

Minutes of the meeting of Council held at The Hereford Suite, Hereford FC, Edgar Street, Hereford, HR4 9JU on Friday 20 May 2022 at 10.30 am

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

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

Officers: Chief Executive, Chief Finance Officer, Interim Director Governance and Law, Interim head of legal services, Democratic services manager, Democratic services officer and Senior solicitor, major projects

1. ELECTION OF CHAIRPERSON

Councillor Terry James proposed and Councillor Bob Matthews seconded the nomination of Councillor Sebastian Bowen as Chairperson of the Council.

(Councillor Sebastian Bowen declared a schedule 1 interest and left the meeting for the vote)

(Councillor Kema Guthrie as the Chairperson called for the vote)

RESOLVED: That Councillor Sebastian Bowen is elected Chairperson of the Council for the forthcoming municipal year.

Councillor Sebastian Bowen made the statutory declaration of acceptance of office.

2. APPOINTMENT OF VICE-CHAIRPERSON

Councillor Sebastian Bowen proposed and Councillor Jonathan Lester seconded the nomination of Councillor Kema Guthrie as Vice Chairperson of the Council.

RESOLVED: That Councillor Kema Guthrie is appointed Vice Chairperson of the Council for the forthcoming municipal year.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jennie Hewitt, Tony Johnson, Graham Jones, Paul Symonds and Diana Toynbee.

4. DECLARATIONS OF INTEREST

There were no declarations of interest at this stage of the meeting, please see minute 1 above and minute 7.

5. MINUTES

RESOLVED: That the minutes of the ordinary meeting held on 4 March 2022 and the extraordinary meeting held on 13 May 2022 be confirmed as a correct record and signed by the Chairman.

6. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

7. ELECTION OF LEADER OF THE COUNCIL

Councillor John Harrington proposed and Councillor Ellie Chowns seconded the nomination of Councillor David Hitchiner as Leader of the Council.

(Councillor David Hitchiner declared a schedule 1 interest and left the meeting for the vote)

RESOLVED: That Councillor David Hitchiner is elected Leader of the Council for the forthcoming municipal year.

8. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES

Council considered a report by the director of governance and law relating to appointments to committees of the council and outside bodies in line with the rules of political proportionality, published in the supplement of 17 May 2022. Council noted the correction supplement published on 20 May 2022 which provided a recalculation of the politically proportionate allocation of seats to political groups contained in the table under paragraph 11 of the report. The solicitor to the Council confirmed that all members had a dispensation for recommendation (f) and could participate in the item.

Recommendation (a)

Councillor Sebastian Bowen proposed and Councillor John Harrington seconded recommendation (a) which was carried.

RESOLVED: That the list of ordinary committees listed at paragraph 10 are confirmed with their terms of reference as set out in the council's constitution.

Recommendation (b)

Councillor Sebastian Bowen proposed and Councillor Nigel Shaw seconded recommendation (b) – as updated by the correction supplement published on 20 May 2022 – which was carried.

RESOLVED: That the number of seats on each committee as set out at paragraph 10, and the allocation of those seats to political groups as set out in the correction supplement is approved.

Recommendation (c)

Councillor Sebastian Bowen proposed and Councillor John Harrington seconded recommendation (c) which was carried.

RESOLVED: That the allocation of seats on outside bodies to political groups as set out at paragraph 13 is approved.

Recommendation (d)

Councillor Sebastian Bowen proposed and Councillor Jim Kenyon seconded recommendation (d) which was carried.

RESOLVED: That the appointment of five co-opted members of children and young people scrutiny committee is approved as follows:

- i. one representative as nominated by the diocese of Hereford
- ii. one representative as nominated by the archdiocese of Cardiff
- iii. one parent governor as elected from the primary school sector
- iv. one parent governor as elected by the secondary school sector
- v. one parent governor as elected by the special school sector

Recommendation (e)

Councillor Sebastian Bowen proposed and Councillor John Harrington seconded recommendation (e), the recommendation was carried with no votes against.

RESOLVED: That the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Drainage Board, and the Wye Valley AONB Joint Advisory Committee is approved.

Recommendation (f)

The Chairman provided an update to the recommended chairpersons and vice chairpersons contained in appendix 1 as below:

- Councillor Peter Jinman was recommended as vice chairperson of the health, care and wellbeing scrutiny committee.
- Councillor Paul Rone was recommended as vice chairperson of the planning and regulatory committee.

Councillor Sebastian Bowen proposed and Councillor John Harrington seconded the appointment of chairpersons and vice chairpersons recommended in appendix 1, as updated by the changes outlined above, which was carried.

RESOLVED: That the appointment of committee chairpersons and vice chairpersons is approved as follows:

Committee	Position	Councillor
Audit and governance committee	Chairperson	Councillor Nigel Shaw
	Vice Chairperson	Councillor Jenny Bartlett
Children and young people scrutiny committee	Chairperson	Councillor Phillip Howells
	Vice Chairperson	Councillor Jennie Hewitt
Connected communities	Chairperson	Councillor Jonathan Lester

scrutiny committee	Vice Chairperson	Councillor Tracy Bowes
Employment panel	Chairperson	Councillor David Hitchiner
	Vice Chairperson	Councillor Ellie Chowns
Environment and sustainability scrutiny committee	Chairperson	Councillor Louis Stark
	Vice Chairperson	Councillor Trish Marsh
Health, care and wellbeing scrutiny committee	Chairperson	Councillor Elissa Swinglehurst
	Vice Chairperson	Councillor Peter Jinman
Planning and regulatory committee	Chairperson	Councillor Terry James
	Vice Chairperson	Councillor Paul Rone
Licensing sub-committee	Chairperson	Councillor Paul Andrews
Scrutiny management board	Chairperson	Councillor Christy Bolderson
	Vice Chairperson	Councillor Yolande Watson

(There was an adjournment at 11:25 a.m.; the meeting reconvened at 11:32 a.m.)

The Chairman noted that there was an error in the total committee seats contained in the correction supplement agreed under recommendation (b); the total of committee seats should read 56. It was confirmed that the allocation of seats to political groups set out in the supplement and agreed by Council was correct.

Recommendation (g)

The Chairman introduced a tabled paper which recommended the size (number of members) and political allocation of seats to the scrutiny management board following the election of the chairpersons of the scrutiny committees above.

Councillor Sebastian Bowen moved and Councillor John Harrington seconded the recommended size and political allocation of seats of the scrutiny management board which was carried.

RESOLVED: That the size and political allocation of seats of the scrutiny management board is agreed as below:

	Conservatives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Independents	Not aligned	Total committee seats
Scrutiny Management Board	3	4	2	2	1	0	12

9. RE-THINKING GOVERNANCE

Council considered a report by the chairperson of the audit and governance committee to approve amendments to the council's constitution recommended by the audit and governance committee. The vice chairperson of the audit and governance committee

and chairperson of the rethinking governance working group introduced the report and proposed the recommendations in the report.

Councillor Nigel Shaw, as the chairperson of the audit and governance committee seconded the recommendations in the report.

Council debated the report.

The recommendations in the report were put to the vote and were carried.

RESOLVED – That:

- a) **amendments to the audit and governance committee functions as set out in appendix 1 and the two proposed changes to the constitution set out in paragraphs 9 and 10 with implementation with effect from 20 May 2022 be approved; and**
- b) **authority be delegated to the Director of Governance and Legal Services to make technical amendments (as required by law, grammatical, formatting and consistency) necessary to finalise the revised constitution.**

10. COUNCILLORS' ALLOWANCES SCHEME

Council considered a report by the director of governance and law relating to the councillors' allowances scheme to approve and update the Herefordshire councillors' allowances scheme having regard to the recommendations of the council's independent remuneration panel (IRP), published in the supplement on 17 May 2022. Council noted the correction supplement published on 19 May 2022 and a proposed amendment, circulated on 20 May 2022, to be considered during the debate. The solicitor to the Council confirmed that all members had a dispensation and could participate in the item.

Councillor Sebastian Bowen proposed the recommendations in the report.

Councillor Gemma Davies seconded the recommendations in the report.

Council debated the report.

Proposed amendment - To amend agenda Item 10 recommendation a) II to:
'Introduces a new Special Responsibility Allowance (SRA) for the role of Deputy Leader on a cost neutral basis of 2.25 x the basic allowance and the Leader allowance be reduced to 3.5 x the basic allowance with immediate effect.'

Councillor David Hitchiner proposed and introduced the amendment.

Councillor John Hardwick seconded the amendment.

Council debated the amendment.

The amendment was put to the vote and was carried.

The substantive motion, inclusive of the amendment carried above, was put to the vote and was carried.

RESOLVED - That Council:

- a) **Having regard to the recommendations made by the independent remuneration panel, council:**

- I. Does not introduce a sliding basic allowance scheme linked to committee attendance at the current time, but instead seeks to review this position after one year, following the changes introduced from 20 May 2022**
- II. Introduces a new Special Responsibility Allowance (SRA) for the role of Deputy Leader on a cost neutral basis of 2.25 x the basic allowance and the Leader allowance be reduced to 3.5 x the basic allowance with immediate effect.**
- III. Provides all five chairpersons of the scrutiny committees an SRA at the current rate of 1.25 x the basic allowance.**
- IV. That the SRA rate paid to the Chairperson of the Strategic Management Board is reviewed again in one year's time to examine whether this role does merit a higher rate of allowance**
- V. Does not introduce a one off SRA to Task and Finish group chairpersons at the current time. But instead allows time for the scrutiny improvement programme to influence current scrutiny practices, reviewing this position one year on from the changes introduced from 20 May 2022**

11. CODE OF CONDUCT

Council considered a report by the chairperson of the audit and governance committee to approve a revised code of conduct on the recommendation of the audit and governance committee. The chairperson of the audit and governance committee introduced the report and proposed the recommendations in the report.

Councillor Christy Bolderson, as the vice chairperson of the audit and governance committee, seconded the recommendations in the report.

Council debated the report and the following action was raised during the debate:

- The solicitor to the council agreed to review the use of gender specific pronouns in the code of conduct from an equalities perspective.

The recommendations in the report were put to the vote and were carried.

RESOLVED – That:

- a) The Local Government Association (LGA) model code of conduct, as amended by local arrangements as set out at Appendix 3, is approved for adoption by Herefordshire Council at the annual Council meeting on 20 May 2022; and**
- b) The LGA model arrangements for dealing with code of conduct complaints is adopted and applied to new complaints received after 20 May 2022**

12. REVISED SALARY FOR DIRECTOR OF GOVERNANCE AND LAW

Council considered a report by the chairperson of the employment panel to agree an increased salary package for the director of governance and law post as recommended by the employment panel. The chairperson of the employment panel introduced the report and proposed the recommendation in the report.

Councillor Ellie Chowns, as the vice chairperson of the employment panel, seconded the recommendation in the report.

Council debated the report.

The recommendation in the report was put to the vote and was carried.

RESOLVED – that:

- a) A new search for the Director of Governance and Law is initiated on the basis of a salary of £108,472.**

The meeting ended at 12.09 pm

Chairperson