).	Director for adults and communities Assistant director all ages commissioning Assistant director adults and communities operations
SA03	Public health	Chief executive Director of public health

² Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

	Service area	Who may carry it out²
SA04	<p>To discharge any functions in relation to the corporate public health duties of the council authorised to the director of public health under the NHS Act 2006 and the Health and Social Care Act 2012, including responsibility for:</p> <ul style="list-style-type: none"> • The annual report on the health of the local population; • Improving public health, including commissioning alcohol and drug misuse services, sexual health services, child health services, smoking cessation services; • Planning for, and responding to, emergencies that present a risk to public health; • Promoting safer communities by working with local criminal justice partners and police and crime commissioners, the probation service and the prison service; • The council's public health response to licensing applications; • Developing wellbeing, implementing the health and wellbeing strategy 	Director of public health
SA05	<p>To carry out such public health protection or health improvement functions as the Secretary of State shall delegate to local authorities either by arrangement or under regulations and including services mandated by regulations made under Section 6C of the National Health Service Act 2006, as amended, namely:</p> <ul style="list-style-type: none"> • ensuring appropriate access to sexual health services; • the delivery of the national child measure programme; • the delivery of the NHS health check assessment; • public health advice to NHS commissioners; • to be a statutory member of the health and wellbeing board 	Director of public health
SA06	Community resilience and development	Director for adults and communities
SA07	Health and wellbeing including leading on the development of the health and wellbeing board	Director for adults and communities
SA08	Housing and homelessness support and solutions	Director for adults and communities Director economy and place

	Service area	Who may carry it out²
SA09	Commissioning, quality assurance and contract management relating to all ages	Director for adults and communities Assistant director all ages commissioning
SA10	Herefordshire safeguarding adults board strategic development	Director for adults and communities Assistant director all ages commissioning
SA11	Safeguarding children and young people in Herefordshire, Herefordshire safeguarding adults, and community safety partnership board business unit	Director for children and families
SA12	Directorate lead for Caldicott guardian functions	Assistant director all ages commissioning
SA13	Customer services	Director for adults and communities
SA14	Sustainable communities	Director for adults and communities
SA15	Promoting community cohesion and preventing anti-social behaviour	Director for adults and communities
SA16	Directorate performance	Director for adults and communities

	Service area	Who may carry it out²
SA17	Directorate risk management	Director for adults and communities
SA18	Overall lead for community safety and the prevent strategy	Director for adults and communities
CHILDREN AND FAMILIES		
SA19	Commissioning for children’s services including schools, early years, colleges, adult learning, social care and vulnerable	Director for children and families
SA20	Safeguarding and child protection services	Director for children and families Assistant director safeguarding and family support
SA21	Early help and family support services	Director for children and families Assistant director safeguarding and family support Assistant director education, development and skills
SA22	Children’s centres	Director for children and families Assistant director education, development and skills
SA23	Early years and school improvement and support	Director for children and families Assistant director education, development and skills
SA24	Special educational needs and disabilities service	Director for children and families Assistant director education, development and skills
SA25	Sufficiency of places in early years, schools and colleges	Director for children and families Assistant director education, development and skills

	Service area	Who may carry it out²
SA26	Schools admissions	Director for children and families Assistant director education, development and skills
SA27	Effective health and wellbeing board, Herefordshire safer children and young people partnership, and children and young people's partnership arrangements	Director for children and families
SA28	Delivery of adult and community learning	Director for children and families Assistant director education, development and skills
SA29	Youth justice	Director for children and families Assistant director safeguarding and family support
SA30	Adoption and fostering	Director for children and families Assistant director safeguarding and family support
SA31	Herefordshire safer children and young people partnership	Director for children and families Assistant director safeguarding and family support
SA32	Directorate lead for Caldicott guardian functions	Assistant director safeguarding and family support
SA33	Education services	Director for children and families Assistant director education, development and skills
SA34	School admissions	Director for children and families Assistant director for education, development and skills

	Service area	Who may carry it out²
SA35	Home to school transport policy	Director economy and place Assistant director education, development and skills
SA36	Tracking and reduction of those not in education, employment or training	Director for children and families Assistant director education, development and skills
SA37	Education and commissioning policies and procedures	Director for children and families Assistant director education, development and skills/Director for adults and communities Assistant director all ages commissioning
SA38	Commissioning of children’s and young people’s services including schools, early years, colleges, adult and community learning, social care and vulnerable children; and children’s centre services	Director for children and families
SA39	Directorate performance	Director for children and families
SA40	Directorate risk management	Director for children and families
	ECONOMY AND PLACE	
SA41	Libraries	Director economy and place
SA42	Cultural and leisure service	Director economy and place
SA43	European and external funding	Director economy and place
SA44	Strategic planning policy including neighbourhood planning	Director economy and place
SA45	Economic development	Director economy and place
SA46	Hoople - commissioning	Chief finance officer
SA47	Number not used at present time	N/A

	Service area	Who may carry it out²
SA48	Environment and waste	Director economy and place
SA49	Sustainability	Director economy and place
SA50	Highways and transportation	Director economy and place
SA51	Public rights of way	Director economy and place
SA52	Parks and countryside	Director economy and place
SA53	Development management	Director economy and place
SA54	Conservation	Director economy and place
SA55	Building control	Director economy and place
SA56	Markets, fairs and street trading	Director economy and place
SA57	Bereavement services including Coroners services and Registration services	Director economy and place
SA58	Environmental health and trading standards	Director economy and place
SA59	Technical and parking services	Director economy and place
SA60	Enforcement	Director economy and place
SA61	Community protection	Director economy and place
SA62	Property services	Director economy and place
SA63	Housing growth, development and strategy	Director economy and place
CORPORATE CENTRE		
SA64	Corporate information, research and needs analysis	Assistant director corporate support
SA65	Information access and handling all complaints in accordance with the customer strategy;	Assistant director corporate support
SA66	Customer services standards	Assistant director corporate support
SA67	Facilities management	Assistant director corporate support

	Service area	Who may carry it out²
SA68	Management Board, Leader and Chairman support	Assistant director corporate support
SA69	Policy planning	Assistant director strategy
SA70	Equalities	Assistant director corporate support
SA71	Corporate grants and income development	Assistant director corporate support
SA72	Democratic services	Solicitor to the council
SA73	Legal services	Solicitor to the council
SA73a	Payments for maladministration under s92 Local government Act 2000	Solicitor to the council
SA74	Electoral services	Assistant director corporate support
SA75	ICT commissioning and strategy	Assistant director corporate support
SA76	Communications	Assistant director strategy
SA77	Records and information compliance.	Assistant director corporate support
SA78	County-wide broadband deployment and digital inclusion	Assistant director corporate support
SA79	Procurement / commercial team	Assistant director corporate support
SA80	Human resources and organisational development	Assistant Director People
SA81	Flexible working	Assistant Director People
SA82	Payroll	Assistant Director People
SA83	Hoople HR services	Assistant Director People
SA84	Business continuity and emergency planning	Assistant Director People

	Service area	Who may carry it out²
SA85	Health and safety	Assistant Director People
SA86	Transformation	Assistant director strategy
SA87	Project management	Assistant director strategy
SA88	Corporate performance to include strategic corporate planning and CPiP	Assistant director strategy
SA89	Corporate risk management	Solicitor to the council
SA90	Corporate co-ordination risk management	Assistant director corporate support
SA91	Corporate co-ordination performance reporting / management	Assistant director corporate support
SA92	Finance services	Chief finance officer
SA93	Revenues and benefits	Chief finance officer
SA94	Audit	Chief finance officer
SA95	Insurance	Chief finance officer

Appendix 2 – Gold and Silver officers

Officer appointed	Gold/Silver officer
Chief executive	Gold
Deputy chief executive	Gold
Director for economy and place	Gold
Director for children and families	Gold
Director for adults and communities	Gold
Director for public health	Gold
Assistant director corporate support	Silver
Assistant director strategy	Silver
Assistant director all ages commissioning	Silver
Assistant director adults social care operations	Silver
Assistant director safeguarding and early help	Silver
Assistant director talk community	Silver
Assistant director education, development and skills	Silver
Chief finance officer	Gold
Monitoring officer	Silver
Programme director housing and growth	Silver
Assistant director (regulatory, environment & waste services)	Silver
Acting assistant director highways and transport	Silver
Assistant director technical services	Silver
Assistant director people	Silver
Assistant director, safeguarding, quality and improvement	Silver

Signed:

Date: 29 September 2020

**Alistair Neill
Chief Executive**

The Planning Rules and Code

Background

Planning can be a complex area and therefore an overview of the planning process is set out on the website [\[link\]](#).

Herefordshire Council, like all local planning authorities is required to determine planning applications in accordance with local, regional and national policy having regard for all material considerations.

There are a number of different types of planning applications that can be made, for example applications for planning permission, applications for listed building consent, applications for advertisement consents and notification of proposed works to trees in a conservation area.

Applications for planning permission have to be determined within National Government set timescales which are currently:

- 8 weeks for minor development. These are applications for planning permission for developments such as structural extensions, small (less than 10 houses) housing developments, change of use, works outside the garden associated with a dwelling e.g. stables.
- 13 weeks for major development. These are applications for planning permission:
 - (a) more than 10 dwellings;
 - (b) where the number of dwellings is not stated the application site is more than 0.5 hectares or more
 - (c) the floor space to be built is 1000 sqm or more and the application is more the 1 hectare; and
- 16 weeks for applications accompanied by an Environmental Impact Assessment. These are defined in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 including planning applications that are likely to have significant effects on sensitive areas, such as: sites of special scientific interest, National Parks, Broads, World Heritage sites, Scheduled Ancient Monuments, Areas of Outstanding Natural Beauty and sites protected under Habitats law.

The Planning Rules and Code compliment the Councillor Code of Conduct with which Councillors should be familiar.

The obligations and responsibilities set out in the Planning Rules and Code apply to all Councillors of the Planning and Regulatory Committee and in similar ways to all other Councillors.

The Council's planning policies are adopted in the public interest for the benefit of the whole community rather than for any particular individual or interest group. Decisions are required to be taken in accordance with the current development plan and having regard to all material considerations. Each planning application is considered on its merits. However, planning decisions by their very nature are often contentious, with strong contrary views being expressed. Any decision can be the subject of detailed scrutiny or challenge. Failure to follow the requirements of the Council's Planning Rules and Code may result in sanctions under the Councillor Code of Conduct, or may be regarded by the Local Government Ombudsman as incompatible with good administration.

The Planning Rules and Code covers the whole of the planning process, including policy formulation and development control, and all Councillors and Officers who come into contact with it. The Planning Rules and Code is designed to promote greater mutual support and understanding between Councillors and Officers to the benefit of all involved in the planning process. It is also

designed to give the public greater confidence that Herefordshire Council discharges its planning responsibilities fairly and openly

4.8.1 Involvement in planning applications

4.8.2 In making decisions on planning applications, Planning Officers and Councillors will:

- (a) act fairly and openly and without prejudice
- (b) approach each application with an open mind
- (c) carefully weigh up all the material planning considerations
- (d) avoid inappropriate contact with interested parties
- (e) ensure that valid reasons for decisions are clearly stated.

4.8.3 Councillors will be free to vote on planning applications as they consider appropriate (that is, without a Party 'whip'), having proper regard for all the relevant information, evidence and arguments. In accordance with the requirements of the Town and Country Planning Act 1990, decisions **will be** based on the provisions of the Herefordshire Local Plan Core Strategy 2011 – 2031 and all material planning considerations.

4.8.4 Councillors **must not** give instructions to Officers nor place pressure on officers in order to secure a particular recommendation on a planning application.

4.8.5 Councillors **will not** use their position improperly to confer or secure for themselves, or for any other person, an advantage or disadvantage.

4.8.6 Training

4.8.7 Councillors who are a member of the Planning and Regulatory Committee will be required to undergo mandatory training in planning procedures. This will normally take place within three months of appointment to the committee and at appropriate intervals thereafter. A record will be kept by the Monitoring Officer of the training you undertake. Members of the Planning and Regulatory Committee who have not undertaken the training, may not participate in meetings of the Planning and Regulatory committee until such training has been completed

4.8.8 Discussions with applicants

4.8.9 Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally involve Planning Officers, and will follow the guidance in the following paragraph.

4.8.10 It will be made clear at the start of pre-application meetings that:

- (a) Councillors' or Planning Officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Local Plan Core Strategy and other adopted Council policies
- (b) no decisions may be made or advice given which would bind or otherwise compromise any planning decision
- (c) Councillors should not give separate advice on the development plan, material considerations, or planning obligations

4.8.11 A written note must be made of the pre-application meeting and will be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted.

4.8.12 Councillors may, following discussion with the appropriate Planning Officer, take part in organised post-submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. It is recommended that at least one Planning Officer be present at all such meetings.

4.8.13 Lobbying

4.8.14 Lobbying can take place by way of an approach to an individual or a group of Councillors, by telephone, or on a chance meeting, or by way of a request to see all or some of the members of the Planning and Regulatory Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid Councillors who are members of the Planning and Regulatory Committee compromising their position before they have received all the relevant information, evidence and arguments, they must:

- (a) take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have taken into account all relevant considerations.
- (b) direct lobbyists or objectors to the Planning Officer, and
- (c) advise the Assistant Director Regulatory, Environment and Waste as soon as possible of the existence of any substantial or abnormal lobbying activity.

4.8.15 Hospitality

4.8.16 Councillors are strongly discouraged from receiving hospitality from people with an interest in any planning proposals. If receipt of hospitality is unavoidable, Councillors will ensure that it is of the minimum level and, if it exceeds the level to which the requirement for declarations of gifts and hospitality applies, Councillors must declare the offer as soon as possible in the register kept by the Monitoring Officer.

4.8.17 Planning Officers may not receive gifts or hospitality beyond usual refreshment (such as tea or coffee) at a meeting, from people with an interest in a planning application/proposal.

4.8.18 Initial submission of applications

4.8.19 All Councillors will be informed by email on the submission of a new planning application in their ward.

4.8.20 All applications will proceed and will be determined under delegated powers unless they fall within the category of applications automatically to be referred to committee or are redirected as provided for under the redirection arrangements in these rules. Paragraph 4.8.21 and 4.8.22 below applies only to planning applications which are to be determined under delegated powers.

4.8.21

- (a) the Planning Officer allocated to the planning application will telephone and/ or email the Ward Councillor (and/or where necessary arrange a meeting) to update

the Ward Councillor on the processing of the application and any comments received.

- (b) as part of this initial conversation the Planning Officer will also identify to the Ward Councillor whether an application triggers the need for a section 106 agreement in accordance with the council's adopted Planning Obligations Supplementary Planning Document.
- (c) in the case of applications requiring a Section 106 agreement the Planning Officer will have a subsequent conversation/meeting with the Ward Councillor to ensure that local mitigation measures are appropriately incorporated. As part of this process Planning Officers and Councillors will be guided by the Planning Policy Guidance on Planning Obligations, the Council's adopted Supplementary Planning Guidance and the evolving schedule of local needs co-ordinated by the Planning Obligations Manager.

4.8.22 The Ward Councillor for the purpose of 4.8.22 is/are the Councillor/Councillors in whose ward the application is located, or whose wards are materially affected by the planning application.

4.8.23 Determination of application at Committee

4.8.24 Members of the Planning and Regulatory Committee have the power to determine applications for planning permission and applications for listed building consent which are not decided by an Officer which including those matters redirected to the Planning and Regulatory Committee for determination under the Redirection Arrangements set out in 4.8.70 – 4.8.84.

4.8.25 Substitutes

4.8.26 Substitute members of the Planning and Regulatory Committee are permitted but any substitute member will be required to undertake mandatory training in planning procedures and be appropriately trained to the same level as the member they are substituting for.

4.8.27 Substitute members have all the powers and duties of an ordinary member of the Planning and Regulatory Committee.

4.8.28 A substitute member must be identified by name as replacing a primary member of the Planning and Regulatory Committee before a committee meeting.

4.8.30 Site Inspections

4.8.31 Site Inspections by the Planning and Regulatory Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision. This is true particularly when the issues concern, for example, visual impact, the character of a historic building or the effect of development on local amenity. However, site inspections are costly, cause delay to decisions and are an unsuitable place for holding a reasoned debate.

4.8.32 The criteria for holding site inspections are:

- (a) the character or appearance of the proposed development itself is a fundamental planning consideration; or

- (b) a judgement is required on visual impact; or
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

4.8.33 The Chairperson of the Planning and Regulatory Committee and the Assistant Director Regulatory, Environment and Waste will determine which planning applications will be the subject of a prior site inspection. This does not prevent any member of the Planning and Regulatory Committee requesting a site inspection at the Planning and Regulatory Committee meeting when it has not already been visited by this procedure.

4.8.34 Site Inspections should not be held when inspection of the site is irrelevant to the material planning considerations. Any member of the Planning and Regulatory Committee may request a site inspection, but reasons based on the above criteria must be stated. Where a motion for a site visit is moved at a meeting of the Planning and Regulatory Committee it will be put to the vote immediately; if the motion is carried there will be no further discussion of the planning application which will be deferred to a later meeting date after a site visit has taken place.

4.8.35 The purpose of the site visit is fact finding and familiarisation of the site of a planning application. Planning Officers will be able to point out relevant features of the site and surroundings. Members of the Planning and Regulatory Committee will be able to see the physical features of the site and ask questions through the Chairperson or the Planning Officers to seek clarification. Neither the applicant/agent nor third parties will be allowed to participate in the site inspection. The input of these parties is made at the Planning and Regulatory Committee meeting itself. At the discretion of the Chairperson of the Planning and Regulatory Committee the appropriate parish or town council may be invited to observe the inspection. Where a parish or town council is invited to a site visit it will be made clear that any access onto the application site will be subject to permission from the owner/applicant. Where permission is not granted the parish or town council should view the site from public vantage points only. On a site visit a parish or town council may not contribute to the opportunity to ask questions of Planning Officers on site.

4.8.36 No discussion of the merits of the planning application is permitted at site inspections and all questions from Councillors will be put through the Chairperson.

4.8.37 The site inspection party will stay together as a group. Wherever possible the party should arrive at and leave the site together.

4.8.38 As a member of the Planning and Regulatory Committee when on site visits Councillors should not make any comments that could create an impression that they have already formed a view on the merits of the planning application. No decision on the planning application should be made until the meeting of the Planning and Regulatory Committee at which the planning application is to be considered, when members of the Planning and Regulatory Committee will have before them all necessary information to be able to make an informed decision, including any material facts arising from the site visit which the Assistant Director Regulatory, Environment and Waste services considers should be reported to the Planning and Regulatory Committee.

4.8.39 Conduct of site visits

- (a) visits will be conducted in a formal manner.

- (b) the Chairperson or Vice-Chairperson will open the visit and remind members of its purpose and conduct.
- (c) Planning Officers will highlight issues relevant to site inspection. If issues are raised which necessitate consultation with the applicant or his agent, this should be done after the close of the visit and the outcome reported to the subsequent Planning and Regulatory Committee.
- (d) Ward councillors will be invited to site inspections in their wards and asked to highlight local issues relevant to the site inspection.
- (e) the Chairperson or Vice-Chairperson will close the visit.

4.8.40 General matters

- (a) no decision will be made concerning the planning application on site.
- (b) no formal notes will be made.
- (c) no hospitality will be accepted.

4.8.41 If a member of the Planning and Regulatory Committee finds it necessary to visit a site alone (perhaps because it was not possible for them to attend a Planning and Regulatory Committee site visit), the Councillor should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the planning application will be taken until it has been discussed at the relevant Planning and Regulatory Committee.

4.8.42 Material submitted to Planning and Regulatory Committee

4.8.43 If a member of the Planning and Regulatory Committee receives material from or on behalf of an applicant or third party in connection with a planning application before a Planning and Regulatory Committee the Councillor should establish from the Planning Officers whether the material has been received by them. If it has not, Councillors should make it available as soon as possible to the Assistant Director Regulatory, Environment and Waste Services.

4.8.44 Documents in connection with an application should all be dealt with in the Planning Officer's written report to Planning and Regulatory committee. Any additional information received after the preparation of that report up to noon on the day before the Planning and Regulatory Committee meeting will also be brought to the attention of the Planning and Regulatory Committee if it raises new and relevant material planning matters. Papers received after that time will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications. A printed Planning and Regulatory Committee update will be published to Herefordshire Council's website the evening before the Planning and Regulatory Committee meeting.

4.8.45 Declaration of interests in planning applications and at Planning and Regulatory Committee

4.8.46 Interests need to be considered and declared as necessary in accordance with the Code of Conduct.

4.8.47 If a member of the Planning and Regulatory Committee has a Schedule 1, Schedule 2 or an "other interest which relates to a financial interest then under the code of conduct, the Councillor cannot participate in the meeting, or vote on any item at the meeting and does have to leave the meeting. The Councillor may attend a Planning and Regulatory Committee meeting only as a member of the public, for the purposes only of making representations, provided that the public are also allowed to attend the meeting for the same

purpose. The Councillor must declare they are attending the meeting as a member of the public at the start of the meeting. If a Councillor has such an interest they should notify the Monitoring Officer before the Planning and Regulatory Committee meeting that they wish to speak.

- 4.8.48 If a member of the Planning and Regulatory Committee has such an interest the procedure in Planning and Regulatory Committee will be as follows. The Planning Officer will present the report. If the Councillor wants to make representations, they will take their place in the space allocated to public participation. The Councillor will not be acting in their capacity as a Councillor and may make representations for no longer than three minutes (the time allocated to public participants at Planning and Regulatory Committee). Thereafter, the Councillor may take no further part in the debate or decision-making of the Planning and Regulatory Committee, and must immediately leave the meeting. Such a Councillor may not stay in the meeting or listen to any other public participation in respect of the application.
- 4.8.49 Withdrawal from the Planning and Regulatory Committee meeting involves physically leaving the committee meeting room. The Chairperson of the Planning and Regulatory Committee should suspend the proceedings of the Planning and Regulatory Committee briefly while the Councillor leaves the committee meeting room.
- 4.8.50 Where a Councillor has a dispensation granted the Councillor may be granted the ability to speak and or vote by the by the Monitoring Officer and or Audit and Governance Committee. The Councillor will still need to declare the interest.
- 4.8.51 Planning officers must play no part in the processing of any planning application in circumstances where there is, or would be perceived to be, a conflict between their personal or financial interests, those of their families or friends, and their professional duty. They must openly declare the existence of any such conflict in writing to the Assistant Director Regulatory, Environment and Waste Services. Any interest the Assistant Director Regulatory, Environment and Waste Services has in an application must be declared to the Monitoring Officer.

4.8.52 Cabinet members

- 4.8.53 There will be occasions when a cabinet member will wish to express comments on a particular planning application. This may include where the council is the applicant. Cabinet members are permitted to speak at the Planning and Regulatory Committee meeting for the item, but must then withdraw from the meeting while the planning application is discussed and determined. Retiring to the public gallery is not sufficient and physical withdrawal from the room is required.
- 4.8.54 Where a cabinet member has a ward representation role, they may, at the discretion of the Chairperson, also speak as a Ward Councillor.

4.8.55 Planning and regulatory committee members who serve on parish and town councils

- 4.8.56 Some Councillors will be members of parish or town councils as well as Herefordshire councillors. In such circumstances Councillors may express their views and vote at the respective meetings of both councils having regard to the information available to them at that time. Having voiced a view and/or voted at a parish council meeting will not of itself prevent a member of the Planning and Regulatory Committee being involved in decision making at Planning and Regulatory Committee. Prior indication of a view on a planning

application does not amount to predetermination. Similarly members on the Planning and Regulatory Committee can attend parish meetings in their ward and speak about planning applications. Talking to constituents be they applicants or objectors is permitted; it does not mean the Councillor has a closed mind. A member of the Planning and Regulatory Committee will not be taken to have a closed mind just because they may previously have done anything that directly or indirectly indicated what view they had, would have or might take so long as they have an open mind to the debate on the application.

4.8.57 Ward Councillors

4.8.58 At Planning and Regulatory Committee a Ward Councillor will have an automatic right to start and close the member debate on the planning application concerned, subject to the provisions on the declaration of interests as reflected in 4.8.45 (Declaration of interests). Ward Councillors will be allocated a maximum of 10 minutes to speak at the beginning of the debate on the planning application and a maximum of 5 minutes at the close of the debate on the planning application. In the case of the Ward Councillor not being a member of the Planning and Regulatory Committee they would be invited to address the Planning and Regulatory Committee for that item. In the case of the ward member being a member of the Planning and Regulatory Committee they will not vote on that item, and act as the Councillor as set out above. To this extent all Ward Councillors have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Planning and Regulatory Committee. In some circumstances it is advisable for a substitute to be used for the planning committee meeting so that the ward councillor role is distinct.

4.8.59 Public speaking at Planning and Regulatory Committee

4.8.60 At Planning and Regulatory Committee the public will be permitted to speak at meetings when the following criteria are met:

- (a) the planning application on which they wish to speak is for decision at the Planning and Regulatory Committee
- (b) the person wishing to speak has already submitted written representations within the time allowed for comment
- (c) once an item is on an agenda for Planning and Regulatory Committee all those who have submitted written representations will be notified and any person wishing to speak must then register that intention with the Monitoring Officer at least 48 hours before the meeting of the Planning and Regulatory Committee
- (d) if consideration of the planning application is deferred at the meeting of the Planning and Regulatory Committee, only those who registered to speak at that meeting of the Planning and Regulatory Committee will be permitted to do so when the deferred planning application is considered at a subsequent or later meeting of the Planning and Regulatory Committee
- (e) at the meeting a maximum of three minutes (at the Chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes in total will be allowed for public speaking
- (f) speakers may not distribute any written or other material of any kind at the Public and Regulatory committee meeting
- (g) speakers' comments must be restricted to the planning application under consideration and must relate directly to planning issues
- (h) on completion of public speaking, members of the Planning and Regulatory Committee will proceed to determine the planning application

- (i) in relation to Major planning applications only, the Chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking and may hold special meetings at local venues if appropriate.

4.8.61 Voting at Planning and Regulatory Committee

4.8.62 Members of the Planning and Regulatory Committee will only be able to vote on an application before a Planning and Regulatory Committee if the member has been present for the whole of the presentation of and discussion on the planning application.

4.8.63 Decisions contrary to officer recommendations or to development plan policies

4.8.64 From time to time, there will be occasions when a member of the Planning and Regulatory Committee or the Planning and Regulatory Committee disagrees with the professional advice on a planning application given by Planning Officers.

4.8.65 The law requires that decisions on planning applications should be taken in accordance with the development plans unless material considerations indicate otherwise (S38A Planning and Compulsory Purchase Act 2004)

4.8.66 If the Planning and Regulatory Committee makes a decision contrary to the Planning Officer's recommendation (whether for approval or refusal) a detailed minute of the Planning and Regulatory Committee's reasons will be made and a copy placed on the application file. In this context members of the Planning and Regulatory Committee should be prepared to explain in full their reason for not agreeing with the Planning Officer's recommendation. In so doing, members of the Planning and Regulatory Committee should observe the 'Wednesbury principle' which requires all relevant information (i.e. material considerations) to be taken into account and all irrelevant information (i.e. non-material matters) to be ignored.

4.8.67 The Planning and Regulatory Committee may occasionally defer consideration of an application at a meeting to allow for a site visit to take place or to request additional information before reaching a decision. Where a motion for a deferral of an application is moved it will be put to the vote immediately. Clear reasons for the deferral must be stated when the motion is proposed. If the motion for deferral is carried there will be no further discussion of the application. Consideration and determination of the application will take place a later meeting date to be advised by the Assistant Director for Regulatory Environment and Waste.

4.8.68 Post decision

4.8.69 Ward Councillors will be advised where appropriate by the Planning Officer, the planning enforcement team, or the planning obligations manager of the following events:-

- (a) any evolving inconsistencies between a planning permission and development taking place
- (b) any appeal against the refusal of planning permission
- (c) the receipt/apportionment of Section 106 Agreement monies
- (d) any proposed variations to the Section 106 Agreement.

4.8.70 Redirection of delegated planning decisions

4.8.71 The majority of decisions on planning applications are delegated to the Chief Executive and determined by Planning Officers acting under the Chief Executive's Scheme of Delegation in accordance with the Functions Scheme (Part 3). However Ward Councillors may choose to ask that a particular planning application is redirected for decision by the Planning and Regulatory Committee. A Ward Councillor for the purpose of this redirection procedure is the Ward Councillor in whose area the planning application lies and any councillor whose ward is materially affected by the planning application.

4.8.72 Reasons for redirection

4.8.73 A request for redirection should be made in writing to the Planning Officer assigned to the planning application. The Ward Councillor will need to ensure that the request for redirection is made on legitimate planning grounds as the reasons for the redirection request will be placed on the planning application file and will be accessible to view on Herefordshire Council's website.

4.8.74 A redirection will occur in the following circumstances:

- (a) the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee, or
- (b) the application has attracted an unusually high level of public interest and /or objections
- (c) there has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.

4.8.75 All requests for redirection will be discussed by the Service Director of Economy and Regulatory Services (or their delegate) and the Chairperson of the Planning and Regulatory Committee. A decision whether to accept the redirection will be made by the Director of Economy and Regulatory Services (or their delegate). The decision will be confirmed in writing. In the Chairperson's absence, the Vice-Chairperson will be consulted.

4.8.76 Whether or not the request for redirection is agreed the request will be published as a representation alongside the reason why the request was agreed or refused on the planning application on Herefordshire Council's website. The Planning Officer's written report will also give the name of the Ward Councillor making the request for redirection and the reasons for the redirection.

Ward Councillors must as part of the request for redirection state why the matters raised in the request for redirection warrant scrutiny by the Planning and Regulatory Committee.

4.8.76 There will be circumstances in which an application is amended in order to respond to issues raised in the normal processing of the planning application by the Planning Officer, statutory consultees or local residents. In the event that the reasons for redirection are resolved through the amendments made to the planning application the Ward Councillor will be at liberty to withdraw their request for redirection and a Planning and Regulatory Committee determination. Thereafter the decision will revert to a delegated decision.

4.8.77 The Redirection timescales

4.8.78 A request for redirection needs to be made as soon as possible after the date a valid planning application is submitted to avoid unnecessary delays in determining planning applications.

4.8.79 Conditional Redirection

4.8.80 In some cases, a Ward Councillor may be content that the application be re-directed only if planning officers are intending to grant or refuse planning permission. In that case a Ward Councillor can ask that the matter only be redirected in accordance with this procedure if it is either the intention of the planning officer to grant or refuse the application.

4.8.81 Other circumstances

4.8.82 Any other reasons for requesting a redirection other than those set out above will be considered on their individual merits and circumstances.

4.8.83 Procedure

4.8.84 A planning application which has been re-directed to the Planning and Regulatory Committee for determination will be considered in accordance with these rules and code.

The Ward Councillor who made the request for redirection will be notified of the date of the relevant Planning and Regulatory Committee meeting and will be invited to speak at that Planning and Regulatory Committee meeting in accordance with 4.8.57.

4.8.85 Applications in which a member of the councillor or an officer has an interest

4.8.86 All planning applications which are submitted by or on behalf of a Councillor in their private capacity, by their partner, a member of their family or a close association must be drawn to the attention of the Assistant Director Regulatory, Environment and Waste Services by the Councillor in writing. If the Councillor has a material interest in the outcome of the application or if the application is submitted by their partner, it will be determined by the Planning and Regulatory Committee and if the Councillor is a member of the Planning and Regulatory Committee the Councillor must take no part in the determination of the planning application. The Councillor must declare a schedule 1, schedule 2 or an other interest which relates to a financial interest interest and may only speak as the applicant or appoint an agent to speak on their behalf in accordance with paragraph 4.8.59 (Public Speaking at Planning and Regulatory Committee).

4.8.87 If the planning application is from a member of a Councillor's family or a close associate, or the Councillor otherwise has a conflict of interest, then the Chairperson of the Planning and Regulatory Committee will appoint another Councillor to provide procedural and other advice and information to the applicant, and to the town or parish council concerned. If the application is also in the Councillor's ward this nominated Councillor will speak at Planning and Regulatory Committee.

4.8.87 All planning applications submitted from officers who are employed in the planning service or work closely with it or who are a senior manager as defined in the Council's pay policy statement, or by a close family member such that the officer has a material interest in the planning application, must be re-directed to the Planning and Regulatory Committee for a decision, rather than being dealt with in accordance with the scheme of delegation to Planning Officers. If the officer concerned is present at the meeting of the Planning and

Regulatory Committee at which such an application is determined, the officer must leave the room during consideration of the planning application.

PART 2 THE ROLE OF COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

4.8.88 Councillors who are not members of the Planning and Regulatory Committee who are Ward Councillors affected by a planning application represent their own views or that of their constituents as a consultee and will be consulted on the planning application, will be invited to speak at the Planning and Regulatory Committee and attend any site inspections that take place in their ward.

4.8.89 Councillors who are not members of the Planning and Regulatory Committee should not lobby members of the Planning and Regulatory Committee in order to secure the outcome on a planning application that either they or their constituents seek. The Ward Councillor, the appropriate town or parish council and local residents will have the opportunity to present their views to the Planning and Regulatory Committee in accordance with the Council's procedure for public speaking at the Planning and Regulatory Committee as set out in 4.8.59.

4.8.90 All Councillors may attend meetings of the Council's Planning and Regulatory Committee even if they are not a member of the Planning and Regulatory Committee. Councillors attending a meeting of the Planning and Regulatory Committee should not sit in the public gallery, but in the place reserved in the committee room for Councillors who are not members of the Planning and Regulatory Committee.

PART 3 THE ROLE OF PLANNING OFFICERS

4.8.91 In reporting to the Planning and Regulatory Committee, Planning Officers will:

- (a) provide professional and impartial advice
- (b) make sure that all information necessary for a decision to be made is given
- (c) set the planning application in the context of the development plan documents and all other material considerations
- (d) include the substance of objections and the views of people who have been consulted
- (e) provide a clear and accurate written analysis of the issues
- (f) give a clear recommendation

4.8.92 Record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. Particular care is to be taken with delegated decisions, which should be as well documented and recorded as those taken by members of the Planning and Regulatory Committee. These principles apply equally to enforcement and development plan matters.

4.8.93 Any material planning information which is received after the written report has been prepared and before the cut-off time specified in 4.8.44 above will be presented orally to the Planning and Regulatory Committee by Planning Officers.

4.8.94 The Assistant Director Regulatory, Environment and Waste Services in discussion with the Chairperson of the Planning and Regulatory Committee, may withdraw any item from the agenda of the Planning and Regulatory Committee after the preparation of the written report but before discussion by the Planning and Regulatory Committee if the circumstances of the consideration of a planning application change within that period.

4.8.95 Planning Officers are responsible for carrying out the decisions of the Planning and Regulatory Committee, whether or not those decisions are in line with Planning Officer recommendations.

4.8.96 Discussions on Planning Applications

4.8.97 All Planning Officers taking part in pre-application or post-submission discussions with applicants, supporters or objectors should make it clear that decisions on planning applications are taken either:

- (a) by the members of the Planning and Regulatory Committee in committee, or
- (b) in specific circumstances by the Assistant Director Regulatory, Environment and Waste Services or by a Planning Officer to whom they have the power to delegate.

4.8.98 A written note will be made of all such meetings and may be distributed. The meeting note and any follow-up correspondence must be placed on the planning application file, in case a planning application is made following initial discussions.

4.8.99 Officers may not receive gifts or hospitality beyond usual refreshment (such as tea or coffee) at a meeting, from people with an interest in a planning proposal.

4.8.90 Action on Decisions Taken Contrary to Professional Advice

4.8.91 In cases where a Planning Officer recommendation for approval has been overturned by the Planning and Regulatory Committee and an appeal or that decision is lodged:

- (a) Planning Officers will give full support to members of the Planning and Regulatory Committee and any external witnesses in preparing evidence for any public inquiry, short of giving evidence themselves; and
- (b) Planning Officers will give evidence themselves only in exceptional circumstances, where their Code of Professional Conduct is not breached; and
- (c) where a hearing is to be held, with no cross-examination, Planning Officers may give evidence themselves, but this will normally be only if the Planning Officer concerned has not been involved in formulating the original recommendation; and
- (d) Planning Officers must give full support to members of the Planning and Regulatory Committee where a decision is appealed using the written representations procedures.

4.8.92 Delegations to planning officers

4.8.93 If the Assistant Director Regulatory, Environment and Waste Services is unavailable or unable to fulfil any of their functions in these rules and code, they may nominate a substitute to exercise those functions on their behalf as set out in the scheme of delegation.

The Planning Rules and Code

Background

Planning can be a complex area and therefore an overview of the planning process is set out on the website [link].

Herefordshire Council, like all local planning authorities is required to determine planning applications in accordance with local, regional and national policy having regard for all material considerations.

There are a number of different types of planning applications that can be made, for example applications for planning permission, applications for listed building consent, applications for advertisement consents and notification of proposed works to trees in a conservation area.

Applications for planning permission have to be determined within National Government set timescales which are currently:

- 8 weeks for minor development. These are applications for planning permission for developments such as structural extensions, small (less than 10 houses) housing developments, change of use, works outside the garden associated with a dwelling e.g. stables.
- 13 weeks for major development. These are applications for planning permission:
 - (a) more than 10 dwellings;
 - (b) where the number of dwellings is not stated the application site is more than 0.5 hectares or more
 - (c) the floor space to be built is 1000 sqm or more and the application is more the 1 hectare; and
- 16 weeks for applications accompanied by an Environmental Impact Assessment. These are defined in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 including planning applications that are likely to have significant effects on sensitive areas, such as: sites of special scientific interest, National Parks, Broads, World Heritage sites, Scheduled Ancient Monuments, Areas of Outstanding Natural Beauty and sites protected under Habitats law.

The Planning Rules and Code complements the Councillor Code of Conduct with which Councillors should be familiar.

The obligations and responsibilities set out in the Planning Rules and Code apply to all Councillors of the Planning and Regulatory Committee and in similar ways to all other Councillors.

The Council's planning policies are adopted in the public interest for the benefit of the whole community rather than for any particular individual or interest group. Decisions are required to be taken in accordance with the current development plan and having regard to all material considerations. Each planning application is considered on its merits. However, planning decisions by their very nature are often contentious, with strong contrary views being expressed. Any decision can be the subject of detailed scrutiny or challenge. Failure to follow the requirements of the Council's Planning Rules and Code may result in sanctions under the Councillor Code of Conduct, or may be regarded by the Local Government Ombudsman as incompatible with good administration.

The Planning Rules and Code covers the whole of the planning process, including policy formulation and development control, and all Councillors and Officers who come into contact with it. The Planning Rules and Code is designed to promote greater mutual support and understanding between Councillors and Officers to the benefit of all involved in the planning process. It is also

designed to give the public greater confidence that Herefordshire Council discharges its planning responsibilities fairly and openly

4.8.1 Councillor involvement in planning applications

4.8.2 In making decisions on planning applications, Planning Officers and Councillors will:

- (a) act fairly and openly and without prejudice
- (b) approach each application with an open mind
- (c) carefully weigh up all the material planning considerations
- (d) avoid inappropriate contact with interested parties
- (e) ensure that valid reasons for decisions are clearly stated.

4.8.3 Councillors will be free to vote on planning applications as they consider appropriate (that is, without a Party 'whip'), having proper regard for all the relevant information, evidence and arguments. In accordance with the requirements of the Town and Country Planning Act 1990, decisions **will be** based on the provisions of the Herefordshire Local Plan Core Strategy 2011 – 2031 and all material planning considerations.

4.8.4 Councillors **must not** give instructions to Officers nor place pressure on officers in order to secure a particular recommendation on a planning application.

4.8.5 Councillors **will not** use their position improperly to confer or secure for themselves, or for any other person, an advantage or disadvantage.

4.8.6 Training

4.8.7 Councillors who are a member of the Planning and Regulatory Committee will be required to undergo **mandatory** training in planning procedures. This will normally take place within three months of appointment to the committee and at appropriate intervals thereafter. A record will be kept by the Monitoring Officer of the training you undertake. Members of the Planning and Regulatory Committee who have not undertaken the training, may not participate in meetings of the Planning and Regulatory committee until such training has been completed.

4.8.8 Discussions with applicants

4.8.9 Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally involve Planning Officers, and will follow the guidance in the following paragraph.

4.8.10 It will be made clear at the start of pre-application meetings that:

- (a) Councillors' or Planning Officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Local Plan Core Strategy and other adopted Council policies
- (b) no decisions may be made or advice given which would bind or otherwise compromise any planning decision
- (c) Councillors should not give separate advice on the development plan, material considerations, or planning obligations

4.8.11 A written note must be made of the pre-application meeting and will be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted.

4.8.12 Councillors may, following discussion with the appropriate Planning Officer, take part in organised post-submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. It is recommended that at least one Planning Officer be present at all such meetings.

4.8.13 Lobbying

4.8.14 Lobbying can take place by way of an approach to an individual or a group of Councillors, by telephone, or on a chance meeting, or by way of a request to see all or some of the members of the Planning and Regulatory Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid Councillors who are members of the Planning and Regulatory Committee compromising their position before they have received all the relevant information, evidence and arguments, they must:

- (a) take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have taken into account all relevant considerations.
- (b) direct lobbyists or objectors to the Planning Officer, and
- (c) advise the Assistant Director Regulatory, Environment and Waste as soon as possible of the existence of any substantial or abnormal lobbying activity.

4.8.15 Hospitality

4.8.16 Councillors are strongly discouraged from receiving hospitality from people with an interest in any planning proposals. If receipt of hospitality is unavoidable, Councillors will ensure that it is of the minimum level and, if it exceeds the level to which the requirement for declarations of gifts and hospitality applies, Councillors must declare the offer as soon as possible in the register kept by the Monitoring Officer.

4.8.17 Planning Officers may not receive gifts or hospitality beyond usual refreshment (such as tea or coffee) at a meeting, from people with an interest in a planning application/proposal.

4.8.2-18 Initial submission of applications

4.8.~~193~~ All ~~members~~Councillors will be informed by email on the submission of a new planning application in their ward.

4.8.~~204~~ All applications will proceed and will be determined under delegated powers unless they fall within the category of applications automatically to be referred to committee (Major and EIA Development planning applications) or are redirected as provided for under the redirection arrangements in these rules. Paragraph 4= 4.8.21 and 4.8.22 below applies only to planning applications which are to be determined under delegated powers.

4.8.~~21-5~~ In addition:

- (a) the Planning Officer allocated to the planning application case officer will telephone and/ or email telephone the Ward member Councillor (and/or where necessary arrange a meeting) to update the ward Ward Councillor member on the processing of the application and any comments received.
- (b) as part of this initial conversation the case oPlanning Officer will also identify to the ward member Ward Councillor whether an application triggers the need for a section 106 agreement in accordance with the council's adopted Planning Obligations Supplementary Planning Document.
- (c) in the case of applications requiring a Section 106 agreement the case officer Planning Officer will have a subsequent conversation/meeting with the Ward Councillor ward member to ensure that local mitigation measures are appropriately incorporated. As part of this process Planning Officers and Councillors officers and members will be guided by the Planning Policy Guidance on Planning Obligations Circular 5/05, the Council's adopted Supplementary Planning Guidance and the evolving schedule of local needs co-ordinated by the planning Planning obligations Obligations manager Manager.

4.8.226 The ward Ward member Councillor (s) for the purpose of th4.8.22 is rule is/are the member or members Councillor/Councillors in whose ward the application is located, or whose wards are materially affected by the planning application.

4.8.237 **Determination of application at Committee**

4.8.248 Councillors at Members of the Planning and Regulatory Committee have the power to determine applications for planning permission and applications for listed building consent which are not decided by an O officer and related powers will determine those matters which under the functions scheme are to be determined by the Committee including which including es those matters redirected to the Planning and Regulatory Committee for determination under the R redirection arrangements Arrangements set out in 4.8.70 – 4.8.84 in these rules.

4.8.25 **Substitutes**

4.8.26 Substitute members of the Planning and Regulatory Committee are permitted but any substitute member will be required to undertake need to have mandatory training in planning procedures and be been appropriately trained to the same level as the member they are substituting for.

4.8.27 Substitute members have all the powers and duties of an ordinary member of the Planning and Regulatory Committee.

4.8.28 A substitute member must be identified by name as replacing a primary member of the Planning and Regulatory Committee before a committee meeting.

4.8.30 **Site Inspections**

4.8.31 Site Inspections by the Planning and Regulatory Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision. This is true particularly when the issues concern, for example, visual impact, the character of an historic building or the effect of development on local amenity. However, site inspections

are costly, cause delay to decisions and are an unsuitable place for holding a reasoned debate.

4.8.32 The criteria for holding site inspections are:

- (a) the character or appearance of the proposed development itself is a fundamental planning consideration; or
- (b) a judgement is required on visual impact; or
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

4.8.33 The Chairperson of the Planning and Regulatory Committee and the Assistant Director Regulatory, Environment and Waste will determine which planning applications will be the subject of a prior site inspection. This does not prevent any member of the Planning and Regulatory Committee requesting a site inspection at the Planning and Regulatory Committee meeting when it has not already been visited by this procedure.

4.8.34 Site Inspections should not be held when inspection of the site is irrelevant to the material planning considerations. Any member of the Planning and Regulatory Committee may request a site inspection, but reasons based on the above criteria must be stated. Where a motion for a site visit is moved at a meeting of the Planning and Regulatory Committee it will be put to the vote immediately; if the motion is carried there will be no further discussion of the planning application which will be deferred to a later meeting date after a site visit has taken place.

4.8.35 The purpose of the site visit is fact finding and familiarisation of the site of a planning application-. Planning Officers will be able to point out relevant features of the site and surroundings. Members of the Planning and Regulatory Committee will be able to see the physical features of the site and ask questions through the Chairperson or the Planning Officers to seek clarification. Neither the applicant/agent nor third parties will be allowed to participate in the site inspection. The input of these parties is made at the Planning and Regulatory Committee meeting itself. At the discretion of the Chairperson of the Planning and Regulatory Committee the appropriate parish or town council may be invited to observe the inspection. Where a parish or town council is invited to a site visit it will be made clear that any access onto the application site will be subject to permission from the owner/applicant. Where permission is not granted the parish or town council should view the site from public vantage points only On a site visit a parish or town council may not contribute to the opportunity to ask questions of Planning Officers on site.

4.8.36 No discussion of the merits of the planning application is permitted at site inspections and all questions from Councillors will be put through the Chairperson.

4.8.37 The site inspection party will stay together as a group. Wherever possible the party should arrive at and leave the site together.

4.8.38 As a member of the Planning and Regulatory Committee when on site visits Councillors should not make any comments that could create an impression that they have already formed a view on the merits of the planning application. No decision on the planning application should be made until the meeting of the Planning and Regulatory Committee at which the planning application is to be considered, when members of the Planning and Regulatory Committee will have before them all necessary information to be able to make

an informed decision, including any material facts arising from the site visit which the Assistant Director Regulatory, Environment and Waste services considers should be reported to the Planning and Regulatory Committee.

4.8.39 Conduct of site visits

- (a) visits will be conducted in a formal manner.
- (b) the Chairperson or Vice-Chairperson will open the visit and remind members of its purpose and conduct.
- (c) Planning Officers will highlight issues relevant to site inspection. If issues are raised which necessitate consultation with the applicant or his agent, this should be done after the close of the visit and the outcome reported to the subsequent Planning and Regulatory Committee.
- (d) Ward councillors will be invited to site inspections in their wards and asked to highlight local issues relevant to the site inspection.
- (e) the Chairperson or Vice-Chairperson will close the visit.

4.8.40 General matters

- (a) no decision will be made concerning the planning application on site.
- (b) no formal notes will be made.
- (c) no hospitality will be accepted.

4.8.41 If a member of the Planning and Regulatory Committee finds it necessary to visit a site alone (perhaps because it was not possible for them to attend a Planning and Regulatory Committee site visit), the Councillor should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the planning application will be taken until it has been discussed at the relevant Planning and Regulatory Committee.

4.8.42 Material submitted to Planning and Regulatory Committee

4.8.43 If a member of the Planning and Regulatory Committee receives material from or on behalf of an applicant or third party in connection with a planning application before a Planning and Regulatory Committee the Councillor should establish from the Planning Officers whether the material has been received by them. If it has not, Councillors should make it available as soon as possible to the Assistant Director Regulatory, Environment and Waste Services.

4.8.44 Documents in connection with an application should all be dealt with in the Planning Officer's written report to Planning and Regulatory committee. Any additional information received after the preparation of that report up to noon on the day before the Planning and Regulatory Committee meeting will also be brought to the attention of the Planning and Regulatory Committee if it raises new and relevant material planning matters. Papers received after that time will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications. A printed Planning and Regulatory Committee update will be published to Herefordshire Council's website the evening before the Planning and Regulatory Committee meeting.

4.8.45 Declaration of interests in planning applications and at Planning and Regulatory Committee

4.8.46 Interests need to be considered and declared as necessary in accordance with the Code of Conduct.

4.8.47 If a member of the Planning and Regulatory Committee has a ~~S~~schedule 1, ~~S~~schedule 2 or an "other interest which relates to a financial interest then under the code of conduct, the Councillor cannot participate in the meeting, or vote on any item at the meeting and does have to leave the meeting. The Councillor may attend a Planning and Regulatory Committee meeting only as a member of the public, for the purposes only of making representations, provided that the public are also allowed to attend the meeting for the same purpose. The Councillor must declare they are attending the meeting as a member of the public at the start of the meeting. If a Councillor has such an interest they should notify the Monitoring Officer before the Planning and Regulatory Committee meeting that they wish to speak.

4.8.48 If a member of the Planning and Regulatory Committee has such an interest the procedure in Planning and Regulatory Committee will be as follows. The Planning Officer will present the report. If the Councillor wants to make representations, they will take their place in the space allocated to public participation. The Councillor will not be acting in their capacity as a ~~C~~councillor and may make representations for no longer than three minutes (the time allocated to public participants at Planning and Regulatory Committee). Thereafter, the Councillor may take no further part in the debate or decision-making of the Planning and Regulatory Committee, and must immediately leave the meeting. Such a Councillor may not stay in the meeting or listen to any other public participation in respect of the application.

4.8.49 Withdrawal from the Planning and Regulatory Committee meeting involves physically leaving the committee meeting room. ~~Moving to the public gallery is not sufficient.~~ The Chairperson of the Planning and Regulatory Committee should suspend the proceedings of the Planning and Regulatory Committee briefly while the Councillor leaves the committee meeting room.

4.8.50 Where a Councillor has a dispensation granted the ~~ee~~Councillor may be granted the ability to speak and or vote by the ~~by any appropriate person or body allowing the~~ ~~M~~Monitoring ~~O~~fficer and or ~~A~~audit and ~~G~~overnance ~~C~~ommittee. ~~them you to speak and/or vote on a matter in respect of which a schedule 1, schedule 2 or "an other interest" which relates to a financial interest has been declared, that dispensation applies also in relation to these rules and code, but~~†The Councillor will still need to declare the interest.

4.8.51 Planning officers must play no part in the processing of any planning application in circumstances where there is, or would be perceived to be, a conflict between their personal or financial interests, those of their families or friends, and their professional duty. They must openly declare the existence of any such conflict in writing to the Assistant Director Regulatory, Environment and Waste Services. Any interest the Assistant Director Regulatory, Environment and Waste Services has in an application must be declared to the Monitoring Officer.

4.8.52 Cabinet members

4.8.53 There will be occasions when a cabinet member will wish to express comments on a particular planning application. This may include where the council is the applicant. Cabinet members are permitted to speak at the Planning and Regulatory Committee meeting for the item, but must then withdraw from the meeting while the planning application is discussed and determined. ~~Retiring to the public gallery is not sufficient and physical withdrawal from the room is required.~~

4.8.54 Where a cabinet member has a ward representation role, they may, at the discretion of the Chairperson, also speak as a Ward Councillor.

4.8.55 Planning and regulatory committee members who serve on parish and town councils

4.8.56 Some Councillors will be members of parish or town councils as well as Herefordshire councillors. In such circumstances Councillors may express their views and vote at the respective meetings of both councils having regard to the information available to them at that time. Having voiced a view and/or voted at a parish council meeting will not of itself prevent a member of the Planning and Regulatory Committee being involved in decision making at Planning and Regulatory Committee. Prior indication of a view on a planning application does not amount to predetermination. Similarly members on the Planning and Regulatory Committee can attend parish meetings in their ward and speak about planning applications. Talking to constituents be they applicants or objectors is permitted; it does not mean the Councillor has a closed mind. A member of the Planning and Regulatory Committee will not be taken to have a closed mind just because they may previously have done anything that directly or indirectly indicated what view they had, would have or might take so long as they have an open mind to the debate on the application.

4.8.57 Ward Councillors

4.8.589 At Planning and Regulatory Committee ~~at the ward~~ Ward member Councillor will have an automatic right to start and close the member debate on the planning application concerned, subject to the provisions on the declaration of interests as reflected in 4.8.45 the Planning Code of Conduct (Part 5 section 6)(Declaration of interests). Ward Councillors will be allocated a maximum of 10 minutes to speak at the beginning of the debate on the planning application and a maximum of 5 minutes at the close of the debate on the planning application. In the case of the Ward Councillor ~~ward member~~ not being a member of the Planning and Regulatory Committee they would be invited to address the Planning and Regulatory Committee for that item. ~~{In the case of the ward member being a member of the appropriate~~ Planning and Regulatory Committee they will not vote on that item, and act as the ~~ward member~~ Councillor as set out above.} To this extent all Ward Councillors ~~members~~ have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Planning and Regulatory Committee concerned. ~~The ward member would initially address the Committee immediately after the public speaking.~~ In some circumstances it is advisable for a substitute to be used for the planning committee meeting so that the ward councillor role is distinct.

4.8.59 Public speaking at Planning and Regulatory Committee

4.8.60 At Planning and Regulatory Committee the public will be permitted to speak at meetings when the following criteria are met:

- (a) the planning application on which they wish to speak is for decision at the Planning and Regulatory Committee
- (b) the person wishing to speak has already submitted written representations within the time allowed for comment
- (c) once an item is on an agenda for Planning and Regulatory Committee all those who have submitted written representations will be notified and any person wishing to speak must then register that intention with the Monitoring Officer at least 48 hours before the meeting of the Planning and Regulatory Committee
- (d) if consideration of the planning application is deferred at the meeting of the Planning and Regulatory Committee, only those who registered to speak at that meeting of the Planning and Regulatory Committee will be permitted to do so when the deferred

- planning application is considered at a subsequent or later meeting of the Planning and Regulatory Committee
- (e) at the meeting a maximum of three minutes (at the Chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes in total will be allowed for public speaking
 - (f) speakers may not distribute any written or other material of any kind at the Public and Regulatory committee meeting
 - (g) speakers' comments must be restricted to the planning application under consideration and must relate directly to planning issues
 - (h) on completion of public speaking, members of the Planning and Regulatory Committee will proceed to determine the planning application
 - (i) in relation to Major planning applications, only, the Chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking and may hold special meetings at local venues if appropriate.

4.8.61 Voting at Planning and Regulatory Committee

4.8.62 Members of the Planning and Regulatory Committee will only be able to vote on an application before a Planning and Regulatory Committee if the member has been present for the whole of the presentation of and discussion on the planning application.

4.8.63 Decisions contrary to officer recommendations or to development plan policies

4.8.64 From time to time, there will be occasions when a member of the Planning and Regulatory Committee or the Planning and Regulatory Committee disagrees with the professional advice on a planning application given by Planning Officers.

4.8.65 The law requires that decisions on planning applications should be taken in accordance with the development plans unless material considerations indicate otherwise (S38A Planning and Compulsory Purchase Act 2004)

4.8.66 If the Planning and Regulatory Committee makes a decision contrary to the Planning Officer's recommendation (whether for approval or refusal) a detailed minute of the Planning and Regulatory Committee's reasons will be made and a copy placed on the application file. In this context members of the Planning and Regulatory Committee should be prepared to explain in full their reason for not agreeing with the Planning Officer's recommendation. In so doing, members of the Planning and Regulatory Committee should observe the 'Wednesbury principle' which requires all relevant information (i.e. material considerations) to be taken into account and all irrelevant information (i.e. non-material matters) to be ignored.

4.8.67 The Planning and Regulatory Committee may occasionally defer consideration of an application at a meeting to allow for a site visit to take place or to request additional information before reaching a decision. Where a motion for a deferral of an application is moved it will be put to the vote immediately. Clear reasons for the deferral must be stated when the motion is proposed. If the motion for deferral is carried there will be no further discussion of the application. Consideration and determination of the application will take place at a later meeting date to be advised by the Assistant Director for Regulatory Environment and Waste.

4.8.10-68 Post decision

4.8.11-69 Ward ~~members-Councillors~~ will ~~only~~ be advised where appropriate by the Planning Officer~~case officer~~, the planning enforcement team, or the planning obligations manager of the following events:-

- (a) any evolving inconsistencies between a planning permission and development taking place
- (b) any appeal against the refusal of planning permission
- (c) the receipt/apportionment of Section 106 Agreement monies
- (d) any proposed variations to the Section 106 Agreement.

4.8.7042 Redirection of delegated planning decisions

4.8.71 The majority of decisions on planning applications are delegated to the Chief Executive and determined by Planning Officers acting under the Chief Executive's Scheme of Delegation in accordance with the Functions Scheme (Part 3). However Ward Councillors may choose to ask that a particular planning application is redirected for decision by the Planning and Regulatory Committee. A Ward Councillor for the purpose of this redirection procedure is the Ward Councillor in whose area the planning application lies and any councillor whose ward is materially affected by the planning application.

4.8.72 Reasons for redirection

4.8.73 A request for redirection should be made in writing to ~~the Planning~~the Planning Officer assigned to the planning application. The Ward Councillor will need to ensure that the request for redirection is made on legitimate planning grounds as the reasons for the redirection request will be placed on the planning application file and will be accessible to view on Herefordshire Council's website.

4.8.74 A redirection will occur in the following circumstances:

- (a) the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee, or
- (b) the application has attracted an unusually high level of public interest and /or objections
- (c) there has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.

4.8.754 All requests for redirection will be discussed by the Service Director of Economy and Regulatory Services Assistant Director Regulatory, Environment and Waste Services (or their delegate) and ~~with~~ the Chairperson of the Planning and Regulatory Committee. A decision whether to accept the redirection will be made by the Director of Economy and Regulatory Services Assistant Director Regulatory, Environment and Waste Services (or their delegate) ~~on the basis of guidance set out in these rules and code, the circumstances and material planning consideration of the specific planning application.~~ The decision will be confirmed in writing. In the Chairperson's absence, the Vice-Chairperson will be consulted.

4.8.765 Whether or not the request for redirection is agreed the request will be published as a representation alongside the reason why the request was agreed or refused on the planning application on Herefordshire Council's website. The Planning Officer's written

report will also give the name of the Ward Councillor making the request for redirection and the reasons for the redirection.

Legitimate reasons for requesting a redirection should be based on material planning considerations. These include all the fundamental factors involved in land-use planning, such as:

- The number, size, layout, siting, density, design and external appearance of buildings
- The proposed means of access
- Landscaping
- Impact on the neighbourhood, and
- The availability of infrastructure

Other examples of factors that could be taken into account in relation to a request for redirection may include, but are not limited to:

- Overlooking and loss of privacy
- Inadequate parking and servicing
- Overbearing nature of proposal
- Loss of ecological habitats and trees
- Access and highways safety
- Traffic generation
- Noise, smells and disturbance from the proposed scheme
- Flood risk

Examples of factors that cannot normally be considered as material planning considerations in relation to a request for redirection are:

- Loss of value or impact to an individual property
- Boundary disputes including encroachment of foundations or gutters
- The applicant's motives
- Private rights of way or rights to lights
- Loss of trade to individual competitors
- Age, health, status, background and work patterns of the objector
- Noise and other forms of disturbance arising during and solely as a result of any building operations involved in the development
- Matters covered by other legislation and over which planning has no control

Most if not every planning application will raise material planning issues, however, Ward Councillors must as part of the request for redirection state why the matters raised in the request for redirection warrant scrutiny by the Planning and Regulatory Committee.

4.8.76 There will be circumstances in which an application is amended in order to respond to issues raised in the normal processing of the planning application by the Planning Officer, statutory consultees or local residents. In the event that the reasons for redirection are resolved through the amendments made to the planning application the Ward Councillor will be at liberty to withdraw their request for redirection and a Planning and Regulatory Committee determination. Thereafter the decision will revert to a delegated decision.

4.8.13-77 The Redirection arrangementstimescales

~~4.8.14 Many planning applications are delegated to the chief executive and determined by planning officers acting under the chief executive's Scheme of Delegation in accordance with the Functions Scheme (Part 3).~~

~~4.8.15 Ward councillors may choose to ask that sensitive or controversial applications be redirected for a decision by the Planning and Regulatory Committee. A ward councillor for the purpose of this redirection procedure is the ward councillor and any councillor whose ward is materially affected by the application.~~

~~4.8.16-78~~ **A request for R**edirection needs to be made as soon as possible after the date a valid **planning** application is submitted to avoid unnecessary delays in determining **planning** applications.

~~4.8.17 Redirections should normally be made within three weeks of the application being notified to the relevant ward members, subject to 4.8.24 below.~~

~~4.8.18 A redirection will occur in the following circumstances:~~

- ~~(a) — the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee, or~~
- ~~(b) — the application has attracted an unusually high level of public interest in the relevant area. This might be reflected in the number of letters or e-mails or a petition received in connection with the application, or~~
- ~~(c) — there has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.~~

4.8.19-79 **Conditional ~~redirection~~Redirection**

4.8.8020 In some cases, **a Ward** Councillors may be content that the application be re-directed only if planning officers are intending to grant or refuse planning permission. In that case a **Ward** Councillor can ask that the matter only be redirected in accordance with this procedure if it is either the intention of the planning officer to grant or refuse the application.

4.8.21-81 **Other circumstances**

4.8.8222 Any other reasons for requesting a redirection other than those set out above will be considered on their individual merits and circumstances.

4.8.23 Referrals requested after the three week period

~~4.8.24 Any of the circumstances set out above could justify a late redirection provided the reasons for the lateness of the request are explained when the request is made. In these circumstances, the assistant director regulatory, environment and waste services will make a judgement based on the issues raised, and the stage reached in the processing of the application.~~

4.8.25 Exceptions to redirection

~~4.8.26 A redirection will occur unless the request is made:~~

- ~~(a) — in order to “resolve” a disagreement between an applicant and the objector(s) to an application.~~
- ~~(b) — where the applicant considers that there is more likelihood of a grant of planning permission if the application is referred to the Committee for a decision.~~

- ~~(c) — where the objectors to an application consider that there is more likelihood of a refusal of permission if the application is referred to Committee for a decision.~~

4.8.27-83 Procedure

~~4.8.84 A planning application which has been re-directed to the Planning and Regulatory Committee for determination will be considered in accordance with these rules and code.~~

~~The Ward Councillor who made the request for redirection will be notified of the date of the relevant Planning and Regulatory Committee meeting and will be invited to speak at that Planning and Regulatory Committee meeting in accordance with 4.8.57,4-8.28—A councillor requesting the redirection of an application should always provide sound planning reason(s) for doing so based on the circumstances and material planning considerations of the proposal.~~

~~4.8.29 Any such request should be made in writing to the case officer and the development control manager.~~

~~4.8.30 All requests for redirections will be discussed by the assistant director regulatory, environment and waste services (or their delegate) with the chairperson of planning and regulatory committee together with the member who has requested the redirection. A decision whether to accept the redirection will be made by the assistant director regulatory, environment and waste services (or their delegate) on the basis of guidance set out in these rules and the circumstances and material planning consideration of the case. The decision will be confirmed in writing. In the chairperson's absence, the vice chairperson will be consulted.~~

~~4.8.31 There will be circumstances in which an application is amended in order to respond to issues raised in the normal processing of the application by the case officer, statutory consultees or local residents. In the event that the issue(s) which caused the application to be redirected to the Committee by the ward member (and supported by the appropriate officers and the chairperson of the Committee) is/are resolved the ward member will be at liberty to withdraw his or her request for a Committee determination. Thereafter the decision will revert to a delegated decision.~~

4.8.32 Delegations to officers

~~4.8.33 If the assistant director regulatory, environment and waste services is unavailable or unable to fulfil any of their functions in these rules, they may nominate a substitute to exercise those functions on their behalf.~~

4.8.34 Public speaking at planning and regulatory committee

~~4.8.35 In the case of the planning and regulatory committee the public will be permitted to speak at meetings when the following criteria are met:~~

- ~~(a) — the application on which they wish to speak is for decision at the planning and regulatory committee~~
- ~~(b) — the person wishing to speak has already submitted written representations within the time allowed for comment~~
- ~~(c) — once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee~~

- ~~(d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting~~
- ~~(e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking~~
- ~~(f) speakers may not distribute any written or other material of any kind at the meeting~~
- ~~(g) speakers' comments must be restricted to the application under consideration and must relate to planning issues~~
- ~~(h) on completion of public speaking, councillors will proceed to determine the application~~
- ~~(i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.~~

4.8.85 Applications in which a member of the councillor or an officer has an interest

4.8.86 All planning applications which are submitted by or on behalf of a Councillor in their private capacity, by their partner, a member of their family or a close association must be drawn to the attention of the Assistant Director Regulatory, Environment and Waste Services by the Councillor in writing. If the Councillor has a material interest in the outcome of the application or if the application is submitted by their partner, it will be determined by the Planning and Regulatory Committee and if the Councillor is a member of the Planning and Regulatory Committee the Councillor must take no part in the determination of the planning application. The Councillor must declare a schedule 1, schedule 2 or an other interest which relates to a financial interest interest and may only speak as the applicant or appoint an agent to speak on their behalf in accordance with paragraph 4.8.59 (Public Speaking at Planning and Regulatory Committee).

4.8.87 If the planning application is from a member of a Councillor's family or a close associate, or the Councillor otherwise has a conflict of interest, then the Chairperson of the Planning and Regulatory Committee will appoint another Councillor to provide procedural and other advice and information to the applicant, and to the town or parish council concerned. If the application is also in the Councillor's ward this nominated Councillor will speak at Planning and Regulatory Committee.

4.8.87 All planning applications submitted from officers who are employed in the planning service or work closely with it or who are a senior manager as defined in the Council's pay policy statement, or by a close family member such that the officer has a material interest in the planning application, must be re-directed to the Planning and Regulatory Committee for a decision, rather than being dealt with in accordance with the scheme of delegation to Planning Officers. If the officer concerned is present at the meeting of the Planning and Regulatory Committee at which such an application is determined, the officer must leave the room during consideration of the planning application.

PART 2 THE ROLE OF COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

4.8.88 Councillors who are not members of the Planning and Regulatory Committee who are Ward Councillors affected by a planning application represent their own views or that of their constituents as a consultee and will be consulted on the planning application, will be invited to speak at the Planning and Regulatory Committee and attend any site inspections that take place in their ward.

4.8.89 Councillors who are not members of the Planning and Regulatory Committee should not lobby members of the Planning and Regulatory Committee in order to secure the outcome on a planning application that either they or their constituents seek. The Ward Councillor, the appropriate town or parish council and local residents will have the opportunity to present their views to the Planning and Regulatory Committee in accordance with the Council's procedure for public speaking at the Planning and Regulatory Committee as set out in 4.8.59.

4.8.90 All Councillors may attend meetings of the Council's Planning and Regulatory Committee even if they are not a member of the Planning and Regulatory Committee. Councillors attending a meeting of the Planning and Regulatory Committee should not sit in the public gallery, but in the place reserved in the committee room for Councillors who are not members of the Planning and Regulatory Committee.

PART 3 THE ROLE OF PLANNING OFFICERS

4.8.91 In reporting to the Planning and Regulatory Committee, Planning Officers will:

- (a) provide professional and impartial advice
- (b) make sure that all information necessary for a decision to be made is given
- (c) set the planning application in the context of the development plan documents and all other material considerations
- (d) include the substance of objections and the views of people who have been consulted
- (e) provide a clear and accurate written analysis of the issues
- (f) give a clear recommendation

4.8.92 Record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. Particular care is to be taken with delegated decisions, which should be as well documented and recorded as those taken by members of the Planning and Regulatory Committee. These principles apply equally to enforcement and development plan matters.

4.8.93 Any material planning information which is received after the written report has been prepared and before the cut-off time specified in 4.8.44 above will be presented orally to the Planning and Regulatory Committee by Planning Officers.

4.8.94 The Assistant Director Regulatory, Environment and Waste Services in discussion with the Chairperson of the Planning and Regulatory Committee, may withdraw any item from the agenda of the Planning and Regulatory Committee after the preparation of the written report but before discussion by the Planning and Regulatory Committee if the circumstances of the consideration of a planning application change within that period.

4.8.95 Planning Officers are responsible for carrying out the decisions of the Planning and Regulatory Committee, whether or not those decisions are in line with Planning Officer recommendations.

4.8.96 Discussions on Planning Applications

4.8.97 All Planning Officers taking part in pre-application or post-submission discussions with applicants, supporters or objectors should make it clear that decisions on planning applications are taken either:

(a) by the members of the Planning and Regulatory Committee in committee, or

(b) in specific circumstances by the Assistant Director Regulatory, Environment and Waste Services or by a Planning Officer to whom they have the power to delegate.

4.8.98 A written note will be made of all such meetings and may be distributed. The meeting note and any follow-up correspondence must be placed on the planning application file, in case a planning application is made following initial discussions.

4.8.99 Officers may not receive gifts or hospitality beyond usual refreshment (such as tea or coffee) at a meeting, from people with an interest in a planning proposal.

4.8.90 Action on Decisions Taken Contrary to Professional Advice

4.8.91 In cases where a Planning Officer recommendation for approval has been overturned by the Planning and Regulatory Committee and an appeal or that decision is lodged:

(a) Planning Officers will give full support to members of the Planning and Regulatory Committee and any external witnesses in preparing evidence for any public inquiry, short of giving evidence themselves; and

(b) Planning Officers will give evidence themselves only in exceptional circumstances, where their Code of Professional Conduct is not breached; and

(c) where a hearing is to be held, with no cross-examination, Planning Officers may give evidence themselves, but this will normally be only if the Planning Officer concerned has not been involved in formulating the original recommendation; and

(d) Planning Officers must give full support to members of the Planning and Regulatory Committee where a decision is appealed using the written representations procedures.

4.8.92 Delegations to planning officers

4.8.93 If the Assistant Director Regulatory, Environment and Waste Services is unavailable or unable to fulfil any of their functions in these rules and code, they may nominate a substitute to exercise those functions on their behalf as set out in the scheme of delegation.



Title of report: Designation of Monitoring Officer

Meeting: Council

Meeting date: Friday 4 March 2022

Report by: Chair of Employment Panel

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the recommendation by employment panel to designate the role of (interim) director of governance and law as monitoring officer.

Recommendation(s)

That:

- (a) Council approves employment panel's recommendation that the post of (Interim) director of governance and law is designated as monitoring officer from 21 March 2022.**

Alternative options

1. To designate an alternative post as monitoring officer. This is not recommended because the post of director of governance and law, whether filled on a permanent or

interim basis, will be the council's most senior solicitor and is best placed to hold the designation of monitoring officer.

Key considerations

2. The role of director of governance and law covers a range of responsibilities including being the most senior solicitor in the council and professional lead for legal services. Importantly, the post holder is also designated as monitoring officer.
3. The council's current post holder is leaving the council on 20 March 2022 and plans are in place to recruit to the post on a permanent basis.
4. Appointment to the post of director of governance and law is made by employment panel and designation of the role of monitoring officer is carried out by Full Council.
5. It will not be possible to recruit permanently to this post before the current post holder leaves and the chief executive intends to search for interim agency cover for the director of governance and law. It is intended that interim agency cover will be in place from mid-march, until the post is filled.
6. At its meeting on 15 February 2022, employment panel considered recommendations for the designation of monitoring officer and decided to recommend to Full Council that the post of director of governance and law is designated monitoring officer. This designation will be on an interim basis from 21 March 2022 and then permanent when an appointment is made.
7. Given the pressures on the service, the need for clear leadership and a desire for as much continuity as possible, the interim head of legal services will continue to act as deputy monitoring officer on an interim basis.

Community impact

8. In accordance with the adopted code of corporate governance, Herefordshire Council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The 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.
9. The post holder for this role provides strategic leadership to council services and has a key leadership role in Herefordshire, regionally and nationally. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

10. The council's directors have shared responsibility for the delivery of the county plan and corporate delivery plan and the inherent environmental objectives and outcomes within these plans.

Equality duty

11. 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.

12. The council's policies in relation to job evaluation and recruitment and selection pay full regard to the council's responsibilities as set out in the public sector equality duty.

Resource implications

13. There are no resource implications arising from this decision.

Legal implications

14. In accordance with 4.9.12 of the constitution the head of paid service (chief executive) can make such interim arrangements for contracts of services to ensure the statutory functions of the council are fulfilled.
15. The council is required to designate a suitably qualified officer to act as monitoring officer as prescribed in the S5 Local Government and Housing Act 1989. This designation will be on an interim basis from 21 March 2022 and then permanent when an appointment is made. The designation of monitoring officer is a function reserved to the Council.

Risk management

Risk / opportunity	Mitigation
The council will not have a post holder designated as monitoring officer when the current post holder leaves on 20 March 2022	This risk has been mitigated by making arrangements for an interim director of governance and law to be appointed whilst recruitment for the permanent post holder takes place. The council also has an experienced deputy monitoring officer in post.

Consultees

16. The chief executive has informally consulted group leaders on the proposals and employment panel considered the recommendation at a meeting on 15 February 2022.

Appendices

None

Background papers

None identified



Leader's report to Council

Meeting: Council

Meeting date: 4 March 2022

Report by: Leader of the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To provide an update on the work of the Cabinet since the previous meeting of the Council. A brief summary of decisions taken by the executive is provided at appendix A and all decision reports and notices are available on the [council's website](#).

Recommendation(s)

That:

- a) The contents of the report be noted and questions raised for the Leader to answer.**

Alternative options

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive.

Key considerations

2. Herefordshire Council's constitution provides that the Leader's report will be submitted to each ordinary meeting of council (other than the budget meeting) on which they may be questioned and if so, answer. This will report the work of the cabinet since the last report and will include: (a) A summary of those executive decisions taken by the

Further information on the subject of this report is available from
Democratic Services, Tel: 01432 260382, email: John.Coleman@herefordshire.gov.uk

cabinet, individual cabinet members, and joint executive committees and other activities of the cabinet since the previous Council meeting; (b) Any recommendations of the cabinet in respect of the budget and policy framework; (c) Any report to Council required by a scrutiny committee; and (d) A summary and particulars of any urgent decision made under paragraphs 4.4.53-55 (urgent decisions).

3. I am pleased to provide to Council my Leader's report. This report principally covers the key decisions taken since my last report to Council for the meeting on 28 January 2022 to the date of this report (23 February 2022). All decisions taken since 14 January 2021 are set out in Appendix A.
4. I wish to highlight the following key items:

Core Strategy progress report

5. Work is continuing to prepare a Local Plan which will replace the existing Herefordshire Core Strategy as the statutory development plan for the County. On January 17th the first of a series of public consultations got underway to inform the preparation of the new plan. This consultation focussed on a series of spatial options setting out alternatives for distributing housing development in the county for the next twenty years. Members workshops held in February provided an early opportunity for members to hear about the options and provide some initial comments. Work on a number of key evidence base studies is now underway, including employment land provision and retail and town centre studies, with a number of other studies in the process of being commissioned. Later in the spring a consultation will be undertaken around the development of key planning policies to help develop an up-to-date range of policies, this will be followed in early summer with more detailed place based and area based options. Our aim is to prepare a draft Local Plan for consideration by the council early in 2023.

Update on Phosphates

6. I was encouraged by the debate at council on the Water Protection Zone (WPZ) motion and the recognition by all present on the need for action. You may recall that, in November 2021, I wrote to Rebecca Pow MP, Parliamentary Under Secretary of State, Department for Environment Food & Rural Affairs calling for an independent review of the Nutrient Management Board (NMB) Phosphate Action Plan. Whilst the NMB has been valiantly progressing actions it is clear that the technical advisory support to NMB is insufficiently resourced to deliver progress and a revised plan is needed. I therefore wrote to Rebecca Pow again, following the WPZ motion and suggested a Phosphate Commission as a way forward. Officers are in discussion with Natural England, the Environment Agency, Natural Resources Wales (NRW) and Powys County Council together with key stakeholders on how we can maximise the opportunity a commission presents. The Phosphate Commission will take on the work of developing the new plan, at the same time we will continue to proactively support the NMB in delivering the present plan.
7. Senior Directors from the Environment Agency visited the County on 10th and 11th February to learn first hand about some of the issues facing the EA and farming with a particular emphasis on the River Wye. Rebecca Pow joined the visit on the morning of 10th February. Cllr Swinglehurst and I were pleased to be invited to join the visit which was successful in raising the profile with the Minister.

8. On 3rd February, the Chief Executive and I were also able to bring our needs nationally to the attention of the LGA Environment Economy Housing and Transport Board by way of a presentation to that Board.
9. I am also pleased to report that progress continues to be made on our first Integrated Wetland site at Luston. There is still work to be done on evidencing certainty but I am sure that Luston and other sites, as they come on stream, will begin to ease the pressure on developers. I am keen we do everything we can to bring our communities together to resolve the biggest local environmental challenge of our generation. Officers continue to work with developers to find ways of encouraging private schemes and with the farming community to support Environmental Stewardship.

Cabinet meeting with Powys County Council Cabinet on 17 February 2022

10. On Thursday 17 February, we held our second meeting with the Powys County Council Cabinet. Our main topics of discussion were first to learn from Powys how they had dealt with the equivalent of the Improvement Notice which we have received and second to share issue relating to phosphates in the Rivers Wye and Lugg.
11. We discussed how we might work together on the Border Deal which has been promised by the Government and will meet again after the Welsh Local elections in May 2022 to agree some concrete actions. Meanwhile the Chief Executives will continue their dialogue.

Citizens' Climate Assembly

12. The Herefordshire Citizens' Climate Assembly took place virtually over two evenings and two weekends in January to address the question 'How should Herefordshire meet the challenges of Climate Change?'. With the goal of producing recommendations the sessions were structured to enable participants to understand the issues, hear different viewpoints, weighing up the evidence, question and debate points. This involved hearing from a range of experts, finding out what was already happening at a local, regional and national level, and sharing of good practice from community groups and organisations. There are 35 recommendations under the themes of buildings, transport and food, farming and land-use, which will be received formally by cabinet on the 24th February 2022. There was a strong emphasis on partnership at the assembly and the next stage will be to view the recommendations with a range of partners and where relevant to the council develop delivery plans that include feasibility, timescale and cost.
13. The assembly members were representatives of Herefordshire, selected independently by the Sortition Foundation with a report on the process published on their website. This included attitudes towards climate change with a range of viewpoints included. This was the first citizens assembly for Herefordshire Council and provided a new way of engaging a cross section of the community who were supported through the process of contributing to decision making. Nearly all participants felt very positive toward their involvement in the assembly and these views were shared with cabinet members as part of the feedback to cabinet members on the recommendations.

Budget and Delivery Plan

14. I was pleased that the Budget was approved at the last Council Meeting. Cabinet members are now working on the Delivery Plan for the 2022/23 municipal year.

Community impact

15. The County Plan shapes the future of Herefordshire and aims to encourage and strengthen our vibrant communities, create a thriving local economy and protect and enhance our environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business. The plan guides the work of the council and our relationship with individuals, families, communities and partners through to 2024. The council's delivery plan outlines the detailed work that we have committed to delivering over the next eighteen months.
16. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability.

Environmental Impact

17. A central underpinning of Herefordshire Council's County Plan is healthy, connected and vibrant ecosystems strongly support the local economy, improve health and wellbeing and make the county an attractive place to live and to visit. It is a commitment of the plan to protect and enhance this environment while stewarding it for future generations.
18. The council's delivery plan is underpinned by the commitment of this executive to use our unique role as leaders of the places we represent to help people feel safe, supported and proud of our unique and beautiful environment and we shall tackle the climate challenge through new approaches to sustainability. In doing this we will base our work on the lessons we have learned, what our residents and businesses tell us and our understanding of what our county needs for a successful future.

Equality duty

19. 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.
20. 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. Our providers will be made aware of their contractual requirements in regards to equality legislation.

21. 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.

Resource implications

22. There are no financial implications arising from the recommendations of this report. The financial implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making.

Legal implications

23. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council (except in a year when there are ordinary elections), on the priorities of the cabinet and progress made in meeting those priorities. This report ensures these requirements are met.
24. Appointment of cabinet members and allocation of portfolio responsibilities are responsibilities of the Leader of the Council, and the constitution requires that any changes are subsequently reported to Council. This report ensures these requirements are met.
25. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Risk management

26. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making.

Consultees

27. None.

Appendices

- Appendix A - Executive decisions taken from 14 January 2022 to 24 February 2022.

Background papers

None

**Executive decisions taken between 14 January 2022 and 24 February 2022
(4 March 2022– Council meeting)**

	Decision and purpose	Decision date	Decision Type	Taken by
1	<p>Citizen Assembly</p> <p>For Cabinet to approve the citizens' assembly. Cabinet to also allocate the new homes bonus funding allocation to the managing climate change ear marked reserve, to enable the views of the assembly to shape the use of the reserve.</p>	14/01/22 – Call-in deadline 20/01/22	KEY	Leader Decision (Section 9E)
2	<p>Herefordshire Council Tenancy Strategy 2021 – 2024</p> <p>To approve the tenancy strategy as a guiding document for Registered Providers working across Herefordshire. The tenancy strategy is a statutory document. The Localism Act 2011, sets out provisions for housing tenure reform and places a duty on local authorities to prepare and publish a tenancy strategy, to keep it under review and to modify or replace it from time to time. Our existing tenancy strategy was approved in 2016 as part of the revised housing allocation policy. A new housing allocations scheme was agreed and implemented in 2020, but this did not include a tenancy strategy. A new tenancy policy that reflects current legislation and up to date housing needs data is now required.</p>	14/01/22 – Call-in deadline 20/01/22	Non Key	Cabinet member housing, regulatory services, and community safety
3	<p>Subsidies To Parish Council - Parish Lengthsman Grant 2021/22</p> <p>To approve expenditure of £250k on the parish lengthsman grant scheme.</p>	21/1/22	Non key	Cabinet member Infrastructure and transport

4	<p>Bonus Payments For Frontline Care Staff</p> <p>To approve payments to registered care providers, to enable bonus payments to be made to all frontline care staff in Herefordshire. Frontline workers would include any staff who are essential to delivering care, including some catering or cleaning workers. The payments are intended to promote retention of essential workers during a time of very significant workforce challenges. Payments will total £500 for each worker and will be made by registered care providers as the employers, through their payroll. The cost of the payments will be met through the Workforce Recruitment and Retention Fund, supplemented from the council's own resources. The payments will be made between January and March 2022, and will be funded from the Workforce Recruitment and Retention Grant and council reserves earmarked for adult social care.</p>	24/1/22	Key Reg 10	Cabinet member health and adult wellbeing
5 342	<p>2022/23 council tax reduction scheme</p> <p>To approve the 2022/23 local council tax reduction scheme (CTR). Council tax charges can be reduced where the bill payer meets certain set criteria contained in the council tax reduction scheme (CTR). The 2021/22 CTR scheme was approved by Council on 12 February 2021 and increased the discount awarded. No amendments to the current scheme are recommended. It is a legal requirement to annually review the council's council tax reduction scheme and the decision to approve the scheme is reserved to full Council.</p>	31/01/22	BPF Forward to Council	Cabinet

6	<p>2022/23 Capital Investment Budget and Capital Strategy Update</p> <p>To recommend to Council for approval the capital investment budget and capital strategy for 2022/23 onwards.</p> <p>Appendix A provides details of the proposed additions to the existing capital programme that have been identified and the impact of approving these additions. Twelve capital investment budget proposals totalling £32.08m have been identified, to be funded by capital grants (£13.01m), returns on capital investment (£5.55m), use of capital receipts reserve (£1.5m) and prudential borrowing (£12.02m).</p> <p>In line with the Chartered Institute of Public Finance and Accountability (CIPFA) requirements a capital strategy has been written to reflect future direction for capital investment, the strategy is included at appendix D and in line with the guidelines requires Council approval.</p>	31/01/22	BPF Forward to Council	Cabinet
7 343	<p>2022/23 Budget Setting</p> <p>To recommend to Council the proposed 2022/23 budget and associated medium term financial strategy and treasury management strategy for recommendation to Council 11 February.</p> <p>The proposed budget reflects current and expected service delivery requirements and the provisional local government settlement announced on 16 December 2021. Overall the base budget for 2022/23 is proposed to increase to fund budget pressures. Savings of £2.6m are required in 2022/23 and an increase in council tax of 2.99% (inclusive of 1% adult social care precept) is proposed to deliver a balanced budget.</p> <p>The draft medium term financial strategy (MTFS), attached at appendix A, has been updated to reflect current assumptions on future years funding and service requirements in line with the County Plan.</p> <p>The treasury management strategy, attached at appendix D, includes the proposed borrowing and investment strategy, the council's expected minimum revenue provision and the associated prudential indicators which demonstrate that the council's proposed capital investment budget is affordable, prudent and sustainable.</p>	31/01/22	BPF Forward to Council	Cabinet

8	<p>Schools Budget 2022/23</p> <p>To approve school forum's recommended budget proposals for school budgets, central school services and early years within the Dedicated Schools Grant (DSG) for 2022/23.</p> <p>Dedicated Schools Grant funding for the schools block in 2022/23 is £116.5m, which is an increase of £1.6m for primary pupils, £1.8m for secondary pupils, a total of £3.4m. In addition the government have announced a supplementary grant for schools valued at £3.8m (£3m for mainstream schools and £0.8m for high needs). The funding for high needs and early years block are provisional and are both subject to final adjustments for pupil numbers and commissioned places. The school funding values and formula calculations are in accordance with the national school funding formula as set by government. The £0.5m funding above that required to implement the national funding formula is to be transferred to the high needs block for 2022/23.</p>	28/1/22	Key	Cabinet member children and families
304	<p>Acquisition Of A Strategic Site In Hereford To Deliver Affordable Housing</p> <p>To approve the strategic purchase of land in the Widemarsh ward within a defined budget and to authorise officers, following appropriate consultation and due diligence, to proceed with the acquisition.</p> <p>The proposed purchase will be a strategic acquisition which supports the council's aspiration to create a pipeline of affordable housing and accords with the council's County Plan 2020-2024.</p>	31/1/22	Non Key	Cabinet member commissioning, procurement and assets
10	<p>Housing Strategy 2021-2026</p> <p>To seek approval of the final draft local housing strategy 2021-2026 so that it can be published as a public document.</p> <p>To seek approval of the public consultation response so that it can be published alongside the local housing strategy 2021-2026.</p>	31/1/22	Key	Cabinet member housing, regulatory services, and community safety

11	<p>Future Delivery Of Public Rights Of Way (PROW) & Traffic Regulation Orders (TRO)</p> <p>To recommend approval of the insourcing of the Public Rights of Way (PROW) and Traffic Regulation Order (TRO) now to be known as Traffic Management (TM) Services from the Public Realm Contract delivered by Balfour Beatty Living Places (BBLP) which will involve the necessary TUPE staff transfer process.</p>	31/1/22	Key	Cabinet
12	<p>Hereford City Centre Transport Package (HCCTP) - Update decision</p> <p>This report takes forward a next step previously identified in the July 2021 cabinet report on the Hereford City Centre Transport Package (HCCTP).</p>	16/2/22	Key Reg 11 Special Urgency	Cabinet member Infrastructure and transport
13 345	<p>Solar PV for Schools Project</p> <p>To approve the variation of the cabinet member decision taken on 26 August 2021 https://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?IId=50036775 to allow additional schools to be added to the project where named schools in appendix 1 of the report cannot proceed in the short to medium term.</p>	22/2/22 Call in deadline 1/03/22	Non Key	Cabinet member environment and economy
14	<p>To give Delegated Authority to the Section 151 officer in consultation with the appropriate director to move funding between the approved schemes within the agreed COVID Recovery plan</p> <p>Cabinet agreed the Covid 19 Recovery Plan 2021/22 at its meeting of 24 June 2021. Following the implementation of a number of projects within the schemes listed in the recovery plan, it has become apparent that some schemes will underspend within their initial allocated budget and others are oversubscribed. To ensure that all available funds can be utilised to support Herefordshire's residents as part of covid recovery this report seeks delegated authority for the section 151 officer, in consultation with the appropriate directors, to move funding between the approved schemes. The overall expenditure will remain within the previously agreed budget for the 21/22 plan of £6.144m.</p>	23/02/22 Call in deadline 2/03/22	Key	Cabinet member finance, corporate services and planning

15	<p>Quarter 3 Budget & Performance Report</p> <p>To review performance for Quarter 3 2021/22 and the forecast budget outturn for the year. To provide assurance that progress has been made towards delivery of the agreed revenue budget and service delivery targets, and that the reasons for major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction. The forecast 2021/22 outturn shows a net overspend of £889k. The proportion of performance measures showing an improvement, or remaining the same compared to the same period last year is 78%. At the end of the quarter, 60% of actions from the delivery plan are identified as complete or are progressing within planned timescales.</p>	<p>24/02/22 Call in deadline 3/03/22</p>	<p>Non Key</p>	<p>Cabinet</p>
16	<p>Children's Improvement Plan Quarterly Update</p> <p>To provide an update to cabinet on the children's improvement plan.</p> <p>The Strategic Improvement Plan forms part of the council's response to the non-statutory improvement notice issued by the Department for Education on 18 May 2021.</p>	<p>24/02/22 Call in deadline 3/03/22</p>	<p>Non Key</p>	<p>Cabinet</p>
18	<p>Maylord Orchard Library and Learning Resource Centre (Detailed Design)</p> <p>To approve up to £0.45m of the expenditure required to instruct the technical project manager and design team to complete the detailed design stage and works required to develop the full business case of the Maylord Orchard Library and Learning Resource Centre project including seeking planning and all related regulatory approvals.</p>	<p>24/02/22 Call in deadline 3/03/22</p>	<p>Key</p>	<p>Cabinet</p>

19	<p>The Stronger Towns Fund - Hereford Museum & Art Gallery (Detailed Design)</p> <p>To approve up to £1.5m of the expenditure required to instruct the technical project manager and design team to complete the detailed design stage of the project and any related work required to support the development of the full business case including seeking planning and all related regulatory approvals such as listed building consent.</p>	<p>24/02/22 Call in deadline 3/03/22</p>	<p>Key</p>	<p>Cabinet</p>
20	<p>Registered Services transfer to Hoople Limited</p> <p>To agree the council's registered services nominated individual responsibility is transferred over to Hoople Limited.</p>	<p>24/02/22 Call in deadline 3/03/22</p>	<p>Key</p>	<p>Cabinet</p>
547 21	<p>Recommendations from Citizens Climate Assembly</p> <p>The purpose of the report is to consider the recommendations resulting from the Herefordshire Citizens' Climate Assembly commissioned by the council. The Climate Assembly was established in response to a unanimous vote of Full Council on 12 July 2019. The assembly consisted of a diverse and representative group of residents of Herefordshire representing the demographic make up of the county. They participated in 30 hours of deliberation on the question of 'How should Herefordshire meet the challenges of climate change?', resulting in a series of recommendations for priorities for action for the council and partner organisations.</p>	<p>24/02/22 Call in deadline 3/03/22</p>	<p>Key</p>	<p>Cabinet</p>



Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 4 March 2022

Report by: Monitoring Officer

Classification

Open

Decision type

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider motions received on notice.

Recommendation

THAT: the motions listed at paragraph 6 are debated and determined by Council.

Alternative options

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

Key considerations

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect Herefordshire.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Further information on the subject of this report is available from
Matthew Evans, democratic services officer on Tel (01432) 383690

- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may be varied at the discretion of the chairman.
- 6 Two motions have been received and will be debated at the meeting. The motions for discussion are set out below:

Motion 1 – Award Scheme for the Built Environment

(Proposed by Councillor Jeremy Milln, Seconded by Councillor Phillip Howells)

This Council wishes to promote high standards in design, conservation and sustainability in the built environment, both for new build and for the care of existing stock.

Therefore:

Council requests the Executive to investigate setting up a County of Herefordshire award scheme to encourage and recognise exemplary work in the areas of design, conservation and sustainability for the built environment.

Design. Best new building, group of buildings, extension to existing building, designed landscape or garden demonstrating exceptional flair and quality. Form, function, materiality and layout, whether in a modern or a traditional idiom, are considered, especially where they contribute to good place-making.

Conservation. Best restoration, repair or reuse of a historic building, garden or monument, especially where the work contributes to public understanding and place-making.

Sustainability. Best new build, retrofit or repurposing of a building meeting high standards in energy efficiency, renewability, connectivity and resource economy. Schemes which are designed to favour modal shift to active and public transport are welcomed.

Motion 2 – Rural Impact Assessment and Rural Proofing

(Proposed by Councillor Yolande Watson, Seconded by Councillor Roger Phillips)

The recently published Levelling Up report mentions rural proofing but fails to specify how rural counties like Herefordshire can be ‘levelled up’ or have the same opportunities as more urbanised and more populated counties.

Rural counties face many challenges and opportunities from leaving the EU, declining farm profitability, changing consumer and live/work patterns, an ageing population, housing affordability, access to public transport services, training provision, banking and high speed broadband in certain areas, climate change and new technology.

The recent debacle with the Gigaclear contract revealed the challenging geography, sparsity of population and lack of existing infrastructure in Herefordshire’s rural wards were not considered by the contractor. As such, this motion is to ensure that doesn’t happen again.

This motion asks to refer to the executive at Herefordshire Council consideration of the undertaking of a Rural Impact Assessment from the outset of every budget and contract whether for service or products, which includes engagement with rural

stakeholders. The results of the Rural Impact Assessment (RIA) are to be included in all future reports.

Rural proofing will ensure the needs of rural communities will become transparent and would demonstrate whether Government or local policies address the needs of rural communities and rural economies like Herefordshire. It is the first step towards developing a Rural Strategy for Herefordshire.

This motion considers a reformed approach to rural proofing should be introduced and that the executive should take into account the following during its considerations:

- a) **A rural assessment should take place at the start of the policy process, including engagement with rural stakeholders, and be treated as integral, rather than as an adjunct to urban-focused policy. No budget or service should be brought forward without an accompanying rural assessment statement;**
- b) **The impact of new policies on rural areas should be systematically and consistently monitored as they are implemented. This would include an update on the performance of rural proofing across Herefordshire Council;**
- c) **The executive at Herefordshire Council is required to monitor and report annually on the rural impacts of relevant policies and services, and to encourage its strategic partners to do the same; and**
- d) **The executive at Herefordshire Council agrees to write to the Government and MPs in response to this motion that:**
 - **Government should put in place the appropriate structures to facilitate a more robust rural proofing regime; and**
 - **Government needs comprehensively to rethink and reform the rural proofing process across Government, to ensure that relevant policies and legislation are attuned to the needs of rural communities and rural economies like Herefordshire.**

7 The constitution provides that the report to Council containing notices of motion on hand will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to three motions considered at earlier meetings of full Council. The resolutions and updates of progress against these resolutions are provided below:

Date of meeting	Motion	Current Status
12 July 2019	Community Infrastructure Levy	<p>The decision taken on the update to the Core Strategy on 9th November, see:</p> <p>http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296</p> <p>This included resolution as follows: (e) work on progressing a Herefordshire Community Infrastructure Levy should be put on hold pending the outcome of the</p>

		<p>significant proposals for reform of planning obligations in the White Paper</p> <p>The outcome of the Planning White paper is still awaited, we remain unsure when a new Planning Bill will be published by the Government or a new system implemented</p>
<p>RESOLVED:</p> <p>That this Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.</p>		

Date of meeting	Motion	Current Status
17 July 2020	Tree Strategy	<p>The Council is currently developing a new Nature Strategy as a holistic approach to protecting and enhancing biodiversity. This strategy will form an important part of the development of the wider Nature Recovery Strategy which is a new obligation from the recent Environment Act.</p> <p>This will encompass the further development of the draft tree strategy and include measures to ensure the further protection of hedgehogs.</p>
<p>RESOLVED:</p> <p>We call upon the executive to expedite the delivery of a detailed tree strategy for the county. A 2014 draft document exists that might provide the basis for a new strategy which will reinforce our commitment to the environment and align with our declaration of a climate emergency.</p> <p>The Government is currently consulting on an England Tree Strategy and we ask for the council to respond to this consultation.</p> <p>Furthermore, in the interim and as a matter of urgency, we ask the executive to consider what can be done to protect existing trees and to take immediate action by planting, maintaining and protecting trees in order to have established growth by 2030.</p>		

Date of meeting	Motion	Current Status
9 October 2020	Decline in hedgehog population	<p>The Council is currently developing a new Nature Strategy as a holistic approach to protecting and enhancing biodiversity. This strategy will form an important part of the development of the wider Nature Recovery Strategy which is a new obligation from the recent Environment Act.</p> <p>This will encompass the further development of the draft tree strategy and include measures to ensure the further protection of hedgehogs.</p>
<p>RESOLVED: That –</p> <p>A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.</p>		

Date of meeting	Motion	Current Status
8 October 2021	Belmont	<p>The council is currently reviewing the resource required in order to undertake an appraisal of Belmont.</p> <p>The process required is set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 and will require a formal process which comprises an appraisal followed by a public consultation.</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990 (legislation.gov.uk)</p> <p>The Act (para 69) also advises the council has a duty to review all existing conservation areas of which there are currently 64 within the county.</p> <p>In addition to a full review of existing designations, requests have been made by a number of parish councils to consider further historic settlements for consideration.</p> <p>We are therefore considering the resources and timescales required to invest in a full review of conservation areas across the county which would be beneficial in providing a consistent approach to the process, an executive response for which will be brought forward in Spring.</p>

	<p>The need to undertake this work proposed for Belmont and to address the need for conservation area assessments across the county is on the list of works to find one-off funding from within the discretionary funds we are prioritising separate from the budget process. The timeline for getting to an agreed position and public decision on the funding options for these and other works is March.</p>
<p>RESOLVED: That –</p> <p>That in recognising the importance and potential of Belmont, this Council calls on the Executive to appraise Belmont for designation as a new Conservation Area to include the House, Abbey and Park on the south side of the River and the adjacent hamlets of Warham and Breinton on the north side, seeking funding to support this work; and</p> <p>This council calls upon the executive to appraise all sites of significant historic interest that are not currently conservation areas with a view to reviewing whether more conservation areas should be approved.</p>	

Date of meeting	Motion	Current Status
8 October 2021	Wye and Lugg Bathing Water	<p><i>(Update to 28 January Full Council)</i> Officers will look for funding opportunities for the additional resources necessary to investigate whether or not there are any suitable locations on the Rivers Wye and Lugg which could be put forward as adoptable bathing areas. To do this the environmental health service will initially require additional resource for up to 3 months to firstly survey the river for any suitable locations and if any can be found this resource will then need to be extended for at least a further 15 months to undertake the statutory consultation process and, if necessary, proceed with the formal designation of such areas in conjunction with the government agencies.</p> <p>Officers are already actively working to lobby the English and Welsh governments to increase their regulatory enforcement resource to protect the Wye catchment. In doing so all five Members of Parliament and all four councils responsible for the Wye and Lugg have been approached to support this and will be also be made aware Herefordshire's intention to investigate the possibility of bathing water quality status.</p> <p><i>(Update – as of 22 February)</i> A business case for staff resourcing is currently being finalised by the Environmental Health Service Manager to take forward the</p>

		<p>initial consultation, survey and review phase required within the legislative framework.</p> <p>In order for the council's regulatory service to gather sufficient evidence for presentation and submission to DEFRA, an additional staff revenue commitment and approval of approximately £35K will be required within financial year 2022/23.</p>
<p>RESOLVED: That –</p> <p>This Council therefore resolves to call upon the executive to:</p> <p>Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water;</p> <p>Urge concerned residents to support the River Action petition, which asks the English and Welsh governments to double the Environment Agency and Natural Resources Wales's regulatory budgets so that they can more effectively enforce the existing legal protections for the Wye and Lugg;</p> <p>Forward this resolution to the Members of Parliament in Herefordshire, to ask them to support the campaign by River Action for increased funding for the Environment Agency;</p> <p>Forward this resolution to other English and Welsh councils in the Wye Valley to ask them to support the campaigns for bathing water status and for increases in regulatory budgets.</p>		

Date of meeting	Motion	Current Status
28 January 2022	Water Protection Zone for River Wye System	<p>In November 2021, the Leader wrote to the Under Secretary of State for Defra setting out the case for an independent review of the Wye Catchment Nutrient Management Plan and Board. For many years present progress of the plan through the NMB has been under resourced and inadequate, water quality continues to deteriorate. The Motion to Council for a Water Protection Zone confirmed the view that the Environmental challenges in the Wye Catchment could best be progressed by an independent review.</p> <p>The Leader therefore wrote again to the Undersecretary of State for Defra setting out the case that the best way to achieve progress would be for an independent review through a Phosphate Commission. Such a commission would develop a robust action plan with a glide path to a</p>

	<p>Water Protection Zone as has been granted to Poole Harbour.</p> <p>Whilst a new plan is developed through the Phosphate Commission, Herefordshire's considerable support for the NMB would continue with an emphasis on assisting it in refocussing on enhanced performance management to deliver the present plan.</p> <p>We will continue to press all parties and stakeholders that an independent Phosphate Commission represents the best hope for developing a robust plan with a glide path to a Water Protection Zone.</p>
<p>RESOLVED: That –</p> <p>So this Council urges the executive to press-engage with both the EA and NRW, consulting Powys and Monmouthshire CCs and other interested parties as necessary, to press for nothing less than a Water Protection Zone (WPZ*) for the whole of the River Wye system.</p> <p>This should include pushing both Agencies for work to start asap on detailed modelling to demonstrate the need for a WPZ, in order to put a business case to DEFRA; Also for funding for this work to go ahead; And for the Executive to provide regular reports to Council on progress.</p>	

Date of meeting	Motion	Current Status
28 January 2022	Fireworks and animal welfare	<p>Herefordshire's multi agency Safety Advisory Group (SAG) will explore all mitigations necessary to reduce the impact of organised firework displays they review in line with the resolution. The stakeholder group includes Hereford and Worcester Fire and Rescue Service, West Mercia Police, Herefordshire Council (Health Safety and Resilience, Property Services, Public Health, Licensing, Environmental Health and Trading Standards), Balfour Beatty Living Places, and West Midlands Ambulance Service. Operational outcomes will include clarity on acceptable firework types (indicative of noise level), time, duration and location of events and review of current SAG guidance issued to organisers reflecting the requirements: see</p> <p>Safety Advisory Group Guidance</p> <p>Regulatory officers will also work with the council's communication team to ensure that there are public awareness campaigns about the impact of fireworks on animal welfare and vulnerable people around the time of known events likely to promote the use of fireworks.</p>

		<p>Regulatory officers will also write to the government to urge them to introduce legislation to limit the maximum noise level of fireworks and also write to local stockists to encourage them only to supply silent fireworks.</p> <p>Officers from our regulatory service will also work with our Property Services team to devise a consenting system that will ensure that council land is only subjected to silent fireworks, when fireworks are to be used.</p>
<p>RESOLVED: That –</p> <p>This Council therefore resolves to ask the executive to:</p> <ol style="list-style-type: none"> 1. Encourage organisers of public firework displays to use ‘silent’ fireworks, and where large displays are planned, to notify Herefordshire Council’s Safety Advisory Group at least two months in advance to allow for advertisement in the interest of public protection and animal welfare. 2. Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks. 3. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays and for fireworks to specify noise levels on their labelling. 4. Encourage local suppliers of fireworks to stock ‘silent’ fireworks for public display. 5. Investigate the feasibility of implementing a formal consent regime for the use of fireworks on sites in council ownership. 		

Community impact

- 8 Herefordshire Council’s adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council’s vision of “people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire.”
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council’s responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Equality duty

- 10 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.

11 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. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

Resource implications

12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Legal implications

13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Risk management

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

Consultees

15 None.

Appendices – None

Background papers – none identified