

Agenda

Audit and governance committee

Date: **Tuesday 25 January 2022**

Time: **10.15 am**

Place: **The Conference Room, Herefordshire Council Offices,
Plough Lane, Hereford, HR4 0LE**

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

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Agenda for the meeting of the Audit and governance committee

Membership

Chairperson	Councillor Nigel Shaw
Vice-chairperson	Councillor Christy Bolderson
	Councillor Jenny Bartlett
	Councillor Dave Boulter
	Councillor Peter Jinman
	Councillor Bob Matthews
	Councillor Yolande Watson

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of members nominated to attend the meeting in place of a member of the committee.	
3. DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES To approve and sign the minutes of the meeting held on 26 November 2021. The action log for the committee is also attached. HOW TO SUBMIT QUESTIONS The deadline for receipt of questions is 5.00 pm on Wednesday 19 January 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 www.herefordshire.gov.uk/getinvolved	11 - 22
5. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	
6. QUESTIONS FROM COUNCILLORS To receive any questions from councillors.	
7. EXTERNAL AUDIT PROGRESS UPDATE To provide the committee with a progress update of the work being undertaken by the external auditor, Grant Thornton.	23 - 42
8. PROGRESS REPORT ON INTERNAL AUDIT ACTIVITY To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed. To enable the committee to monitor performance of the internal audit team against the approved plan. To assure the committee that action is being taken on risk related issues identified by internal audit.	43 - 72
	/pto

9. ANTI-FRAUD AND CORRUPTION ANNUAL REPORT	73 - 80
To provide an annual update to the committee on counter fraud activity.	
10. ANNUAL GOVERNANCE STATEMENT 2020-21 ACTIONS	81 - 90
Based on the final version of the Annual Governance Statement agreed in September 2021 an action plan has been formed based on continuous improvement requirements. This report provides a half year review of the actions. The report also outlines future arrangements for producing the Annual Governance Statement.	
11. ANNUAL REPORT ON CODE OF CONDUCT	91 - 118
To enable the committee to be assured that high standards of conduct continue to be promoted and maintained. To provide an overview of how the arrangements for dealing with complaints are working together with views from the latest standards panel sampling review.	
12. RE-THINKING GOVERNANCE	119 - 376
To consider the suggested amendments to the council's constitution proposed by the re-thinking governance working group for recommendation to Council.	
13. WORK PROGRAMME UPDATE	377 - 380
To consider the work programme for the committee.	
14. DATE OF NEXT MEETING	
The next scheduled meeting: Tuesday 15 March 2022 at 10.15 am	

The public's rights to information and attendance at meetings

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We will review and update this guidance in line with Government advice and restrictions.

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- Inspect agenda and public reports at least five clear days before the date of the meeting. Agenda and reports (relating to items to be considered in public) are available at www.herefordshire.gov.uk/meetings
- 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.
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- 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. The council's constitution is available at www.herefordshire.gov.uk/constitution
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The location of the office and details of city bus services can be viewed at:

www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services-

**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.

Guide to audit and governance committee

The audit and governance committee is a non-executive committee of the council. The committee consists of 7 non-executive councillors and may include an independent person who is not a councillor.

Councillor Nigel Shaw (Chairperson)	Conservatives
Councillor Christy Bolderson (Vice-Chairperson)	Conservatives
Councillor Jenny Bartlett	The Green Party
Councillor Dave Boulter	Independents for Herefordshire
Councillor Peter Jinman	Independents for Herefordshire
Councillor Bob Matthews	True Independents
Councillor Yolande Watson	Independents for Herefordshire

The purpose of the audit and governance committee is to provide independent assurance on the adequacy of the risk management framework together with the internal control of the financial reporting and annual governance processes. The committee do this by:

- (a) ensuring the effective and fully compliant governance of the council and in particular to ensure that all aspects of the financial affairs of the council are properly and efficiently conducted;
- (b) reviewing and approve the council's annual governance statement, annual statements of account, the contract procedure rules and financial procedure rules;
- (c) scrutinise the effectiveness of, and management compliance with, the systems identified in the annual governance statement framework;
- (d) monitor the progress made by management in implementing improvements to elements of that framework identified by external or internal audit review;
- (e) reviewing the constitution and recommending any necessary amendments to Council as appropriate;
- (f) reviewing the corporate risk register.

Minutes of the meeting of the Audit and governance committee held in The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 24 November 2021 at 10.15 am

Committee members present in person and voting: Councillors: Jenny Bartlett, Dave Boulter, Sebastian Bowen, Peter Jinman and Nigel Shaw (Chairperson)

Committee members participating via remote attendance: Councillors: Christy Bolderson (Vice-chairperson) and Yolande Watson

Note: Committee members participating via remote attendance, e.g. through video conferencing facilities, may not vote on any decisions taken.

Others in attendance: B Baugh (Democratic services officer), S Cann (Democratic services officer), M Evans (Democratic services officer), P Harris (Head of corporate performance), A Lovegrove (Acting deputy chief executive - chief finance officer), J Roberts (Key audit partner, Grant Thornton), J Rushgrove (Head of corporate finance), C Trachonitis (Head of information compliance and equality) and C Ward (Acting deputy chief executive - solicitor to the council)

46. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Bob Matthews. Councillors Christy Bolderson and Yolande Watson were unable to attend the meeting in person but participated via remote attendance.

47. NAMED SUBSTITUTES

In accordance with paragraph 4.7.171 of the council's constitution, Councillor Sebastian Bowen attended the meeting as a substitute member for Councillor Bob Matthews.

48. DECLARATIONS OF INTEREST

None.

49. MINUTES

The minutes of the meeting held on 27 October 2021 were received.

Attention was drawn to the action log attached to the minutes. It was noted that the vice-chairperson had identified a number of matters that needed to be addressed and a revised document was circulated at the meeting. It was acknowledged that further work was required to update various actions which were overdue or had been completed.

There was a further discussion about the action log at the end of the meeting and the chairperson requested that action owners be asked to provide updates and to indicate whether there were any problems in delivering the actions.

RESOLVED: That the minutes of the meeting held on 27 October 2021 be confirmed as a correct record and be signed by the chairman.

50. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions had been received from members of the public within the specified deadline but a question received after the deadline would be reported to the next meeting.

51. QUESTIONS FROM COUNCILLORS

No questions had been received from councillors.

52. 2020/21 EXTERNAL AUDIT FINDINGS REPORT

The committee considered the audit findings report for the year ended 31 March 2021.

Jon Roberts (Key Audit Partner, Grant Thornton) introduced the report, the principal points included: the National Audit Office had changed the timeline to enable focus on the financial statements, providing a three month window for the completion of work on arrangements to secure value for money; the report provided commentary on the risks identified in the Audit Plan; reference was made to the revised standard on accounting estimates, ISA 540; a new tool was being utilised to drill down into the council's journals; the outstanding matters identified in the 'Headlines' section had been cleared down since the publication of the agenda and final review steps were underway; and the audit opinion would include an 'emphasis of matter' paragraph on the valuation of retail and specific trading related assets, reflecting the fact that the valuer had highlighted a material valuation uncertainty - in line with the position advocated by the Royal Institute of Chartered Surveyors - due to the unknown impact of the Covid pandemic.

Responses were provided to questions from committee members, the key points included:

- i. The council's current Minimum Revenue Provision (MRP) (agenda page 45) had been benchmarked and it was in line with other authorities. It was noted that the external auditor would want to engage closely with officers on any changes, as this was a critical area of financial strategy.
- ii. It was acknowledged that the findings report identified that a 'verbal update' would be provided to the committee in a couple of instances and, with work completed to the satisfaction of the external auditor, the document would be updated accordingly and a final version would be circulated.
- iii. An overview was provided of the treatment of depreciated replacement cost (DRC) for land and buildings (agenda page 41) in terms of the balance sheets and the different approach to asset valuations for insurance cover purposes. Issues around business continuity planning and interruption insurance were briefly explored.
- iv. With reference made to the identified risks to financial sustainability (agenda page 51) in terms of the Court judgement for Children's Services and the write back of the by-pass costs, Jon Roberts said that it would be expected that any other

expenditure incurred would be disclosed in future accounts or as post balance sheet events.

- v. It was noted that the inclusion of 'Commercial in confidence' in the header to the report was an error and this should have been removed prior to publication.

RESOLVED: That the report of the external auditor has been considered.

Action(s):

- Action 127 That the final version of the external audit findings report be issued to committee members, with modifications highlighted.

Link: [The Audit Findings for Herefordshire Council report 2020/21 \(final\)](#)

53. 2020/21 STATEMENT OF ACCOUNTS

The committee considered the 2020/21 statement of accounts and associated letter of representation to the external auditor.

The chairperson said that committee members had raised a number of questions in advance of the meeting and these had been responded to by the head of corporate finance; it was suggested that this document be published as supplement to the minutes of this meeting.

Responses were provided to questions from committee members, the key points included:

- i. The reference to 'funds held under agency terms for third parties' (agenda page 68) related to agency arrangements with the Department for Business, Energy & Industrial Strategy (in respect of grants awarded to business rated properties in response to the Covid pandemic) and with the New Model Institute for Technology and Engineering (NMITE).
- ii. Employee benefits (agenda page 99) were for employees of the council but not those employed by an agency; any such costs would be shown against the service area in the comprehensive income and expenditure statement.
- iii. The commentary about Fastershire was noted, 'The ultimate aim is that by the end of 2022/23 there will be access to fast broadband for all those who need it' (agenda page 84), but the ability to deliver this within the identified timescale would be challenging given that a company involved had ceased trading recently. It was suggested that the relevant scrutiny committee might wish to explore the position as part of its work programme.
- iv. An explanation was provided of the asset revaluation movement for retail properties (agenda page 141) and it was noted that a level of uncertainty remained due to market turbulence.
- v. It was confirmed that 'compensation for loss of office / benefits in kind' (agenda page 148) related to contractual payments. It was reported that it was required by law that this was disclosed to the committee and, as part of the accounts process, external audit often looked at such payments to ensure that the council was acting lawfully.
- vi. Clarifications were provided on 'Significant provisions, contingencies and write-offs' (agenda page 85), including the independent assessment of business rates appeal

provision and the arrangements to cover potential excess liabilities. The committee was advised that write-offs occurred when all avenues of recovery and settlement had been exhausted and these were reported to Cabinet; the write-offs in 2020/21 were not considered significant.

- vii. The purpose of 'Business Rates Smoothing' being set aside as a reserve (agenda page 124) was explained, reflecting uncertainties about the impact of revaluations and small business rate relief. The accounting arrangements in relation to revaluations were outlined.
- viii. An overview was provided of the budget setting process for capital schemes and how the capital financing costs of prudential borrowing may be repaid from savings generated by the investment. In the event that the savings requirement was not delivered in a particular service area, performance monitoring would highlight any overspend and this would be investigated and mitigated.

In accordance with paragraph 4.1.141 of the Council's constitution, a recorded vote was held on the recommendations a) and b) and this was agreed unanimously by Councillors Bartlett, Boulter, Bowen, Jinman and Shaw. Recommendation c) was also agreed.

The chief finance officer and the committee thanked the external audit team for their work. In response to a question, Jon Roberts briefly commented on evolving working practices in the context of operational efficiency and environmental impact considerations.

RESOLVED: That

- a) The 2020/21 statement of accounts, at appendix A to the report, be approved;**
- b) The letter of representation, at appendix B to the report, be signed by the chairperson of the committee and the chief finance officer; and**
- c) The general scrutiny committee be invited to consider matters pertaining to the delivery of Fastershire as part of its work programme.**

Action(s):

Action 128 That the questions and responses document in relation to the 2020/21 statement of accounts be published as supplement to the minutes.

Link: [Questions and responses on the 2020/21 statement of accounts](#)

54. RETENDER OF EXTERNAL AUDIT CONTRACTS

The committee considered the options available in relation to the retender of the external audit contract in order to recommend a preferred option to Council.

The head of corporate finance introduced the report, the principal points included: the appointing period would cover the audits of the five financial years commencing 1 April 2023; the council currently used the Public Sector Audit Appointments Limited (PSAA) national arrangement, as did 98% of eligible bodies; neighbouring authorities had not indicated any appetite to establish a regional procurement arrangement; and, for the reasons detailed in the report, opting into the national arrangement was considered a sensible option to meet the requirements for an external audit service.

Responses were provided to questions from committee members, the key points included:

- The potential downsides of a local appointment regime included the administrative burden, the lack of capacity in the audit market, and the risks associated with not being able to procure an external auditor to comply with the statutory requirements.
- Issues with the current external auditor had been resolved efficiently. It was noted that, if the national arrangement was the preferred option, PSAA would be responsible for appointing an auditor.
- The national scheme arrangement had driven costs down but additional pressures were likely to increase audit fees in the next billing round.

The committee discussed the preferred method for re-procuring external audit services through the PSAA, comments included: the audit profession had been subject to high profile reviews in recent years and this arrangement should provide assurance about the quality of the appointed auditor; there was a lack of alternative options available currently; and this would provide an additional safeguard to protect the public purse.

RESOLVED: That the PSSA national arrangement be recommended to Council as the preferred method for re-procuring external audit services.

55. UPDATE ON INTERNAL AUDIT RECOMMENDATIONS

The committee considered a report on the progress of internal audit recommendations implementation.

The head of corporate performance introduced the report, summarising the current position and drawing attention to the detailed information provided in the appendices 'Recommendations overdue at the last report to committee', 'Recommendations due between April 2021 and September 2021', and 'Recommendations due in the future'. A commitment to review the management and monitoring of internal audit recommendations was acknowledged but staffing pressures had delayed this work; it was anticipated that additional resource would help to complete this review and embed improved processes in early 2022.

Responses were provided to questions from committee members, the key points included:

- i. Recommendations on specific topics could be grouped under subject heading but it was considered that current presentation of the appendices helped to make the recommendations due for completion more visible.

Later in the meeting, a committee member commented on the potential to group recommendations on specific topics by subject heading.

- ii. In relation to significant partnerships (agenda page 207), the progress with information on the Youth Justice Board and on the recommendation 'For directors to attend the Audit and Governance Committee with link officer to report on the value of the partnership during 2021/22' would be reviewed with the relevant officers.
- iii. In response to questions about Section 106 (agenda pages 205, 210, 215 and 216), the chairperson noted that detailed information was available and the chief finance officer highlighted the Section 106 contributions search facility that was available on the council's public website. It was reported that Cabinet was to consider new delivery proposals and processes for Section 106 at its meeting on 25 November 2021.

The chairperson suggested that a request for information on the spread of funding across different wards could be raised with the relevant cabinet member.

The vice-chairperson noted that the current search facility provided information on Section 106 monies that had been paid but it may not indicate monies that may be available in the future which could be relevant to the earlier delivery of development impact mitigation schemes.

Comments were made by another member on the potential of the Community Infrastructure Levy and on the need to share information with town and parish councils.

- iv. The 'pending update' entries were part of the ongoing chasing of information from officers and it was hoped that the process could be improved and standardised, with enhanced corporate awareness of internal audit recommendations and actions.
- v. The committee was advised that slippage in the delivery of the review of the income charging policy (agenda page 202) was partly due to the pressures associated with the Covid pandemic. The vice-chairperson commented that there seemed to be a pattern in terms of capacity across a number of departments which may need to be considered in the context of the risk registers.
- vi. It was explained that internal audit would undertake follow-up audits for priority 1 and 2 recommendations, and were likely to check on related priority 3 recommendations, which could result in updated or superseded recommendations.
- vii. It was recognised that information about internal audit recommendations and follow-up audits could be usefully shared with the scrutiny committees.
- viii. A committee member drew attention to the continuing healthcare funding process entries (agenda page 197) and noted that the update did not identify any dates, therefore it was uncertain whether the commentary that a new policy was 'now at the governance stage for sign off' reflected an historic or a recent position. The head of corporate performance reported that this was the current position but the need to encourage action owners to make actions SMART (specific, measurable, achievable, realistic and timely) was recognised; adding that minimising the need to chase updates would provide more time to validate the quality of the input. The chairperson noted that there was a balance in trying to ensure that enough detail was included but also to maintain readability.

Consideration was given to a more frequent update on internal audit recommendations. The chairperson noted the current position with priority 2 findings and the opportunity to ask senior officers to attend future committee meetings to explain any delays. Potential resource implications were also briefly discussed. On balance, it was considered that reporting every six months was proportionate.

RESOLVED: That the status of current audit recommendations has been reviewed and actions recommended in order to provide further assurance that actions identified by audit activity were being actively managed.

Action(s):

- Action 129 That information on relevant internal audit recommendations be circulated regularly to scrutiny committee members.

- Action 130 Consideration be given to collating internal audit recommendations on specific topics by subject heading.
- Action 131 That action owners be encouraged to make responses SMART and to provide appropriate updates prior to the due date.

[Note: There was a short break before the next item]

56. CORPORATE RISK REGISTER

The committee considered a report on the status of the council's corporate risk register as at the end of September 2021.

The head of corporate performance introduced the report, the principal points included: the current position with the corporate risk register was summarised, including the inclusion of two new risks in relation to the availability of HGV drivers and labour to support waste collections and in relation to the integration of the Multi Agency Safeguarding Hub; attention was drawn to the directorate risk registers and Covid risk register appended to the report; there had been increased movement in risks since the introduction of the new performance management framework and risk management plan in November 2020; the risk management plan refresh was behind schedule but this would enable it to be informed by the findings of a risk management maturity assessment being undertaken with internal audit; the performance team continued to chase and challenge officers on the articulation of risks; work was being undertaken in terms of networking and benchmarking, this had identified a prioritisation approach to strategic, critical operational and technical risks which would align well with the framework; and a number of actions identified in the committee's action log would be addressed through the refresh.

The chairperson noted that increased movement in the corporate risk register demonstrated that it was a dynamic document.

Responses were provided to questions from committee members, the key points included:

- i. Risks not escalated to the corporate risk register or the directorate risk registers, such as the position with the Shirehall in Hereford, were often captured as service level risks.
- ii. It was suggested that questions relating to the local flood risk management strategy (agenda page 254) and the public realm services contract with BBLP could be raised with the relevant cabinet member.
- iii. The children and families strategic improvement plan should be a mitigation or control for a number of risks identified in the children and families directorate risk register.
- iv. Recent developments in terms of Fastershire delivery (agenda page 247) could affect the scoring in subsequent iterations of the corporate centre directorate risk register.
- v. Vaccination as a condition of employment in the social care sector was likely to be a factor in the market workforce economy risk identified in the corporate risk register (agenda page 237). A committee member suggested that the horizontal connectivity between risks could be made more evident.

- vi. With reference made to the housing under 'everyone in' arrangements risk (agenda page 242), it was recognised that some of the wording in the adults and communities directorate risk register may need to be reviewed to ensure that each risk was articulated correctly and reflected the relevant point in time.
- vii. It was noted that the risk to the local economy in the Covid risk register (agenda page 255) would need to be reviewed, as the risk score after controls was shown as being higher than the risk score before controls.
- viii. Referring to a point made by the vice-chairperson earlier in the meeting, the chairperson commented on the need for consideration to be given at a corporate level as to how capacity across the organisation was affecting organisational performance more generally.
- ix. A committee member considered that the highway condition risk in the economy and place directorate risk register (agenda page 254) may need to be reviewed, with another member suggesting that the risks may not be the same for different categories of roads.

RESOLVED: That the report has been considered and noted.

Action(s):

- Action 132 That horizontal linkages between risk registers be made more evident in risk descriptions.
- Action 133 That officers be encouraged to review and refresh the wording of risk descriptions where appropriate.

[Note: In accordance with paragraph 4.1.18 of the council's constitution, the chairperson determined that the meeting continue beyond three hours duration]

57. ANNUAL REVIEW OF THE COUNCIL'S INFORMATION ACCESS AND INFORMATION GOVERNANCE REQUIREMENTS

The committee received a report on performance in the areas of complaints, data incidents and requests for information made to the council over the municipal year 2020/21.

The head of information compliance and equality introduced the report, the principal points included: the volume of requests for information had fallen slightly during the first Covid lockdown but volumes had increased subsequently; and, although many local authorities had suspended their processing of requests during 2020, the council's information access team continued to process requests at the same time as being redeployed to work on the response to the pandemic, achieving an overall response rate of 98%.

On behalf of the committee, the chairperson commended the team for their hard work and excellent response rate. The information on the position with complaints was also welcomed.

RESOLVED: That the report be noted and the information access team be commended for its work.

58. WHISTLEBLOWING POLICY REVIEW

The committee considered a report on the council's whistleblowing policy.

The solicitor to the council introduced the report and explained that: the policy had been revised in October 2020 following recommendations from this committee's working group; a staff panel had been convened to understand how the policy was perceived and being used in the council, and this had provided useful feedback; and it was important to spend time on workplace culture and embedding the policy.

There was a discussion about the negative connotations from the word 'whistleblowing' which could be a barrier to staff engaging with the process and the challenge of identifying an alternative title with a commonly understood meaning. It was suggested that alternative titles be explored with staff and relevant organisations.

Attention was drawn to the suggestion identified in the report (agenda page 272) that 'the monitoring officer undertakes an awareness campaign addressing the barriers listed above and report back to the committee what work has been achieved in 9 months' time' but it was considered that this could be aligned with the annual policy review in 12 months' time.

RESOLVED: That

- a) consideration be given to the title of the policy, with the solicitor to the council authorised to change it if necessary following further research and consultation; and**
- b) a report on progress with the policy be provided as part of the annual policy review in 12 months' time.**

59. WORK PROGRAMME UPDATE

The committee considered its work programme.

The chairperson advised that the committee was due to consider the recommendations of the re-thinking governance working group in January 2022 which may require some changes to the agenda in order to accommodate this important piece of work; a separate workshop for committee members was also likely to be arranged.

The solicitor to the council advised that the annual code of conduct report would feature at the next meeting. The committee was also advised that two independent persons had recently resigned and thanks were expressed for their work in supporting the council's code of conduct regime. In response to a question, the solicitor to the council confirmed that four independent persons remained and a recruitment process was due to be undertaken during 2022.

RESOLVED: That the work programme be agreed.

60. DATE OF NEXT MEETING

The next scheduled meeting was to be held on Tuesday 25 January 2022.

The meeting ended at 1.34 pm

Chairperson

COMPLETED ACTIONS WILL BE MOVED TO 'REPORTED COMPLETE' ONCE THEY HAVE BEEN NOTIFIED AT AUDIT AND GOVERNANCE COMMITTEE MEETING				RED TEXT INDICATES UPDATES MADE SINCE THE LAST MEETING BLUE TEXT INDICATES NEW ACTIONS ADDED FOLLOWING THE LAST MEETING			
Action Number	Meeting Date	Action	Owner	Directorate	Progress Update	Due date	Reported complete
87	26 January 2021	Further work be undertaken to provide clarity when the council needed technical assistance in developing a tender and whether or not the organisation who had assisted could or could not bid on the work being tendered.	Head of corporate services	Corporate support centre	Pipeline of procurement established to understand when and what support is needed. However, still an outstanding issue of last minute support needed - often linked to funding deadlines.	01 June 2021	14.1.22
89	16 March 2021	That the wording for EP19 [planning applications validating and registering in time] and EP23 [planning applications at committee against officer recommendation] be reworded to appropriately reflect the risks.	Head of corporate performance	Corporate support centre	Escalated with E&P directorate This has been re-challenged, with a view to being updated by the end of July risk register. Action now with Director	04/05/2021 01 August 2021	
91	16 March 2021	Consider how corporate centre will look at the aggregation of similar risks in or across directorates.	Head of corporate performance	Corporate support centre	A process to define the approach to aggregation of risks, both horizontal and vertical, needs further definition and testing. This will be included as part of the refreshed Risk Management Plan, tested with AGC recently, due, as planned, for sign off in Autumn by Solicitor to the Council.	01 November 2021	
94	04 May 2021	The head of corporate performance and interim deputy monitoring officer agreed to look at the processes for ensuring internal audit actions are brought to the attention of new post holders.	Head of corporate performance and interim DMO	Corporate Support Centre	An updated process is currently being developed which will ensure regular review of internal audit actions, as part of directorate DLTs. This will escalate the importance and delivery of audit recommendations due to regular review by SMTs, and ensure staff recognise where they transfer between officers.	28/06/24 01 September 2021	
95	04 May 2021	The committee suggested that a discussion with internal audit take place at the next meeting with regard to sampling of priority 3 actions are followed up by internal audit in line with the same way as priority 1 or 2 recommendations.	SWAP internal audit services	Corporate support centre	SWAP advise 'Internal Audit follow up the significant findings priority 1 and 2. Priority 3 are through self-assessment from officers. The Council provides a report every 6 months on progress against all actions which includes priority 3 actions' The committee is invited to identify whether a further update should be included in an existing or new work programme item.	28/06/24 30 September 2021	
97	04 May 2021	The deputy S151 officer also explained that performance and budget were reported to Cabinet on a quarterly basis but that consideration would be given to the role of the audit and governance committee.	S151	Corporate support centre	Being considered To be explored further with the S151 officer and the Monitoring Officer	28/07/2024 30 September 2021	
99	04 May 2021	The committee agreed that there would be need to be further consideration of identifying 1 or more risks in the directorate risk registers and undertake a deep dive to provide assurance that the risk management framework was being applied appropriately.	Head of corporate performance	Corporate support centre	Suggest that options could be considered at the Risk Management Plan review session on June 25th. Options considered as part of meeting (25/06), exploring the possibility of inviting directors for next risk management report at AGC.	25 June 2021	
101	28 June 2021	That training be arranged for councillors in relation to Section 106, including the facility to access publicly available information and the processes involved.	Assistant director for regulatory environment and waste	Economy and place	Training on s.106 will be provided to members in accordance with the dates reserved for member training. This will include training on how to access the information held by the council.	31 December 2021	
102	28 June 2021	Information on the position with Section 106 monies held, including timelines and quantification of the value of unspent money which exceeds the repayment dates be circulated to committee members.	Assistant director for regulatory environment and waste	Economy and place	A report will be circulated to members detailing this.	30 September 2021	
103	28 June 2021	Information on the treatment of Section 106 monies for transport / highways be circulated to committee members.	Assistant director for regulatory environment and waste	Economy and place	Work is ongoing with the Programme Management Office to provide resource for the transport/highways service so that s.106 monies for the public realm can be more effectively processed.	31 December 2021	
106	28 June 2021	That follow-up audits completion be captured in action tracking by the head of corporate performance.	Head of corporate performance	Corporate support centre	As per line 94, a refreshed process for consideration of Internal Audit recommendations is being pulled together. These recommendations should also be included within this process, and subsequently in to the November AGC meeting.	24 November 2021	
108	30 July 2021	The external auditor be asked to include appropriate glossaries in future reports for ease of understanding and to identify dates of publication clearly.	External Auditors	Grant Thornton	Grant Thornton advise: 'We have gone through our recent Audit Findings Report and sought to ensure all technical references are suitably explained, given the public facing nature of the document. We will continue to do this on a case by case basis.'	24 November 2021	Yes
109	30 July 2021	Training be arranged for committee members on the changes to regulations, particularly in relation to the value for money audit	Democratic Services Manager	Corporate support centre	Update required	24 November 2021	
110	30 July 2021	A briefing note on the management of council estate be provided to committee members	Interim Head of Property Services	Corporate support centre	Further clarification is requested on the matters the committee would wish to see covered in such a briefing note.	24/11/2024 March 2022	
111	30 July 2021	Confirmation be provided about whether the council's counter fraud specialist had been involved in the fraud risk assessment	External Auditors	Grant Thornton	Grant Thornton advise: 'We confirm that we liaise with Internal Audit, including the counter fraud function, when planning our audit work, which includes our fraud risk assessment.'	24 November 2021	Yes

Action Number	Meeting Date	Action	Owner	Directorate	Progress Update	Due date	Reported complete
112	30 July 2021	Further clarification be provided on the 'local risk factors' identified in the 'Audit fees – detailed analysis' section;	External Auditors	Grant Thornton	Grant Thornton advise: 'Local Risk factors at the planning stage relate to matters regarding capital governance and the social care agenda. In addition, further local risk factors have been considered in the course of the audit regarding our work on Property valuations and the pensions liability. Our conclusions against all significant accounting risks have been set out in our Audit Findings Report. Further conclusions on VFM risks are to follow.'	24 November 2021	Yes
113	30 July 2021	References to the 'audit and procurement committee' be amended.	External Auditors		Grant Thornton advise: 'Done and noted for the future.'	24 November 2021	Yes
115	27 September 2021	The Head of Corporate Performance to consider the increase of housing developments in rural areas and the impact these may have on the risk register	Head of Corporate Performance	Corporate support centre	Feedback on potential impact on rural housing provided to the service for their consideration. This will also feed in to the Strategic Risk sessions for MB.	24 November 2021	
118	27 September 2021	The Section 151 officer to inform the Committee of the percentage figure of employees with budget responsibilities who had completed the on-line awareness module regarding finance.	Section 151 Officer	Corporate support centre	A report will be circulated to members detailing this information.	30 November 2021	
119	27 September 2021	The s151 to write a briefing note for the Committee on sources of funding for the Council over the preceding few years.	Section 151 Officer	Corporate support centre	A report will be circulated to members detailing this information.	30 November 2021	
120	27 September 2021	The Chief Executive be invited to the next meeting of the Committee to discuss the risks that the Council is carrying	Democratic Services Manager	Corporate support centre	Invitation issued		
121	27 September 2021	Councillor Watson to circulate to the Committee the Rural Services Network paper on sources of funding for rural authorities.	Cllr Watson	Committee member	The slide pack from the Rural Services Network was circulated to committee members by Councillor Watson on 27 October 2021.	24 November 2021	Yes
122	27 October 2021	The new Transformation Director be invited to meet with the Audit and Governance Committee to discuss where and how efficiencies following internal audit processes are being applied to Council working.	Democratic Services Manager	Corporate support centre	Noted - to be actioned.		
123	27 October 2021	South West Audit Partnership to provide the Committee with a detailed summary of recommendations made that deal with efficiencies.	Jacqui Gooding	SWAP	SWAP advise: 'If any are identified they will be reported as part of the IA progress report – which is 4 times a year.'	January 2022	Yes
124	27 October 2021	A high level scoping summary to be provided with internal audit reporting, either as a one page summary or annotated within the reporting table.	Jacqui Gooding	SWAP	SWAP advise: This has been incorporated in the next IA progress report.	January 2022	Yes
125	27 October 2021	The S151 Officer to explore and report back to the Committee on who in the Council undertakes the Carbon Audit.	Section 151 Officer	Corporate Support Centre	A report will be circulated to members detailing this information		
126	27 October 2021	A date to be set for a workshop after the full Council meeting seeking agreement for the new constitutional changes.	Democratic Services Manager	Corporate support centre	The proposed changes to the constitution are to be considered by the committee on 25 January 2022.	March 2022	
127	24 November 2021	That the final version of the external audit findings report be circulated to committee members, with modifications highlighted.	External auditors	Grant Thornton	Document published on the public website. Link: https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=568&MId=8163&Ver=4	January 2022	Yes
128	24 November 2021	That the questions and responses document in relation to the 2020/21 statement of accounts be published as supplement to the minutes.	Democratic services	Corporate support centre	Document published on the public website. Link: https://councillors.herefordshire.gov.uk/documents/s50096883/Questions%20and%20responses%20on%20the%20202021%20statement%20of%20accounts.pdf	January 2022	Yes
129	24 November 2021	That information on relevant internal audit recommendations be circulated regularly to scrutiny committee members.	Head of corporate performance	Corporate support centre	In progress to be aligned to proposed new arrangements for scrutiny committees	March 2022	
130	24 November 2021	Consideration be given to collating internal audit recommendations on specific topics by subject heading.	Head of corporate performance	Corporate support centre	To consider in wider arrangements for presenting SWAP actions	March 2022	
131	24 November 2021	That action owners be encouraged to make responses SMART and to provide appropriate updates prior to the due date.	Head of corporate performance	Corporate support centre	Guidance to be given to action owners	February 2022	
132	24 November 2021	That horizontal linkages between risk registers be made more evident in risk descriptions.	Head of corporate performance	Corporate support centre	For consideration as part of the review of risk	March 2022	
133	24 November 2021	That officers be encouraged to review and refresh the wording of risk descriptions where appropriate.	Head of corporate performance	Corporate support centre	Additional guidance and reminders to risk owners	February 2022	

Title of report: External audit progress update

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Director of resources and assurance

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To provide the committee with a progress update of the work being undertaken by the external auditor, Grant Thornton and a general Sector Update.

Recommendation(s)

That:

- a) **the external audit progress update attached at appendix A be reviewed and the committee determine any recommendations it wishes to make to ensure the value of the external audit work is maximised.**

Alternative options

- 1. There are no alternative recommendations. The report provides a factual update on progress against the agreed external audit annual plan in accordance with the functions of the committee.

Key considerations

- 2. The external audit progress report attached at appendix A provides the committee with an update on progress to date. The external audit of the 2020/21 financial statements is complete and was reported to the previous committee meeting. The new auditor's annual report, that will

contain a commentary and any associated recommendations in relation to value for money, is expected before 28 February 2022.

3. Page 9 of appendix A updates the committee on two public interest reports, Nottingham City Council and London Borough of Croydon that have been in the headlines and what lessons can be learnt. Page 11 summarises the overall financial impact of Covid-19 on English local authorities. Page 12 summarises the government response to the Redmond Review, a new regulator and additional funding towards audit fees.

Community impact

4. One of the principles in the council's code of corporate governance is to implement good practices in transparency, reporting, and audit to deliver effective accountability. To support effective accountability the council is committed to reporting on actions completed and outcomes achieved, and ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in a transparent manner. External audit contributes to effective accountability.

Environmental impact

5. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
6. Whilst this is an update 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.

Equality duty

7. 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.
8. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a factual update, we do not believe that it will have an impact on our equality duty.

Resource implications

9. The update has no direct resource implications.

Legal implications

10 This update has no direct legal implications.

Risk management

11 The potential risks of being unaware of the update include not reflecting on the potential local implications and impact. By raising awareness mitigating action can be considered.

Consultees

12 None.

Appendices

Appendix A External Audit Progress Report and Sector Update

Background papers

None identified



Herefordshire Council Audit Progress Report and Sector Update

Year ending 31 March 2022

27 25 January 2022



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The contents of this report relate only to the matters which have come to our attention, which we believe need to be reported to you as part of our audit planning process. It is not a comprehensive record of all the relevant matters, which may be subject to change, and in particular we cannot be held responsible to you for reporting all of the risks which may affect the Authority or all weaknesses in your internal controls. This report has been prepared solely for your benefit and should not be quoted in whole or in part without our prior written consent. We do not accept any responsibility for any loss occasioned to any third party acting, or refraining from acting on the basis of the content of this report, as this report was not prepared for, nor intended for, any other purpose.

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Introduction

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This paper provides the Audit Committee with a report on progress in delivering our responsibilities as your external auditors.

The paper also includes:

- a summary of emerging national issues and developments that may be relevant to you as a local authority; and
- includes a number of challenge questions in respect of these emerging issues which the Committee may wish to consider (these are a tool to use, if helpful, rather than formal questions requiring responses for audit purposes)

Members of the Audit Committee can find further useful material on our website, where we have a section dedicated to our work in the public sector. Here you can download copies of our publications www.grantthornton.co.uk ..

If you would like further information on any items in this briefing, or would like to register with Grant Thornton to receive regular email updates on issues that are of interest to you, please contact either your Engagement Lead or Engagement Manager.

Progress at January 2022

Financial Statements Audit

In December 2021 we issued our Audit Report for the financial year ended 31 March 2021 following the completion of the financial statements audit.

We will look to commence our planning work in April 2022 for the financial year ended 31 March 2022.

Other areas

Certification of claims and returns

⌘ We certify the Authority's annual Housing Benefit Subsidy claim in accordance with procedures agreed with the Department for Work and Pensions (DWP). We will report our findings to the Audit Committee in due course after completion of the work.

We also certify the Authority's Teachers Pension Return. This work has not yet commenced and we will provide an update at the next Audit and Governance Committee.

Meetings

We met with Finance Officers in January as part of our liaison meetings and continue to be in discussions with finance staff regarding emerging developments and to ensure the audit process is smooth and effective.

Events

We provide a range of workshops, along with network events for members and publications to support the Authority. Your officers have received an invite to our Financial Reporting Workshop, which will help to ensure that members of your Finance Team are up to date with the latest financial reporting requirements for local authority accounts.

Further details of the publications that may be of interest to the Authority are set out in our Sector Update section of this report.

Progress at January 2022 (cont.)

Value for Money

The new Code of Audit Practice (the “Code”) came into force on 1 April 2020 for audit years 2020/21 and onwards. The most significant change under the new Code is the introduction of an Auditor’s Annual Report, containing a commentary on arrangements to secure value for money and any associated recommendations, if required.

The new approach is more complex, more involved and is planned to make more impact.

Under the 2020 Code of Audit Practice, for relevant authorities other than local NHS bodies auditors are required to issue our Auditor’s Annual Report no later than 30 September or, where this is not possible, issue an audit letter setting out the reasons for delay.

As a result of the ongoing pandemic, and the impact it has had on both preparers and auditors of accounts to complete their work as quickly as would normally be expected, the National Audit Office has updated its guidance to auditors to allow us to postpone completion of our work on arrangements to secure value for money and focus our resources firstly on the delivery of our opinions on the financial statements. This is intended to help ensure as many as possible could be issued in line with national timetables and legislation. The extended deadline is now no more than three months after the date of the opinion on the financial statements. We therefore plan to issue the Auditor’s Annual Report by 28 February 2022.

In our 2020/21 audit plan issued on 30 July 2021 we set out the work that we proposed on the three criteria:

- Financial sustainability;
- Governance; and
- Improving economy, efficiency and effectiveness.

In addition we identified a number of risks of significant weakness:

- Effective financial planning as a result of additional financial pressures (the court judgement for Children’s Services and the write back of the by-pass);
- The impact of the changes in the leadership team; and
- Response to the regulatory engagement within Children’s Services; and changes made to more effectively manage the public realm contract and the internal reviews undertaken.

Our review began in December 2020 and we have reviewed a range of documentation and undertaken a series of meetings.

Further documentation is required and interviews are planned. We are on track to conclude and issue our draft Auditor’s Annual Report next month.

Audit Deliverables

2020/21 Deliverables

Auditor's Annual Report

This Report communicates the key issues arising from our Value for Money work.

Date

February 2022

Status

Not yet due

2021/22 Deliverables

Audit Plan

We are required to issue a detailed audit plan to the Audit Committee setting out our proposed approach in order to give an opinion on the Authority's 2021/22 financial statements and the Auditor's Annual Report on the Authority's Value for Money arrangements.

Date

June 2022

Status

Not yet due

Audit Findings Report

The Audit Findings Report will be reported to the November Audit Committee.

November 2022

Not yet due

Auditors Report

This is the opinion on your financial statements.

November 2022

Not yet due

Auditor's Annual Report

This Report communicates the key issues arising from our Value for Money work.

February 2023

Not yet due

Sector Update

Authorities continue to try to achieve greater efficiency in the delivery of public services, whilst facing the challenges to address rising demand, ongoing budget pressures and social inequality.

Our sector update provides you with an up to date summary of emerging national issues and developments to support you. We cover areas which may have an impact on your organisation, the wider local government sector and the public sector as a whole. Links are provided to the detailed report/briefing to allow you to delve further and find out more.

Our public sector team at Grant Thornton also undertake research on service and technical issues. We will bring you the latest research publications in this update. We also include areas of potential interest to start conversations within the organisation and with audit committee members, as well as any accounting and regulatory updates.

- [Grant Thornton Publications](#)
- [Insights from local government sector specialists](#)
- [Reports of interest](#)
- [Accounting and regulatory updates](#)

More information can be found on our dedicated public sector and local government sections on the Grant Thornton website by clicking on the logos below:

Public Sector

Local
government

Insight into accounting for grants in local government financial statements – Grant Thornton

The government has provided a range of financial support packages throughout the COVID-19 pandemic.

We have issued a brief bulletin aimed at helping local government bodies identify the key things they should consider when determining the accounting treatment for these grants in their financial statements for 2020/21.

There are no changes to the accounting treatment for grants as required by the CIPFA Code of Practice on Local Authority Accounting. What has changed, is the extent of additional funding to support the cost of services, to offset other income losses along with grant packages to be paid out to support local business. Local authorities need to consider the nature and terms of the various COVID-19 measures in order to determine whether there is income and expenditure to be recognised in the Comprehensive Income and Expenditure Statement in 2020/21.

The report highlights the factors to consider, including:

- Where the funding is to be transferred to other parties, is the authority acting as principal or as agent?
- Are there grant conditions outstanding?
- Is the grant a specific or non-specific grant?

Our bulletin provides you with links to further information on the various support packages and summarises features that may be relevant to your judgements as you determine the appropriate accounting treatment.

Local authorities need to demonstrate their judgements on the accounting treatment to be reasonable and soundly based and, where these have a significant effect on the accounts, to ensure they include sufficient disclosures to meet the requirements of IAS 1:122.

Please ask your audit manager for the full report:



What can be learned from Public Interest Reports?– Grant Thornton

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2020 will be remembered as a tumultuous year in local government, with the pandemic creating unprecedented pressure on the sector. It also saw the appearance of two Public Interest Reports (PIRs), followed by another in January this year – the first to be issued in the sector since 2016. PIR's can be issued by local auditors if there are significant concerns around council activity, such as major failings in finance and governance.

The recent PIRs have made headlines because, up to this point, very few have ever been issued. But, as our latest report “Lessons from recent Public Interest Reports” explores, all three illustrate some of the fundamental issues facing the wider sector and provide a lesson for all local authorities around: weaknesses in financial management; governance and scrutiny practices; and council culture and leadership; which, when combined, can provide fertile ground for the kind of significant issues we might see in a PIR.

The COVID-19 pandemic highlighted four essential factors we probably always knew about local government, have often said, but which are now much better evidenced:

- 1) Local government has provided fantastic support to its communities in working with the NHS and other partners to deal with the multifaceted challenges of the pandemic.
- 2) Britain's long centralised approach to government has been exposed to some degree in terms of its agility to tailor pandemic responses to regional and local bodies. This is recognised by the current government who continue to pursue the options for devolution of powers to local bodies. Track and Trace delivered centrally has not been as successful as anticipated and, according to government figures, local interventions have had more impact.

- 3) Years of reduced funding from central government have exposed the underlying flaws in the local authority business model, with too much reliance on generating additional income.
- 4) Not all authorities exercise appropriate care with public money; not all authorities exercise appropriate governance; and not all authorities have the capability of managing risk, both short and long term. Optimism bias has been baked into too many councils' medium-term plans.

The PIRs at Nottingham City Council (August 2020), the London Borough of Croydon (October 2020), and Northampton Borough Council (January 2021) are clear illustrations of some of the local government issues identified above. The audit reports are comprehensive and wide-ranging and a lesson for all local authorities. Local authorities have a variety of different governance models. These range from elected mayor to the cabinet and a scrutiny system approach, while others have moved back to committee systems. Arguments can be made both for and against all of these models. However, in the recent PIR cases, and for many other local authorities, it's less about the system of governance and more about how it operates, who operates it and how willing they are to accept scrutiny and challenge.

There are a number of lessons to be learned from the recent PIR reports and these can be broken down into three key areas which are explored further in our report:

- 1) The context of local government in a COVID-19 world
- 2) Governance, scrutiny, and culture
- 3) Local authority leadership.

The full report is available here:

[Lessons from recent Public Interest Reports | Grant Thornton](#)

Annual Transparency Report – Grant Thornton

As auditors of several listed entities as well as nearly one hundred major local audits, we are required as a firm to publish an annual transparency report.

The report contains a variety of information which we believe is helpful to audit committees as well as wider stakeholders. The Financial Reporting Council (FRC) in their thematic review of transparency reporting noted that they are keen to see more Audit Committee Chairs actively engaging and challenging their auditors on audit quality based on the information produced in Transparency reports on a regular basis. We agree with the FRC and are keen to share our transparency report and discuss audit quality with you more widely.

The transparency report provides details of our:

- Leadership and governance structures
- Principle risks and Key Performance Indicators
- Quality, risk management and internal control structure
- Independence and ethics processes
- People and culture
- Compliance with the Audit Firm Governance code and EU Audit directive requirements

We have made significant developments in the year as part of our Local Audit Investment Plan to improve our audit quality. We welcome an opportunity to discuss these developments and our transparency report should you wish.



The full report is available here:

[Transparency report 2020 \[grantthornton.co.uk\]](https://www.grantthornton.co.uk/transparency-report-2020)

Local authority Covid-19 pressures – MHCLG

Outturn figures from the Ministry for Housing, Communities and Local Government (MHCLG) show that local authorities in England reported additional cost pressures of £12.8bn relating to Covid-19 in 2020-21. Overall, local authorities spent £7.2bn responding to the pandemic last year, with the largest share of additional expenditure going on adult social care services at £3.2bn.

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Additional expenditure due to COVID-19 by class and service area (£ millions) (2020-21)						
	Shire District	Shire County	Unitary Authority	Metropolitan District	London Borough	Total
Adult Social Care – total	0.473	1,254.880	848.656	663.404	413.842	3,181.254
Children's social care - total (excluding SEND)	0.000	94.933	131.127	89.799	62.987	378.846
Housing - total (including homelessness services) excluding HRA	63.129	5.254	74.949	42.281	112.971	298.584
Environmental and regulatory services - total	33.564	68.097	67.512	66.704	63.556	299.433
Finance & corporate services - total	48.222	53.445	83.984	76.923	78.284	340.858
All other service areas not listed in rows above	184.550	634.578	584.924	564.737	395.137	2,363.926
Total	329.937	2,111.187	1,791.153	1,503.848	1,126.777	6,862.902



The figures are available in full here:
<https://www.gov.uk/government/publications/local-authority-covid-19-financial-impact-monitoring-information>

Income losses due to COVID-19 by class and source of income (£ millions) (2020-21)						
	Shire District	Shire County	Unitary Authority	Metropolitan District	London Borough	Total
Business rates	276.498	0.000	194.192	207.351	537.667	1,215.708
Council tax	399.037	0.000	217.633	191.219	232.727	1,040.616
Sales fees and charges	516.426	194.923	553.907	396.745	475.728	2,137.728
Commercial income	82.448	24.159	120.629	204.211	52.154	483.600
Other	33.494	39.947	27.163	53.664	45.166	199.435
Total	1,307.903	259.029	1,113.524	1,053.190	1,343.441	5,077.087

Government response to Redmond review – MHCLG

Government has published an update on the Ministry of Housing, Communities & Local Government response to Sir Tony Redmond's independent review into the effectiveness of external audit and transparency of financial reporting in local authorities.

The MHCLG press release states "The Audit, Reporting and Governance Authority (ARGA) – the new regulator being established to replace the Financial Reporting Council (FRC) – will be strengthened with new powers over local government audit, protecting public funds and ensuring councils are best serving taxpayers.

38 The new regulator, which will contain a standalone local audit unit, will bring all regulatory functions into one place, to better coordinate a new, simplified local audit framework.

ARGA will continue to act as regulator and carry out audit quality reviews as the FRC does now. It will now also provide annual reports on the state of local audit and take over responsibility for the updated Code of Local Audit Practice – the guidelines councils are required to follow.

The government has confirmed that the Public Sector Audit Appointments (PSAA) will continue as the appointing body for local audit, in charge of procurement and contract management for local government auditors.

In the immediate term, MHCLG will set up and chair a Liaison Committee, which will comprise senior stakeholders across the sector that will oversee the governance of the new audit arrangements and ensure they are operating effectively."

The press release goes on to state the "measures finalise the government's response to Sir Tony Redmond's independent review into local audit, carried out last year.

The government has already announced £15 million to support councils with additional costs in audit fees, and recently consulted on the distribution of this funding. Government is also consulting on improving flexibility on audit fee setting and has extended the deadline for when councils must publish their audited accounts.



The press release can be found here:

<https://www.gov.uk/government/news/government-publishes-update-to-audit-review-response>

2019/20 audited accounts – Public Sector Audit Appointments

In December 2020 Public Sector Audit Appointments (PSAA) published figures relating to the audit of 2019/20 local authority financial statements.

PSAA report “Audit arrangements in local councils, police, fire and other local government bodies are continuing to exhibit signs of stress and difficulty. In the latest audit round, focusing on 2019/20 financial statements and value for money arrangements, fewer than 50% of bodies’ audits were completed by the revised target of 30 November.

Figures compiled by PSAA, the organisation responsible for appointing auditors to 478 local bodies, reveal that 55% (265) of audit opinions were not issued by 30 November. This is a further deterioration on 2018/19 audits when 43% of opinions (210 out of 486) were delayed beyond the then target timetable of 31 July.”

By 30 November, Grant Thornton had signed 113/208 audits (a 55% completion rate), meaning that only 45% of audit opinions were not signed by 30 November, compared to the 55% all firms average.

PSAA go on to note “This year’s timetable has been deliberately eased by Ministers in recognition of the underlying pressures on the audit process and the significant added complications arising from the Covid-19 pandemic. The pandemic has posed practical challenges for bodies in producing accounts and working papers, and for auditors to carry out their testing. Both sets of staff have had to work remotely throughout the period, and the second national lockdown came at a critical point in the cycle.

Questions and concerns about the potential implications of the pandemic for some bodies have meant that both finance staff and auditors have needed to pay particular attention to the financial position of each entity. Additionally, following a series of increasingly challenging regulatory reviews, auditors have arguably been more focused than ever on their professional duty to give their opinion only when they are satisfied that they have sufficient assurance.”



The news article can be found here:

[News release: 2019/20 audited accounts – PSAA](#)

Consultation on 2023-24 audit appointments – Public Sector Audit Appointments

Public Sector Audit Appointments (PSAA) is consulting on the Draft prospectus for 2023 and beyond.

PSAA state “Our primary aim is to secure the delivery of an audit service of the required quality for every opted-in body at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local public audit services.

The objectives of the procurement are to maximise value for local public bodies by:

- securing the delivery of independent audit services of the required quality;
- awarding long term contracts to a sufficient number of firms to enable the deployment of an appropriately qualified auditing team to every participating body;
- encouraging existing suppliers to remain active participants in local audit and creating opportunities for new suppliers to enter the market;
- encouraging audit suppliers to submit prices which are realistic in the context of the current market;
- enabling auditor appointments which facilitate the efficient use of audit resources;
- supporting and contributing to the efforts of audited bodies and auditors to improve the timeliness of audit opinion delivery; and
- establishing arrangements that are able to evolve in response to changes to the local audit framework.”

The plans include proposals to adjust the procurement ratio between quality and costs from an equal 50:50 to 80:20, as well as trying to bring new suppliers in to the market.

The consultation on the PSAA’s proposals closes on 8 July.



The news article can be found here:

<https://www.psaa.co.uk/about-us/appointing-person-information/appointing-period-2023-24-2027-28/prospectus-2023-and-beyond/draft-prospectus-for-2023-and-beyond/page/7/>

Councils given power to build more homes for first time buyers and for social rent – MHCLG

The Ministry of Housing, Communities & Local Government (MHCLG) has announced that councils in England will have more freedom on how they spend the money from homes sold through Right to Buy to help them build the homes needed in their communities.

The MHCLG press release states the “package will make it easier for councils to fund homes using Right to Buy receipts, including homes for social rent, and give them greater flexibility over the types of homes they provide to reflect the needs of their communities.

It will also give councils more time to use receipts and to develop ambitious building programmes. The government wants homes supplied using Right to Buy receipts to be the best value for money, and to add to overall housing supply, to help towards delivering 300,000 new homes a year across England by the mid-2020s.”

The press release goes on to note “New measures include:

- extending the time councils have to spend Right to Buy receipts from 3 years to 5 years
- increased cap on the percentage cost of new homes councils can fund from Right to Buy receipts raised from 30% to 40% per home, making it easier to build replacement homes
- allowing receipts to be used for shared ownership, First Homes, as well as affordable and social housing, to help councils build the homes their communities need
- introducing a cap on the use of Right to Buy receipts for acquisitions to help drive new supply.”



The press release can be found here:

<https://www.gov.uk/government/news/councils-given-power-to-build-more-homes-for-first-time-buyers-and-for-social-rent>





Title of report: Progress report on internal audit activity

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Director of resources and assurance / head of internal audit

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed. To enable the committee to monitor performance of the internal audit team against the approved plan.

To assure the committee that action is being taken on risk related issues identified by internal audit. This is monitored by acceptance by management of audit recommendations and progress updates in implementing the agreed action plans. In addition, audit recommendations not accepted by management are reviewed and progress to an appropriate recommendation to cabinet if it is considered that the course of action proposed by management presents a risk in terms of the effectiveness of or compliance with the council's control environment.

Recommendation(s)

That:

- (a) performance against the approved plan be reviewed and any areas for improvement identified;**
- (b) consider the assurances provided and the recommendations which the report makes, commenting on its content as necessary;**
- (c) the proposed 4th quarter internal audit plan 2021-22 on page 22-23 of appendix A be reviewed and the committee determine any recommendations it wishes to make regarding the level and range of activity proposed in order that the work carried out may**

give a satisfactory level of assurance over the council's corporate governance arrangements; and

(d) To note the Corporate Fraud Update

Alternative options

1. There are no alternative recommendations; it is a function of the committee to consider these matters in fulfilling its assurance role.

Key considerations

2. The internal audit progress report is attached at appendix A. In the period covered by the report, five priority 2 recommendations have been made for audits completed in 2021-22.
3. A glossary of terms is also provided in the report

Community impact

4. The council's code of corporate governance commits the council to managing risks and performance through robust internal control and strong public financial management and to implementing good practices in transparency, reporting, and audit to deliver effective accountability. By ensuring robust management responses to identified risks, the council will be better able to meet its corporate plan priority to secure better services, quality of life and value for money.

Environmental Impact

5. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
6. 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

Equality duty

7. 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.
8. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are

paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a progress report, we do not believe that it will have an impact on our equality duty.

Resource implications

9. None arising from the recommendations; any additional recommendations made by the committee will be considered by the relevant manager or cabinet member and the financial implications of accepting those recommendations will be considered then.

Legal implications

10. None.

Risk management

11. There is a risk that the level of work required to give an opinion on the council's systems of internal control is not achieved. This is mitigated by the regular active management and monitoring of progress against the agreed internal audit plan.
12. Risks identified by internal audit are mitigated by actions proposed by management in response. Progress on implementation of agreed actions is reported to this committee every six months.

Consultees

None.

Appendices

Appendix A – SWAP Internal Audit plan progress report 2021-22 (incorporating the following appendices)

Appendix B – Internal Audit Definition

Appendix C – Internal Audit Work Plan

Appendix D – Proposed 2021/22 Q4 Internal Audit Plan

Appendix E – Counter Fraud Update (joint update with Herefordshire Council)

Background papers

None identified.

Appendix A

[note: this document is published as received at the time of publication; a revised version to correct page numbering and chart / image formatting may be published subsequently]

Herefordshire Council

Report of Internal Audit Activity

- 2021/22 Plan Progress - as of 5th January 2022
- 2020/21 Update on remaining audits
- Quarter 4 Plan
- Counter Fraud Update

Contents

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Internal Audit Plan Progress 2020/21 and 2021/22

The Headlines for audits completed to date for 2021/22 audit plan and 2020/21 audits finalised in 2021/22

	No High Corporate Risks identified to date.
	No Priority 1 Recommendations made to date.
	All audits from the 2020/21 Internal Audit Plan are now complete (7). 18 reviews have been delivered as part of the 2021/22 Internal Audit Plan. Includes assurance, advisory and follow up reviews.
	Thematic Findings Previously raised finding regarding ensuring procedure documents are up to date is further reiterated by findings identified in this update including the need to update strategy and protocol documents. Further to this we have identified some thematic findings relating to quality of data from systems.
	Continued sign off, of grant certifications as a result of additional COVID related grant funding.
	Fraud Risk Assessment now complete across Corporate Services, Economy and Place and Adults and Communities in liaison with the Counter Fraud Specialist. It is the aim to complete Children and Families in Q4 of 2021/22.

Internal Audit Assurance Opinions	
Substantial	2
Reasonable (inc. Grant Certifications)	18
Limited	4
No Assurance	0
Other	1
Total	25
Internal Audit Agreed Actions	
Priority 1	0
Priority 2	6
Priority 3	19
Total	25

Internal Audit Plan Progress 2020/21 and 2021/22

Our audit activity is split between:

- Operational Audit
- School Themes
- Governance Audit
- Key Control Audit
- IT Audit
- Grants
- Other Reviews



Role of Internal Audit

The Internal Audit service for Herefordshire Council is provided by SWAP Internal Audit Services (SWAP). SWAP is a Local Authority controlled Company. SWAP has adopted and works to the Standards of the Chartered Institute of Internal Auditors, further guided by interpretation provided by the Public Sector Internal Audit Standards (PSIAS), and the CIPFA Local Government Application Note. The Partnership is also guided by the Internal Audit Charter approved by the Audit and Governance Committee at its meeting on 16 March 2021.

Internal Audit provides an independent and objective opinion on the Authority's control environment by evaluating its effectiveness. Primarily the work includes:

- Operational Audit Reviews
- Cross Cutting Governance Audits
- Annual Review of Key Financial System Controls
- IT Audits
- Grants
- Other Special or Unplanned Review

Update on 2020/21 audits not finalised at the time of the annual opinion report.



Internal Audit Work Programme 2020/21

At the time of the last progress update in October 2021 there were two audits waiting client agreement of actions and one audit in progress. Since then, these three audits have been finalised:

- Payroll,
- Education Health Care Plans – Preparation for Adulthood, and
- Contract Management – BBLP.

A summary of the audits and any findings are outlined below.

Update on 2020/21 audits not finalised at the time of the annual opinion report.



Internal Audit Work Programme 2020/21

Payroll

Limited assurance with one priority 2 finding and one priority three finding. The priority two action was agreed to

Internal Audit Plan Progress 2020/21 and 2021/22

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rectify the longstanding issues with the reconciliation of the holding accounts. The level of possible errors/amendments required cannot be accurately estimated however Senior Management confirmed they remain within an acceptable tolerance. It was identified there is no management oversight of the reconciliation and differences have been written off where there may have been opportunities to recover the funds. There is a risk of unresolved issues being highlighted by External Audit or as part of an HMRC audit if action is not taken to clear down the differences. A target date of the 31st of December 2021 was agreed to complete the action.

All priority 3 actions have been agreed with a target date for completion.

Education Health Care (EHC) Plans – Preparation for Adulthood.

Limited assurance with three priority 2 findings and one priority 3. The three priority 2 actions were agreed as follows:

1. Awareness of the Preparation for Adulthood protocol

- The audit identified that the Preparation for Adulthood protocol was not embedded with officers not aware of guidance within the protocol. It was agreed that additional training is required for all staff to be aware of the entirety of the Preparation for Adulthood protocol and associated procedures and materials.
- In addition to this it was agreed that the formally agreed protocol requires additional detailed procedures to ensure that effective action is taken by all agencies.
- The Directorate have also decided to audit further cases from the same sample using the testing method carried out in the audit.
- A target date of the 31st July 2022 was agreed to complete the action.

Update on 2020/21 audits not finalised at the time of the annual opinion report.



Internal Audit Work Programme 2020/21

Education Health Care (EHC) Plans – Preparation for Adulthood.

2. Action Plan to the OFSTED and Care Quality Commission Report (2016)

Internal Audit Plan Progress 2020/21 and 2021/22

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- Audit were not provided with the action plan prepared, implemented and monitored to address recommendations from the Ofsted and CQC Report. The EHC plans reviewed as part of the audit were assessed as being heavily weighted on education, a finding that was identified in the Ofsted and CQC report. Therefore, audit cannot provide assurance that the weakness identified has been addressed.
- The Head of Additional Needs identified that the response to fulfil the actions raised in the OFSTED/CQC Report had not been reviewed since the advent of the pandemic but had been done so previously. The response to the points raised in the inspection has recently been reviewed and this has been shared with the SEND Strategy Group along with the Directorate Leadership Team (August 2021).
- It has been agreed that the EHC Plans sampled in this audit will be re-evaluated from a professional perspective, to determine if health and social care is evident within the EHC Plans.
- As part of this action it was also agreed that there needs to be clarity regarding Section K of the EHC Plans and this would be recorded in the policy.
- A target date of the 30th of November 2021 was agreed to complete the action.

3. Issues with document management

- There was one instance where an EHC Plan could not be located for sampling and one instance where an EHC plan had been overtyped by a subsequent plan.
- Two of the data sets audit were provided did not consistently state the NHS reference for the individual.
- It was agreed this would be further investigated by the Senior SEN Manager.
- A target date of the 30th of November 2021 was agreed to complete the action.

Update on 2020/21 audits not finalised at the time of the annual opinion report.



Internal Audit Work Programme 2020/21

Education Health Care (EHC) Plans – Preparation for Adulthood.

All priority 3 actions have been agreed with a target date for completion.

Contract Management - BBLP

Internal Audit Plan Progress 2020/21 and 2021/22

Limited assurance with one priority 2 action and four priority 3 actions agreed.

The priority 2 action was to address a potential system (Business World) issue, where a reference number was duplicated for an early warning notice. It was agreed this would be further investigated and at the time of the final report was identified to be complete.

All priority 3 actions have been agreed with a target date for completion.

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Outturn to Date – 2021/22



Internal Audit Work Programme 2021/22

The schedule provided at Appendix C contains a list of all audits agreed:

- for the quarter 1 2021/22 plan presented to this committee at its meeting on 16th March 2021.
- for the quarter 2 2021/22 plan presented to this committee at its meeting on 28th June 2021.
- for the quarter 3 2021/22 plan presented to this committee at its meeting on 27th October 2021.

It is important that Members are aware of the status of all audits and that this information helps them place reliance

Internal Audit Plan Progress 2020/21 and 2021/22

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on the work of Internal Audit and its ability to complete the plan as agreed.

Each completed assignment includes its respective “assurance opinion” rating together with the number and relative ranking of recommendations that have been raised with management. In such cases, the Committee can take assurance that improvement actions have been agreed with management to address these.

The assurance opinion ratings have been determined in accordance with the Internal Audit “Audit Framework Definitions” as detailed in Appendix B of this document.

To assist the Committee in its important monitoring and scrutiny role, in those cases where weaknesses have been identified in service/function reviews that are considered to represent significant service findings (priority 1 or 2), a summary of the key audit findings is given as part of this report. In circumstances where findings have been identified which are considered to represent significant corporate risks to the Council, due to their importance, these issues are separately summarised.

2021/22 Progress

This is the progress report as of 5th January 2022. This is the third update for the 2021/22 audit plan. Nine audits have been completed since my last update, eleven audits are at draft report (please note four of these are variations of Local Authority Test and Trace Support Payment Scheme Funding Grant Determinations and six are variations of Local Authority Community Testing Funding Grant Determinations) and there are fifteen audits in progress. The audits completed since my last update have the following assurance:

Outturn to Date – 2021/22



Internal Audit Work Programme 2021/22

Internal Audit Plan Progress 2020/21 and 2021/22

Audit	Assurance	Audit Objective
Development Regeneration Programme	Reasonable	To provide assurance that the Development Regeneration Programme partnership between Herefordshire Council and the partners Keepmoat Homes Ltd and Engie Regeneration Ltd demonstrates that good relationship management was in place, with a view to assess the current working relationship with the sole remaining partner.
Bus Service Support Grant Restart Scheme Tranches 6 and 7 (funding to May 2021) 31/5621	Reasonable – Grant Certification	To provide assurance that the terms of the LTA CBSSG Restart Scheme Grant Determination (31/2150) are adhered to.
Additional Dedicated Home to School and College Transport Grant – Spring Term 31/5268	Reasonable – Grant Certification	To provide assurance that the terms of the Additional Dedicated Home to School and College Transport Grant (31/5137) are adhered to.
Additional Dedicated Home to School and College Transport Grant – Summer Term (1 st half) 31/5483	Reasonable – Grant Certification	To provide assurance that the terms of the Additional Dedicated Home to School and College Transport Grant (31/5483) are adhered to.
Additional Home to School Transport – Summer Term (2 nd half until 25 June 2021) 31/5568	Reasonable – Grant Certification	To provide assurance that the terms of the Additional Dedicated Home to School and College Transport Grant (31/5568) are adhered to.
Additional Home to School Transport – Summer Term (2 nd half 28 th June till end of Summer Term) 31/5678	Reasonable – Grant Certification	To provide assurance that the terms of the Additional Dedicated Home to School and College Transport Grant (31/5678) are adhered to.
Treasury Management	Substantial	To ensure that the key controls within Treasury Management are operating effectively. Review of controls includes the Treasury Management Strategy, Treasury Management Procedures and governance processes; the Council's cash flow monitoring; loans and investments, and corresponding reconciliations; use of brokers; IT system access controls; and details of any KPIs that the Corporate Finance Team monitor and report on.

Outturn to Date – 2021/22



Internal Audit Work Programme 2021/22

Internal Audit Plan Progress 2020/21 and 2021/22

Audit	Assurance	Audit Objective
Property Flood Resilience Support Scheme (Bellwin/ Resilience Management) Quarterly Review – Quarter 3 (Yearly Report)	Reasonable – Grant Certification	To provide assurance that Herefordshire Council has complied with DEFRA Property Flood Resilience Recovery Support Scheme (2020) Local Authority Guidance April 2020, in the authorisation of owner's expenditure on their property.
Supporting Families – Monthly Review – Quarterly Report - Quarter 3	Reasonable – Grant Certification	To provide assurance that cases put forward as part of the monthly Supporting Families claims comply with the terms of the Ministry of Housing, Communities & Local Government (MHCLG) Supporting Families Programme (April 2021). Payment by Results claims must meet the criteria for either 'significant and sustained progress' or 'continuous employment'.

Summary of significant High corporate risks



Significant Corporate Risks 2021/22

We provide a definition of the three Risk Levels for Corporate risk applied within audit reports. For those audits which have reached report stage through the year, I will report risks we have assessed as 'High'.

In this update there are no final reports included with 'High' corporate risks.

SWAP Performance - Summary of Limited Opinions



Summary of Limited Assurances and Significant Service Findings (Priority 1 and 2) 2021/22

These are actions that we have identified as being high priority and that we believe should be brought to the attention of the Audit and Governance Committee.

Of the nine audits completed this quarter, one was substantial assurance (Treasury Management), one was reasonable assurance (Development Regeneration Programme), and seven were reasonable grant certification (Bus Service Support Grant Restart Scheme Tranches 6 and 7 (funding to May 2021) 31/5621, Additional Dedicated Home to School and College Transport Grant – Spring Term 31/5268, Summer Term (1st half) 31/5483, Summer Term (2nd half until 25 June 2021) 31/5568 and Summer Term (2nd half 28th June till end of Summer Term) 31/5678, Property Flood Resilience Support Scheme Q3, and Supporting Families Q3).

No actions were identified for all the reasonable grant certification assurances given and no priority 1 or 2 actions were agreed as part of the other audits.

Follow Up audits are completed where the auditor could only provide limited



Follow Up Audits

Internal Audit Plan Progress 2020/21 and 2021/22

assurance.

Follow Up audits are completed where the Auditor could only provide limited assurance. The follow-up audit is to provide assurance to the Director, Senior Management and the Audit and Governance Committee that the key risks have been mitigated to an acceptable level. Evidence is obtained to demonstrate implementation and progress made in relation to all 2020/21 priority 1 and 2 recommendations. For the priority 3 recommendations progress reported is based on self-assessment by relevant officers. Where a key control audit received Reasonable or Substantial assurance, the key control is included in the plan to follow up on all recommendations to provide assurance that action has been taken to address the recommendations. For key control follow up audit evidence is obtained to demonstrate implementation and progress for all recommendations.

No follow up audits have been completed this quarter.

Added Value

Extra feature(s) of an item of interest (product, service, person etc.) that go beyond the standard expectations and provide something more while adding little or nothing to its cost.



Added Value

Primarily, Internal Audit is an assurance function and will remain as such. However, as we complete our audit reviews and through our governance audit programmes across SWAP, we seek to bring information and best practice to managers to help support their systems of risk management and control.

The SWAP definition of “added value” is “it refers to extra feature(s) of an item of interest (product, service, person etc.) that go beyond the standard expectations and provide something “more” while adding little or nothing to its cost”.

The following cross comparison reports have been shared across the Partnership:

Registration Services

A benchmarking exercise was undertaken with a number of Registration Services across SWAP partners and the wider local authority network to provide comparative data regarding the structure and service delivery models in place. Results of the exercise were provided to the service manager.

SWAP Performance - Summary of Audit Opinions



Summary of Audit Opinion 2021/22 including 2020/21 audits finalised in 2021/22

At the conclusion of audit assignment

A total of twelve audits (three from 2021/21 and nine from 2021/22) have been finalised since our previous update (October 2021). The opinions offered are summarised below in Chart 1.

Internal Audit Plan Progress 2020/21 and 2021/22

work each review is awarded a "Control Assurance Definition";

- Substantial
- Reasonable
- Limited
- No

We also undertake Advisory / Non-Opinion work on a consultancy basis where we have been asked to look at a specific area of potential concern.

Where we follow up on a previous adverse audit opinion the opinion is stated as follow up.

Chart 2 shows a summary of the opinions offered for 2021/22 to date (including those audits from 2020/21 that have been finalised in 2021/22).

CHART 1: TWELVE AUDITS COMPLETED BY ASSURANCE CATEGORY (FOR...

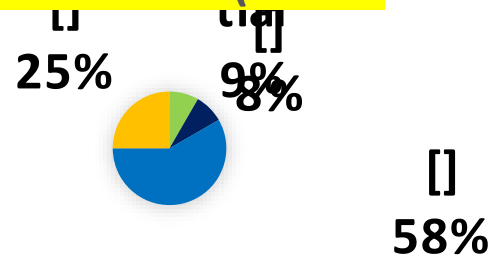
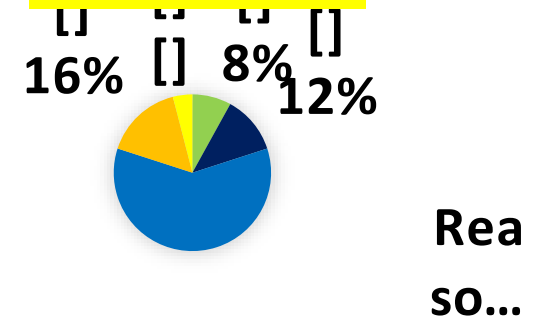


CHART 2: AUDITS COMPLETED BY ASSURANCE...



Summary of Agreed Audit Actions by Priority

We rank the agreed actions on a scale of 1 to 3, with 3 being medium or

Summary of Agreed Actions by priority per update for 2021/22 including 2020/21 audits finalised in 2020/21

Summary of Agreed Actions by priority per...

Internal Audit Plan Progress 2020/21 and 2021/22

administrative concerns to 1 being areas of fundamental concern requiring immediate corrective action.

We keep our audit plans under regular review to ensure that we are auditing the right things at the right time.



Approved Changes to the Audit Plan

Unplanned work, special reviews or projects carried out on a responsive basis are requested through the Chief Finance Officer (Section 151 Officer). As new and emerging risks are identified, any changes to the plan will be subject to the agreement of the Chief Finance Officer (Section 151 Officer) and reported to this Committee.

Since the Q3 Audit plan was presented and approved by the Committee on 27th October 2021 there has been no request for additional audits. There has however been a request for extended testing on the Grant Determination for:

- Local Authority Community Testing Funding Grant Determination 2020/21

Internal Audit Plan Progress 2020/21 and 2021/22

Conclusion



Conclusion

Since my last update twelve audits (three from 2020/21 and nine from 2021/11) have been completed. The total audits completed for 2021/22 is eighteen. There are fifteen audits in progress for 2021/22 and eleven at draft report.

There is a noted delay completing the Green Homes grant testing as the Council has requested an extension to the scheme to 31st January 2022.

For the twelve audits completed and reported in this update one audit returned a substantial assurance, one returned a reasonable assurance, three were limited assurance and seven were reasonable – grant certification. Five priority 2 findings were identified in two of the 2020/21 audits that were completed (Education Health Care Plans and Contract Management BBLP).

We have noted a thematic finding regarding record and document management including the need to update protocols and strategy documents as well as procedure documents. Further to this there is a need to ensure audit trails are maintained and the quality of data sets is fit for purpose.

At the close of each audit review a Customer Satisfaction Questionnaire is sent out to the Service Manager or nominated officer. The aim of the questionnaires is to gauge satisfaction against timeliness, quality, and professionalism. A score of 95% would reflect the fact that the client agreed that the review was delivered to a good standard of quality i.e., agreed with the statement in the questionnaire and satisfied with the audit process and report. For 2021/22 the feedback score is 100%.

At the conclusion of audit assignment work each review is awarded a



Audit Framework Definitions

“Control Assurance Definition”;

- Substantial
- Reasonable
- Limited
- No
- Advisory

Control Assurance Definitions

Substantial	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.
Limited	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

Advisory Report – In addition, to our opinion-based work we will provide consultancy services. The advice offered by Internal Audit in its consultancy role may include risk analysis and evaluation, developing potential solutions to problems and providing controls assurance. Consultancy services from Internal Audit offer management the added benefit of being delivered by people with a good understanding of the overall risk, control and governance concerns and priorities of the organisation.

Recommendations are prioritised from 1 to 3 on how important they are to the service/area audited. These are not necessarily how important they are to the organisation at a corporate level.



Audit Framework Definitions

Risk	Reporting Implications
	In addition to the corporate risk assessment, it is important that management know how important the recommendation is to their service. There should be a clear distinction between how we evaluate the risks identified for the service but scored at a corporate level and the priority assigned to the recommendation. Each recommendation has been given a priority rating at service level with the following definitions:
Priority 1	Findings that are fundamental to the integrity of the service's business processes and require the immediate attention of management.
Priority 2	Important findings that need to be resolved by management.
Priority 3	Finding that requires attention.

Each audit covers key risks. For each audit a risk assessment is undertaken whereby with management risks for the review are assessed at the Corporate inherent level (the risk of exposure with no controls in place) and then once the audit is complete the Auditors assessment of the risk exposure at corporate level after the control environment has been tested. All assessments are made against the risk appetite agreed by the SWAP Management Board.

Definitions of Risk

Risk	Reporting Implications
	Reporting Implications
High	Issues that we consider need to be brought to the attention of both senior management and the Audit Committee.
Medium	Issues which should be addressed by management in their areas of responsibility.
Low	Issues of a minor nature or best practice where some improvement can be made.

Audit Area	Corporate Risk	Planned Quarter	Status	Opinion	No of Rec	1 = Major ↔ 3 = Medium		
						Recommendation		
						1	2	3
2020/21 Audits								
Education Health Care Plans – Preparation for Adulthood			Complete	Limited	4	0	3	1
Payroll			Complete	Limited	2	0	1	1
Contract Management - BBLP			Complete	Limited	5	0	1	4
Corporate Centre (including ICT)								
Risk Maturity (was Risk Management)	Linked to all risks	1	In Progress					
Economy and Place								
Development Regeneration Programme	EP.12 (July 2020)	1	Complete	Reasonable	1	0	0	1
Climate Change	EP.15 (July 2020)	1	Complete	Reasonable	3	0	0	3
Bus Service Support Grant Restart Scheme Tranches 6 and 7 (funding to May 2021) 31/5621	Grant Certification	1	Complete	Reasonable – Grant Certification	0	0	0	0
Additional Dedicated Home to School and College Transport Grant – Spring Term 31/5268	Grant Certification	1	Complete	Reasonable – Grant Certification	0	0	0	0
Children’s and Families								
Supporting Families – Monthly Review – Quarterly Report - Quarter 1 (previously referred to as Troubled Families)	Grant Certification	1	Complete	Reasonable – Grant Certification	1	0	0	1

Additional Audits for Quarter 1								
Local Authority Community Testing Funding Grant Determination 2020/21: No 31/5389.	Grant Certification	1	Draft Report					
Local Authority Test and Trace Support Payment Scheme Funding Grant Determination 2020/21: No 31/5309 (January)	Grant Certification	1	Draft Report					
Local Authority Test and Trace Support Payment Scheme Funding Grant Determination 2020/21: No 31/5385 (February)	Grant Certification	1	Draft Report					
Funding for Travel Demand Management 2020/21 – No 31/5127	Grant Certification	1	Complete	Reasonable – Grant Certification	0	0	0	0

Car Park Signage Procurement	At request of Chief Finance Officer	1	Complete	Briefing Paper	-	-	-	-
Property Flood Resilience Support Scheme (Bellwin /Resilience Management) Quarterly Review – Quarter 1 (Yearly Report)	Grant Certification	1	Complete	Reasonable – Grant Certification	0	0	0	0

Audit Area	Corporate Risk	Planned Quarter	Status	Opinion	No of Rec	1 = Major ↔ 3 = Medium		
						Recommendation		
						1	2	3
Corporate Centre (including ICT)								
Fraud Risk Assessment		2	In Progress (Complete in Adults & Wellbeing, Economy and Place, and Corporate Services)					
Economy and Place								
Property Flood Resilience Support Scheme (Bellwin/ Resilience Management) Quarterly Review – Quarter 2 (Yearly Report)	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0
Additional Dedicated Home to School and College Transport Grant – Summer Term (1 st half) 31/5483	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0
Local Transport Block Funding	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0
Bus Subsidy Grant	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0
Adults and Communities								
Direct Payments	Identified as a fraud risk	2	Not Started					
Customer Services	-	2	In Progress					
Children’s and Families								
Supporting Families – Monthly Review – Quarterly Report - Quarter 2 (previously referred to as Troubled Families)	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0
Additional audits for Q2								
Additional Home to School Transport – Summer Term (2 nd half until 25 June 2021) 31/5568	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0
Additional Home to School Transport – Summer Term (2 nd half 28 th June till end of Summer Term) 31/5678	Grant Certification	2	Complete	Reasonable – Grant Certification	0	0	0	0

Herefordshire City Centre Transport Package – Investigation	Investigation	2	In Progress					
Green Homes Grant: Local Authority Delivery Grant Determination 31/5187	Grant Certification	2	In Progress					
Pool Cars		2	In Progress					
Local Authority Test and Trace Support Payment Scheme Funding Grant Determination 2020/21: No 31/5435 – (March and April)	Grant Certification	2	Draft Report					
Local Authority Test and Trace Support Payment Scheme Funding Grant Determination 2020/21: No 31/5668 – (May, June, July)	Grant Certification	2	Draft Report					

Audit Area	Corporate Risk	Planned Quarter	Status	Opinion	No of Rec	1 = Major ↔ 3 = Medium		
						Recommendation		
						1	2	3
Corporate Centre (including ICT)								
Accounts Payable – follow up of actions from 2020-21 and areas not tested in 2020-21		3	In Progress					

Accounts Receivable – follow up of actions from 2020-21 and areas not tested in 2020-21		3	In progress					
Main Accounting		3	In Progress					
Treasury Management		3	Complete	Substantial	2	0	0	2
Council Tax – follow up of actions from 2020-21 and areas not tested in 2020-21		3	In Progress					
National Non-Domestic Rates – follow up of actions from 2020-21 and areas not tested in 2020-21		3	In Progress					
Housing and Council Tax Benefits – follow up of actions from 2020-21 and areas not tested in 2020-21		3	In Progress					
Capital Accounting		3	In Progress					
Disaster Recovery (ICT)		3	Draft Report					
Local Authority Test and Trace Support Payment Scheme Funding Grant Determination 2020/21: No:31/5704 (August and September)	Grant Certification	3	In Progress					
Economy and Place								
Property Flood Resilience Support Scheme (Bellwin/ Resilience Management) Quarterly Review – Quarter 3 (Yearly Report)	Grant Certification	3	Complete	Reasonable – Grant Certification	0	0	0	0
Children's and Families								
Supporting Families – Monthly Review – Quarterly Report - Quarter 3 (<i>previously referred to as Troubled Families</i>)	Grant Certification	3	Complete	Reasonable – Grant Certification	0	0	0	0

Oral Health Needs Assessment Plan	Request from Cllr Gandy & Director for Adults & Communities	3	In Progress					
Additional audits for Q3								
Local Authority Community Testing Funding Grant Determination 2020/21: No 31/5661.	Grant Certification	3	Draft Report					
Local Authority Community Testing Funding Grant Determination 2020/21: No 31/5691.	Grant Certification	3	Draft Report					
Local Authority Community Testing Funding Grant Determination 2020/21: No 31/5729	Grant Certification	3	Draft Report					
Local Authority Community Testing Funding Grant Determination 2020/21: No 31/5772	Grant Certification	3	Draft Report					

Local Authority Community Testing Funding Grant Determination 2020/21: No 31/5828.	Grant Certification	3	Draft Report					
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Audit Area	Corporate Risk	Planned Quarter	Status	Opinion	No of Rec	1 = Major ↔ 3 = Medium		
						Recommendation		
						1	2	3
Corporate Centre (including ICT)								
Councillors Allowance Overspend	Identified as a risk in previous risk registers	4	Not started					
Significant Partnerships		4	Not started					
Employee Expenses		4	Not started					
Leavers Process	Identified as a risk in previous risk registers	4	Not started					
Software Asset Management	Identified through the Cyber Security Framework audit	4	Not started					
Condition Funding Grant Determination (2021): No 31/5501	Grant Certification	4	Not started					
Local Authority Test and Trace Support Payment Scheme Funding Grant Determination 2020/21: No:31/5789 (October, November, and December)	Grant Certification	4	Not started					
Local Authority Community Testing Funding Grant Determination 2020/21: October, November, December	Grant Certification	4	Not started					
Economy and Place								
Property Flood Resilience Support Scheme (Bellwin/ Resilience Management) Quarterly Review – Quarter 3 (Yearly Report)	Grant Certification	4	Not started					
Children and Families								
Schools Thematic Audit	To provide assurance of basic standards for good financial health	4	Not started					
Supporting Families – Monthly Review – Quarterly Report - Quarter 3 (previously referred to as Troubled Families)	Grant Certification	4	Not started					
Adults and Wellbeing								
Infection Control and Testing	-	4	Not started.					

To help raise awareness of the fraud risks on a National geographic level and to provide the committee with a quarterly summary update on corporate fraud prevention work undertaken across the Council.



Quarterly Fraud Update (November to December 2021)

Update Internal Audit. The Counter Fraud Specialist will report via the annual fraud report at the end of this financial year.

There is a role for the audit committee to challenge activity, understand what counter fraud activity can comprise and link with the various national reviews of public audit and accountability.

- *Fighting Fraud Locally, 2020*

To help raise awareness of the fraud risks on a National geographic level and to provide the committee with a quarterly summary update on corporate fraud prevention work undertaken across the Council.

Update Internal Audit. The Counter Fraud Specialist will report via the annual fraud report at the end of this financial year.

There is a role for the audit committee to challenge activity, understand what counter fraud activity can comprise and link with the various national reviews of public audit and accountability.

- *Fighting Fraud Locally, 2020*



Quarterly Fraud Update (November to December 2021)



SWAP Fraud Alerts



Attempts at change of bank details



- A total of 6 fraud alerts have been issued to our partners in 2021 relating to this activity.
- The latest attempts were unsuccessful however details have been shared with our partners as we are aware suppliers are used across the partnership.
- One request was made from an email address and variations in the request that can be easily overlooked which is why the controls and verification have to be operating effectively through the WSP email account names.
- Two attempts against one of our partners from companies claiming to be subsidiaries of Balfour Beatty Living Places with subtle differences in emails used to make contact

Actions/ongoing work

- Direct Payments and Employee expenses – proactive fraud internal audits to be completed.
- Fraud Risk Assessment completed across Adult and Wellbeing, economy and Place and Corporate Services. Children and Families is due to commence in Q4.



Title of report: Anti-fraud and corruption annual report

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Head of corporate finance

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To provide an annual update to the committee on counter fraud activity.

Recommendation(s)

That:

- a) **the annual report be reviewed and the committee determine any recommendations it wishes to make to ensure the anti-fraud work is maximised.**

Alternative options

- 1. There are no alternative recommendations. The report provides a factual annual report in accordance with the functions of the committee.

Key considerations

- 2. The council's Counter Fraud Specialist (CFS) investigates allegations of fraud and irregularity and is committed to upholding the council's Anti-Fraud, Bribery and Corruption Policy. The CFS works across all directorates to identify fraud and to provide a dedicated, proactive and responsive investigation service.

3. The CFS also works on behalf of the Council to ensure that its counter-fraud arrangements are robust by raising awareness of fraud risk, reviewing and improving fraud risk management arrangements, using data to actively identify fraudulent activity and monitoring the extent to which the council is impacted by fraud. Where fraud is suspected or identified, the CFS provides a professional and criminally compliant investigation service and advises on control measures that will prevent recurrence.
4. Nationally there are indications that fraud continues to rise and criminals are finding new ways to obtain illegal proceeds through fraud, and Local Authorities are often prime targets of their criminal activity. Therefore it is important that the council continues to be vigilant at all times.
5. Within our Counter fraud and Corruption Strategy 2021-2024, the CFS set out the core pillars displayed below as a blueprint to assist our Local Authority, aligned to Chartered Institute of Public Finance and Accountancy's (CIPFA's) nationally recognised 'Fighting Fraud and Corruption Locally 2020' publication. It is these core principles that underpin the council's approach to support the management of fraud risk and corruption within the council.



LINK TO STRATEGY: GOVERN

Governance

6. Throughout 2021 the CFS has strived to follow the aforementioned pillars as a best practice tool for improving corporate Fraud Maturity across the organisation. As such, the council actively participated in International Fraud Awareness Week during November 2021, and this was fully endorsed across the organisation and from the council's CEO. This has helped broaden our efforts to embed an anti-fraud culture within the council.
7. A fraud prevention privacy notice (FPN) has been created to ensure data compliance is reaching best practice standards. The FPN has been circulated on relevant platforms and documents and we will continue to embed this into all relevant service document and policies.
8. The CFS has reviewed and made relevant amendments to the existing Counter Fraud, Bribery and Corruption 2019 Policy. This has been updated accordingly and is now aligned to the council's Counter Fraud and Corruption Strategy.
9. In May 2021 the CFS and SWAP Internal Audit produced the council's first joint quarterly Counter Fraud update to the committee. These reports will continue to provide the committee with an ongoing account of progress in-between each annual fraud report.

LINK TO STRATEGY: ACKNOWLEDGE

Training

10. Bespoke Fraud Awareness Training was delivered by the CFS in July and August 2021, to a total of 18 Councillors, who attended this training over two virtual sessions. The FAQ's and the PowerPoint slides were shared, and positive feedback was received.
11. In addition, a new and bespoke 'Fraud Awareness and Prevention 2021' e-learning module was created by the CFS and this went live in November 2021. It is a mandatory course which will assist in further educating employees across the organisation on how to understand, identify and report allegations of fraud. The increase in fraud awareness training will help to embed an anti-fraud culture within the council over the coming years.

Risk Assessment

12. The CFS has been jointly working with SWAP Internal Audit during 2021, to undertake a comprehensive fraud risk assessment. This process has been a complex task requiring assessment in a large number of services across the council, and meetings have been taking place with Directors, Managers and Officers, to garner a broad perspective of the council's fraud risks and controls.
13. The first stage of the assessment was completed in March 2021. This looked at the council's Corporate Fraud Maturity by assessing areas such as, its compliance with Counter Fraud Policies; appetite for extensive risk management; ability to measure the effectiveness of its processes; identifying the available resources, and finally providing a view of the council's Counter Fraud culture. During a cross-partner comparison which included 11 Local Authorities over 7 separate Counties, the council's findings were within the top third in relation to counter fraud maturity.
14. The second phase of the risk assessment is a more in-depth 'service' level assessment which has been an ongoing process. The end result will be an assessment which we aim to incorporate into a new risk management system. This will assist in identifying trends and assessing risk on a 'live' basis, using intelligence to better lead in decision making. We anticipate that stage two of the risk assessment will be complete by the end of Q1 in 2022.

LINK TO STRATEGY: PREVENT

Fraud Awareness and Controls

15. A new fraud awareness intranet page was developed by the CFS and went live in July 2021. This development ensures that internal staff now have a dedicated platform on this important topic, which educates it's users on how to access counter fraud resources, read new articles and case studies, view the new strategy, watch awareness videos, and seek general advice.
16. In addition to the intranet page, a new fraud referral form sits on the platform. This provides council employees, Hoople staff and Councillors with a clear route into reporting any fraud concerns. The form also allows the user the opportunity to submit a report anonymously, which we envision may help individuals feel empowered to make referrals.
17. As the CFS continues to assist the Adult Social Care (ASC) Services, a 'Compromised Card Fraud Process' was implemented in July 2021, which was shared with the council's Direct Payments department. Furthermore, the CFS has worked with this directorate to create new processes and the implementation of 'Know Your Customer' (KYC) checks on payment card holders, has added an additional layer of assurance to ASC and Children's payment card holder services.
18. Quarterly meetings of the Midlands Fraud Group were attended by the CFS throughout 2021. During these meetings Local Authorities shared intelligence, and discussed upcoming fraud trends. The CFS is also a member of the National Anti-Fraud Network (NAFN) and intelligence alerts have been regularly distributed, across the council to help prevent and detect fraud.

Publishing Success

19. In April 2021, a successful outcome was published in the media, following the prosecution of a former council carer, who admitted to three accounts of fraud by abuse of position, and one of theft. This demonstrates the importance of collaborative working with other law enforcement agencies such as West Mercia Police, to ensure positive outcomes.
20. The CFS worked with the Insolvency service to wind up two fraudulent companies. The successful outcome achieved coverage in over 10 national news articles, and was displayed on a large variety of social media platforms in August 2021.
21. In the third quarter of 2021 the council published successful outcomes of 6 prosecutions against blue badge fraud and misuse, helping the cause of deterring further offenders, and continuing to demonstrate the council's zero tolerance stance on fraud.
22. The council's CFS was a 'Finalist' for the: "Outstanding Young Professional of 2021" at the 'Tackling Economic Crime Awards'. This award was judged by an independent panel – appointed by the leading associations and anti-fraud groups – to the young specialist who has best demonstrated commitment and outstanding performance in tackling all areas of economic crime. It is a great achievement for the CFS to have been the only fraud professional in the UK representing a local authority, and to have succeeded as a finalist within these competitive National Award Ceremonies.

LINK TO STRATEGY: PURSUE

Investigations

23. The CFS has responsibility for investigating fraud irregularity and corruption across the authority, and is also responsible for putting additional measures in place to help prevent the risk of fraud, irregularity, bribery and corruption. Along with helping to ensure that additional safeguards are put in place in order to reduce the risk posed to the authority from organised crime. The CFS works closely with Internal Audit, Trading Standards and external law enforcement agencies to mitigate the risks to the council, as well as providing support, advice and assistance to service areas on fraud prevention matters.
24. It is pertinent to note that it is not always possible to accurately measure the consequential effects and indirect savings that occur due to counter fraud work. If potential fraudsters are simply aware that the authority have an investigation department that undertakes work into all aspects of fraud against the authority, then they will be less likely to attempt to commit acts of fraud, as this acts as a further deterrence against potential offenders. In addition, the preventative measures that the CFS works on, will further help stop fraud going forward.
25. Throughout both 2020 and 2021 the CFS has undertaken a considerable amount of assurance and verification work on the Covid-19 Grant Support Schemes. This has helped in the development of preventative procedures, risk assessments and post assurance checking, as well as undertaking investigations into potential cases of fraud within the grant system.
26. This local pattern of grant recovery is similar to the overall national picture presented by the Department for Business, Energy and Industrial Strategy (BEIS). The CFS is supporting the National Investigation Service (NATIS), the National Anti-Fraud Network (NAFN), the Insolvency Service and BEIS in bringing charges against the individuals involved in making fraudulent claims. Recovery work continues both at a national and local level. A summary of the position in relation to all Covid-19 business support grants paid by Herefordshire Council between April 2020 and December 2021 is provided in the table below:-

Covid 19 Business Grants - FEN {Fraud, Error, Non-compliance}	
	2020/2021
Total value of grants paid to all businesses	£103,990,160
Total number of cases investigated by the CFS	341 cases
Total value of clawbacks raised	£1,199,046
Total value claimed, but prevented before payment	£522,000
Total value paid, recovered	£699,722
Total value of grants paid, pending recovery	£499,324
Total value of pending recovery, on repayment plans	£149,102
Total FEN Detected	£1,721,046 (1.7%)

Number of alleged fraud and misuse cases under investigation in 2021



27. A total of 7 confirmed fraudulent grant attempts have been identified totalling £185,000. Of these, two attempts were prevented totalling £20,000, a further £13,000 has since been recovered from grants paid, and £45,000 is pending realistic recovery, following further investigation. This relates to a further expected saving of £78,000 in investigatory work by the CFS. As aforementioned in the 'publishing success' section of this report, the CFS has worked with the Insolvency service and so far, has wound up two fraudulent grant companies.
28. It is important to note that all cases were suspected OCG's (Organised Crime Groups), which were systematic, complex and sophisticated by nature. Each fraud has been identified as cross-boundary, targeting large numbers of Local Authorities during the Pandemic. The CFS has been working tirelessly in collaboration with the National Investigation Service (NATIS), the Crown Prosecution Service (CPS) and the Insolvency Service to pursue these cases. Business grant assurance work is anticipated to remain ongoing into 2022, with debt recovery expected to continue up to 2025 for some repayment plans.
29. In addition to the grant verification work, the Revenues and Benefits department has worked closely alongside the Counter Fraud department to undertake data matching exercises on businesses in receipt of Small Business Rates Relief. The aim of the exercise was to identify instances of businesses falsely claiming rates relief across multiple Local Authorities, therefore obtaining discounts and grants that they were not entitled to. As a result of this exercise, we detected 16 cases totalling £180,624. In these instances the reliefs have now been cancelled and recovery action is being undertaken. The council will continue to use this exercise going forward to identify any further instances of rates relief misuse.
30. Within the last annual fraud report in January 2021, we reported that the CFS was working with another Local Authority whilst investigating a Business Rates Fraud. Due to the sensitive nature of the proceeding no detail can be made public at this point in time, however we can confirm that we now have reasonable grounds to suspect this was an organised crime group and the fraud department is now in collaboration with NATIS and multiple Local Authorities undertaking a joint investigation.
31. The CFS has also been supporting Adults Directorate, which has helped to detect further instances of fraud in these areas. A total of 5 new cases were referred to the Counter Fraud

department in 2021. One of these concluded that no offence had been committed, while the other 4 cases remain ongoing. A further 2 historic cases (older than 2 years) also are ongoing investigation. In these cases, cross-agency working with the Quality Care Commission (CQC), and West Mercia Police (WMP) is assisting the CFS. Further information on these cases will be provided upon conclusion and therefore cannot be disclosed at this time.

32. The amount of cyber / malicious software attacks across the council has remained at a similar level throughout the Pandemic and the Cyber Security team have reported a total of 27 instances of malicious software attempts against the council during the course of 2021, which is up slightly from the 24 attempts reported in the previous year. The Cyber Security team reports that the council has robust controls in place to both prevent and detect such instances.
33. With the ongoing threat of phishing emails from fraudsters, the department has had two referrals of such attempts against the council. In both cases, the fraudster(s) attempted bank mandate fraud (which is the diversion of funds through re-directing to a fraudulent account). A further fraud attempt was reported against one of the council's card providers. We can report that in all three of these instances, the fraud attempts were prevented, and processes were reviewed.
34. In 2021, Blue Badge fraud and misuse increased back to pre-pandemic figures, after more cars returned back onto the roads and more people returned back to work. During the course of the year the parking enforcement team reported a total of 54 individual instances of Blue Badge misuse. This included people using badges belonging to another, or a deceased badge holder, and using expired badges, with one instance reported of a stolen badge. In response, the council has followed a robust response to fraud and misuse of Blue Badges, which included penalty fines being issued and 12 cases being prosecuted.
35. Further work has been undertaken on National Fraud Initiative (NFI) during the year. The NFI is a national data matching exercise run by the Cabinet Office which Local Authorities are mandated to partake in. Data sets are provided to the Cabinet Office annually, for Single Persons Discount review and biannually for the main review which includes other data sets (Blue Badge, Council Tax Reduction, Creditors etc).
36. Using NFI data matching, the council has started undertaking a review of the Council Tax Single Persons Discount (SPD) scheme, which will be ongoing into 2022. NFI data matching has also been used to provide assurance with creditor and supplier accounts, as well as matching Blue Badge data to deceased records. During this exercise, 200 individual Blue Badge accounts have subsequently been updated and 40 Blue Badges have been recovered. This work demonstrates the positive advantages that data matching can have on certain service areas.
37. As the department moves forward into 2022, further work will be prioritised on the management and analysis of data. This will include the completion and ongoing monitoring of the fraud risk assessment, and further work to be undertaken on creating a counter fraud data dashboard. It is important that we not only recognise the importance of Counter Fraud work, but that the committee understands the value of the work that has and is being completed, and actively demonstrates its support in tackling fraud.

Community impact

38. Counter fraud activity supports the code of corporate governance principle which states that:
 - a. Implementing good practices in transparency, reporting, and audit to deliver effective accountability. Herefordshire Council must ensure that those making decisions and delivering services are accountable for them. To support effective accountability the council is committed to reporting on actions completed and outcomes achieved, and

ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in a transparent manner.

Environmental impact

39. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
40. 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.

Equality duty

41. 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.
42. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

43. Counter fraud activity supports the best use of finance, ICT, human resources and property resources. The recovery of funds also prevents the financial support of illegal activities.

Legal implications

44. The council must ensure that authorisations obtained under the Regulation of Investigatory Powers Act 2000 or the Investigatory Powers Act 2016 are appropriately logged, maintained and updated on its central register.
45. The Monitoring Officer has a statutory responsibility to advise the council on the legality of its decisions and to ensure that the council's actions do not give rise to illegality or maladministration. It is therefore essential for all councillors and all employees to follow the council's policies and procedures to demonstrate that the council is acting in an open and transparent manner.

Risk management

46. In order for the council to understand the overall fraud risks, the CFS is working closely with the South West Audit Partnership (SWAP) to assess these risks both internally, and externally across local authority boundaries. This assessment is ongoing, with the aim of subsequently prioritising further assurance to service areas across the organisation, where it is most required.
47. The CFS has already completed accredited CIPFA fraud training, introduced mandatory training and a new referral process. This significantly raises awareness of the current risks we face and the appropriate mitigation action to put in place.
48. The council undertakes a fraud risk assessment against risks and looks ahead for future potential fraud and corruption risks. All allegations of fraud and corruption will be risk assessed in determining the correct response. The council maintains an independent and up-to-date whistleblowing policy, which is monitored, and can show that suspicions have been acted upon without internal pressure. Members and staff are aware of the need to make appropriate disclosures of gifts, hospitality and business through the mandatory training provided. All relevant policies within the organisation are reviewed to ensure that fraud procedures are embedded.

Consultees

49. None.

Appendices

None

Background papers

None identified

Report reviewers used for appraising this report:

Governance	Ben Baugh	Date 17/01/2022
Finance	Audrey Clements	Date 10/01/2022
Legal	Alice McAlpine	Date 07/01/2022
Communications	Luenne Featherstone	Date 06/01/2022
Equality Duty	Carol Trachonitis	Date 10/01/2022
Procurement	Lee Robertson	Date 07/01/2022
Risk	Kevin Lloyd	Date 10/01/2022
Approved by	Andrew Lovegrove	Date 07/01/2022



Title of report: Annual Governance Statement 2020-21 actions

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Director of Resources and Assurance

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

Based on the final version of the Annual Governance Statement agreed in September 2021 an action plan has been formed based on continuous improvement requirements. This report provides a half year review of the actions.

The report also outlines future arrangements for producing the Annual Governance Statement.

Recommendation(s)

That:

- a) **The committee considers the mid-year actions based on the identified continuous improvement points in the 2020-21 annual governance statement; and**
- b) **the committee considers arrangements for the 2021-22 annual governance statement.**

Alternative options

- 1. There are no alternatives to publishing an Annual Governance Statement (AGS) which is a requirement of the Accounts and Audit Regulations 2015.

2. It is open to the committee to propose amendments to the draft statement to ensure it accurately reflects the council's governance arrangements and their effectiveness, and to ensure that proposed actions are appropriate. The committee made no recommendations for substantive change when approving the draft.

Key considerations

3. The AGS for 2020-21 was agreed by Audit and Governance Committee on 27 September 2021 as a statement of the controls the council has in place to manage risks in the delivering of outcomes and governance.

Action Plan

4. As part of the statement there were a number of items under "continuous improvements" that have formed the action plan for improvement. Appendix one outlines this plan and an update is provided as of January 2022 showing "status" as either:

Complete: fully completed and no more action on the item

Part complete: item of the action complete but not fulfilled the whole action

Not complete: action or outcome not met to date or update not provided

5. All items are due to be complete by end of March 2022 and evidence provided of implementation. If an item has not been completed an explanation will be given as to why not. It could be the case that the item is forwarded to the following year to complete or discontinued if no longer relevant.

Significant Partnerships

6. The report presented to committee in September 2021 outlined that one significant partnership was not complete, namely the "Local Family Justice Board". This remains outstanding and as committee agreed SWAP will review this partnership as part of their work on partnership in the final quarter of this year.

2021-22 Annual Governance Statement

7. The 2021-22 AGS is in preparation and will be presented as a draft to the Audit and Governance Committee in May 2022 with the draft audited accounts. The format will change slightly to be more accessible when accessed electronically. Whilst the future statement will be carried out in accordance with the guidance issued by the Chartered Institute of Public Finance and Accountancy: 'Delivering Good Governance in Local Government', the Centre for Governance and Scrutiny produced additional guidance in 2021 that will be a useful reference point.
8. The emphasis of the 2021-22 AGS will be on the delivery of continuous improvement items from the previous year and what future improvements need to be made. Facts and figures will be provided at the start of the document for quick reference.
9. The final AGS will be presented in July 2022 as the final version based on feedback from the committee – the key changes will be highlighted in the cover report rather than a track-changed version of the final document to save confusion on version control. For the 2021-22 AGS Audit and Governance Committee will also see statements from Statutory Officers along with a checklist of significant partnerships (as with the 2020-21 statement).

Community impact

10. 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 encourages better informed longer-term decision making using resources efficiently, and being open to scrutiny to improve performance and manage risk.
11. The AGS is a self-reflection that the organisation makes effective decisions in supporting the achievement of the council's vision and county plan priorities.

Environmental impact

12. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
13. Whilst this is a decision to agree the AGS which is a back office function and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

14. 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.
15. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a factual progress report, we do not believe that it will have an impact on our equality duty.

Resource implications

16. Whilst the recommendations themselves do not have a direct resource implication, some of the actions may result in additional expenditure. Where this is the case separate governance decisions will be taken. The AGS does take resources to produce and deliver action plans but these are from existing staffing.

Legal implications

17. The Accounts and Audit (England) Regulations 2015 include a requirement for all councils to produce an AGS, and sets out the timescales by which they must be published. Approval of the statement ensures that the council will comply with these requirements.

Risk management

18. The statement itself identifies any high level or strategic governance risks and the action plan provides mitigation to those risks. The risks listed below are based on half year update:

Risk / opportunity	Mitigation
Actions not complete due to pressure on other areas of delivery.	Understand priorities within the council and balance competing demands.
Assurance risk highlighted during the year.	To be raised in the future AGS, and address in year if need immediate action.
Lack of resources to implement.	Though no direct resource implications additional activity may lead to a resource impact.

Consultees

19. Internal with relevant officers completing the actions.

Appendices

Appendix 1 Action plan based on continuous improvement

Background papers

None identified.

Report reviewers used for appraising this report:

Governance	Ben Baugh	Date 17/01/2022
Finance	Andrew Lovegrove	Date 17/01/2022
Legal	Alice McAlpine	Date 14/01/2022
Communications	Luenne featherstone	Date 10/01/2022
Equality Duty		Date
Procurement	Lee Robertson	Date 11/01/2022
Risk	Kevin Lloyd	Date 10/01/2022

Approved by	Andrew Lovegrove	Date 17/01/2022
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Glossary of terms, abbreviations and acronyms used in this report:

AGS	Annual Governance Statement
SWAP	South West Audit Partnership

Annual Governance Statement

Action plan for delivery in 2021-22

Update January 2022

From the 2020-21 AGS agreed by Audit and Governance Committee in September 2021 a number of continuous improvement actions were outlined and these have been formed into an action plan as below.

A key on status is below:

- Complete: fully completed and no more action on the item
- Part complete: item of the action complete but not fulfilled the whole action
- Not complete: action or outcome not met to date or not updated

The actions link to the principles outlined in the AGS, namely:

- Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- Principle B: Ensuring openness and comprehensive stakeholder engagement
- Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits
- Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes
- Principle E: Developing the organisation's capacity including the capability of its leadership and the individuals within it
- Principle F: Managing risks and performance through robust internal control and strong public financial management
- Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

1. Action	Deliver the objectives and recommendations of the Children's Services Improvement Board; and make significant change to the culture and practice in children's social care supported by the wider organisation	
Principle A	Senior Lead: Corporate Director Children and Young People	Status: Not complete.
Evidence of complete:		

2. Action	Implement Rethinking Governance recommended changes to the constitution and oversee operational procedures	
Principle A and E	Senior Lead: Director of Legal Governance and Legal Services	Status: Part complete.
Evidence of complete: see papers attached to the same meeting of Audit and Governance Committee recommending changes to the constitution and time line in appendix for work to be completed.		

3. Action	New CRM system for complaints and review the Unreasonable Behaviour and Complaints policies	
Principle A	Senior Lead: Service Director Corporate	Status: Complete

	Services	
Evidence of complete: Unreasonable Behaviour Policy ; Complaints Policies ; and decision on CRM system for FOI and complaints.		

4. Action	Introduce anti-fraud training for all staff	
Principle A	Senior Lead: Director of Resources and Assurance	Status: Complete
Evidence of complete: E-learning and intranet site available to all staff. Fraud awareness week (week of 15 November 2021) included widespread awareness with information on the internet on information, advice and new strategy.		

5. Action	A revised code of conduct for members and new arrangements for dealing with allegations that members have breached the code	
Principle A	Senior Lead: Director of Legal Governance and Legal Services	Status: Part complete
Evidence of complete: See papers attached to the same meeting of Audit and Governance Committee recommending consultation on new code new arrangements and guidance.		

6. Action	Review annual governance statement based on new guidelines and lessons learnt.	
Principle A	Senior Lead: Service Director Corporate Services	Status: Part complete.
Evidence of complete: Review new guidance from the Centre for Governance and Scrutiny on the Governance Risk and Resilience Framework.		

7. Action	Run member and officer working together training sessions	
Principle A	Senior Lead: Director of Legal Governance and Legal Services	Status: Part complete.
Evidence of complete: Pending review by Chief Executive.		

8. Action	Partnership governance framework to be reviewed	
Principle B	Senior Lead: Director of Legal Governance and Legal Services	Status: Not complete.
Evidence of complete:		

9. Action	New Communication and Engagement Strategy	
Principle B	Senior Lead: Service Director Corporate Services	Status: Part complete
Evidence of complete: In preparation for a decision in March 2022, with all members briefing beforehand.		

10. Action	Deliver on arrangements for co-optee appointments	
Principle B	Senior Lead: Director of Legal Governance and Legal Services	Status: Complete
Evidence of complete: Approved protocol agreed for co optees from May 2021 see https://hc-modgov.herefordshire.gov.uk/ieListDocuments.aspx?CId=954&MId=8358&Ver=4 item 22		

11. Action	To instigate a pipeline of policies and strategies linked to governance decision making	
Principle C	Senior Lead: Service Director Corporate Services	Status: Part complete.
Evidence of complete: List of policies created and when due for renewal.		
12. Action	Embedded new structure in public health to address the continued responses to Covid 19 whilst addressing other public health priorities	
Principle C	Senior Lead: Director of Public Health	Status: Part complete.
Evidence of complete: New structure implemented and appointment of Director of Public Health.		
13. Action	Produce a Covid Recovery Plan	
Principle C	Senior Lead: Director of Public Health	Status: Not complete.
Evidence of complete:		
14. Action	Produce the Estates Strategy for the use of council buildings	
Principle C	Senior Lead: Director of Resources and Assurance	Status: Not complete.
Evidence of complete:		
15. Action	Update the Procurement and Commissioning Strategy	
Principle D	Senior Lead: Service Director Corporate Services	Status: Part complete.
Evidence of complete: In draft pending decision due by Cabinet Member in March 2022.		
16. Action	Implement improvement plan for value for money on the public realm contract	
Principle D	Senior Lead: Director of Resources and Assurance	Status: Part complete.
Evidence of complete: Improvement board overseeing improvement process		
17. Action	Deliver on recommendation of Peer on Peer spotlight review	
Principle D	Senior Lead: Corporate Director Children and Young People	Status: Part complete.
Evidence of complete: Guidance to schools : https://www.herefordshire.gov.uk/schools-education/bullying-1		
18. Action	Implement programme management board decision and assurance framework	
Principle D	Senior Lead: Assistant Director Strategy	Status: Complete
Evidence of complete: Link to intranet pages		
19. Action	Implement the Member Development training plan	
Principle E	Senior Lead: Director of Legal Governance and Legal Services	Status: Part Complete
Evidence of complete: Linked to operational changes identified through re thinking governance review. Independent Remuneration panel recommendations in May 2021 council agreed new approach for mandatory training see item 9 https://hc-modgov.herefordshire.gov.uk/mgAi.aspx?ID=58166		

20. Action	Additional training and development for Children and Young People Scrutiny	
Principle E	Senior Lead: Director of Legal Governance and Legal Services	Status: Complete.
Evidence of complete: development offer from LGA accepted by committee on 21 October see item 40 https://hc-modgov.herefordshire.gov.uk/ieListDocuments.aspx?CId=954&MId=8369&Ver=4		

21. Action	Promotion of becoming a council member reflective of flexibility with increased virtual meetings	
Principle E	Senior Lead: Director of Legal Governance and Legal Services	Status: Part complete
Evidence of complete: remote meeting regulations have not continued in operation.		

22. Action	Revised training and guidance for officers on decision making	
Principle E	Senior Lead: Director of Legal Governance and Legal Services	Status: Complete
Evidence of complete: revised decision making training provided since March 2020		

23. Action	Wider IT training for staff	
Principle E	Senior Lead: Service Director Corporate Services	Status: Part complete
Evidence of complete: Services on training on MS Teams.		

24. Action	Implement changes to portfolio briefing and review effectiveness	
Principle E	Senior Lead: Service Director Corporate Services	Status: Part complete
Evidence of complete: Changes agreed in April 2021 at Cabinet Member Briefing and introduction of capital item on each agenda. Review of facilitation for when new Corporate Directors are in place.		

25. Action	Revised recruitment policy; publication of the ex-offenders policy; review market forces guidance to ensure fit for purpose	
Principle E	Senior Lead: Director of HR and OD	Status: Not complete
Evidence of complete:		

26. Action	Embed a risk management culture and practice in the organisation	
Principle F	Senior Lead: Director of Legal Governance and Legal Services	Status: Part complete
Evidence of complete: risk maturity audit currently being undertaken		

27. Action	External funding strategy produced	
Principle F	Senior Lead: Acting Corporate Director Community Wellbeing	Status: Not complete
Evidence of complete:		

28. Action	Updated continuity planning in light of Covid-19 and lessons learnt from flooding emergencies	
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Principle F	Senior Lead: Director of HR and OD	Status: Part complete.
Evidence of complete: In view of the lessons learned, business continuity planning has been reviewed and a review of the council's emergency planning arrangements was carried out by the Emergency Planning Manager in September 2021. The key outcome is business continuity planning is now focused on critical services. In December 2021, management board agreed its list of critical services and management board is ensuring a robust plan is in place for all critical services.		
29. Action	Oversight of external grants and grants register created.	
Principle F	Senior Lead: Assistant Director Corporate Services	Status: Part complete.
Evidence of complete: Register created within Grants and Programmes Team.		
30. Action	Ensure details of significant partnership profiles are up-to-date on the council's website	
Principle G	Senior Lead: Assistant Director Corporate Services	Status: Complete
Evidence of complete: Published on the website ; and presented to Audit and Governance Committee on 27 September 2021 with one outstanding partnership subject to internal audit.		
31. Action	Implement improved and ease of access performance information for staff, members and the public	
Principle G	Senior Lead: Assistant Director Corporate Services	Status: Part complete.
Evidence of complete: New dashboards shared with management board.		
32. Action	Make the most of new features on Modern.gov	
Principle G	Senior Lead: Director of Legal Governance and Legal Services	Status: Part complete.
Evidence of complete: part of rethinking governance identified operational changes		
33. Action	Capture number of meeting where public are excluded.	
Principle G	Senior Lead: Director of Legal Governance and Legal Services	Status: Completed
Evidence of complete: This is captured and reported in the leaders report, first one will be January 2022.		



Title of report: Annual report on code of conduct

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Director of law and governance

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To enable the committee to be assured that high standards of conduct continue to be promoted and maintained. To provide an overview of how the arrangements for dealing with complaints are working together with views from the latest standards panel sampling review.

Recommendation(s)

That:

- a) the annual report on code of conduct complaints be reviewed and any areas for further work be identified for inclusion in the work programme; and
- b) the recommendations from the standards panel advising this committee (appendix 1), following their annual sampling exercise, are considered and are adopted as appropriate into the action tracker.

Alternative options

1. There are no alternative options, the constitution requires the committee to annually review overall figures and trends from code of conduct complaints. The report provides a factual summary of the work undertaken during the period 1 May 2020 to 30 April 2021 the ('review year').

Key considerations

2. Herefordshire Council, and all parish, city and town councils in the county, have a statutory duty under the Localism Act 2011 to 'promote and maintain high standards of conduct by members and co-opted members of the authority'.
3. The monitoring officer is responsible for dealing with allegations that councillors have failed to comply with the members' code of conduct and for administering the local standards framework.
4. The committee is responsible for receiving an annual review by the monitoring officer. In accordance with Section 28 Localism Act 2011 the council has adopted a code of conduct, and this has also been made available to all parish councils in the county to inform the adoption of their own code. This report considers the code as adopted on by this council on 25 May 2018. The Code has recently been updated to include "and treat others with respect".as part of the leadership principle following the 23rd report Standards in Public Life November 2021.

Independent Persons

5. Section 28(7) of the Act also requires that the council appoint "at least one independent person" whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct.
6. During the year 2019/20, there were six independent persons appointed for Herefordshire Council.
7. There are currently four independent persons as two independent persons have recently resigned. A future recruitment exercise is currently scheduled for 2022/23.
8. The monitoring officer is grateful for the work and support from all of the independent persons.
9. The framework under which independent persons will offer support to councillors who are subject to complaints became effective from January 2020 and is routinely offered when councillors are advised of a complaint against them. The independent persons have provided support to three councillors during the year.

Code of Conduct

10. Following a review undertaken by The Committee on Standards in Public Life the Local Government Association in response to this review, over the summer of 2021 produced further guidance with regard to a model code of conduct and after consideration, it is recommended that the model code be adopted and views sought on what if any local amendments might be sought. The proposed code is attached at appendix 2. If the committee are minded to agree with this course of action, consultation with elected members together with town and parish councils would be undertaken with the aim of adopting the new code as from annual Council in May 2022. The consultation will highlight where the LGA code differs from the existing code for example the value of gifts and schedule 2 interests and seek views on whether any local amendments would be necessary.
11. The Committee on Standards in Public Life is an independent advisory non-departmental public body, provided by the Cabinet Office with the remit to advise and make recommendations on ethical standards in public life.
12. In January 2019, the Committee on Standards in Public Life published a report on local government ethical standards. This called on the LGA to create a model code of conduct to enhance the consistency and quality of local authority codes, and ensure issues such as bullying and harassment were covered.

Arrangements

13. A revised standards procedure to investigate code of conduct complaints was endorsed by this committee on 24 September 2019. A review of the arrangements was started in January 2021, however this was put on hold as a model code of conduct complaints process was due to be developed by the Local Government Association. The [Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#) was published in September 2021. These arrangements have been adopted by a significant number of local authorities and it is proposed that these LGA arrangements be adopted following consultation. The new arrangements would then come into effect as from annual Council in May 2022.
14. The council maintains a register of interests for members of Herefordshire Council and parish councillors, where provided; these declarations are published on the Herefordshire Council website ([parish councils](#) and [Herefordshire Council](#)).
15. As from May 2017, the Herefordshire Council register of interests also includes the register for gifts and hospitality. Over the period covered by this report, registers have been updated in order to record offers of gifts and hospitality which have been accepted or declined. A reminder about the need to update registers of interest in respect of gifts and hospitality was circulated to all Herefordshire Council councillors in September 2021.
16. Members do regularly update their registers and these are republished on our website.

Dispensations

17. Since last year's annual code of conduct report, one new dispensation was granted by the monitoring officer. This dispensation was to Councillor David Hitchiner for the Council meeting on 2 February 2021 which was convened to debate the decision with regard to the Hereford Bypass. The dispensation was granted in order that he could represent the views of the residents in his ward. The dispensation was added to his register of interest form.
18. The four existing dispensations remain live and can be viewed [here](#)

Protocol with the police

19. The protocol with West Mercia Police has remained unchanged during the year and is available on the council's website. This protocol explains how the council and police will deal with a code of conduct complaint if it is considered that a criminal offence may have occurred.
20. During 2020/21 there has not been any recourse to refer any code of conduct complaint to the police.

Code of Conduct Complaints

21. During the period 1 May 2020 to 30 April 2021 there were 42 Code of Conduct complaints. Some of these complaints cited multiple councillors and so the total number of councillors subject to complaints received in the period was 54.
22. As at 17 January 2022, there were 9 complaints still open for the review period. Five are being considered under the appeals process.
23. During the review period, there has been regrettably an issue with the timeliness of dealing with complaints. The delay has been due to Covid-19 and other urgent high priority issues which meant that staff with responsibility for conduct complaints including the Monitoring Officer and Deputy Monitoring Officer were re-allocated to support those issues. Work has been undertaken to ensure that all outstanding complaints are dealt with as quickly as possible and complaints received in 2021/22 are being dealt with in a more timely manner. The reasons for any delays in addressing 2021/22 complaints will now be tracked and reported as part of

the standards panel review process. The standards panel on 12 January saw the detail of the timeliness of decisions and could only reflect that if we had informed the public and those subject to complaint of the delay, complaints may have been minimised.

24. The standards panel convened for 28 January 2022 has been postponed due to a full Council meeting being called and will be re-convened in February 2022 in order to review the first 6 months of code of conduct complaints received.
25. Since the introduction of the Localism Act 2011, the number of complaints handled by Herefordshire Council has been tracked and is set out in the table below. There are 53 Herefordshire councillors and approximately 1300 parish councillors each of whom is subject to a councillor code of conduct. As can be seen from the figures below, the majority of complaints received continue to be against parish councillors.

Year	Total no of complaints received	No of complaints against Herefordshire ward councillors	No of complaints against parish councillors
2013/14	36	16	20
2014/15	11	3	8
2015/16	36	12	24
2016/17	54	9	45
2017/18	50	12	38
2018/19	29	6	26
2019/20 (excludes 3 withdrawn complaints)	36	5	28
2020/21	42	8	34

26. Of these, the following outcomes were reported:

Outcome	2017/18	2018/19	2019/20	2020/21
Withdrawn by complainant	6	2	3	0
Rejected	15	19	8	16
Breach of the code of conduct	6	3	7	3
No breach of the code of conduct	31	8	13	20
Other course of action / no further action	2	2	11	3
Still open complaints / appeals received	N/A	N/A	4	12
Total number of complaints received against councillors	60	34	46	54

27. During the year there were 3 upheld complaints. Details of the upheld complaints can be found on the council's website.
28. On analysis of all complaints received, the primary cause for complaint relates to a lack of respect which includes behaviour at meetings, email correspondence and social media. The number of allegations of failure to declare interests, which was a factor in the previous year, has reduced.

29. Of the complaints received during the period, 13 complaints were received from councillors complaining about other councillors and 29 complaints were made by members of the public. These figures exclude the withdrawn complaints.
30. There were 8 complaints received against Councillors at Herefordshire Council. The remaining complaints were against parish councillors. Details of the complaints by parish council are:

	2018/19	2019/20	2020/21
Parish Council			
Ashton Ingram Parish Council			1
Ballingham, Bolstone & Hentland Parish Council			2
Bartestree Parish Council	1		4
Belmont Rural Parish Council	1		3
Bodenham Parish Council		1	
Bromyard and Winslow Town Council		2	
Callow Parish Council			1
Cradley Parish Council	2		
Clifford Parish Council		1	
Dilwyn Parish Council			1
Eardisley Parish Council	1		
Edwyn Ralph Parish Council		1	
Ledbury Town Council	1	4	3
Linton Parish Council	1	1	
Llangarron Parish Council		6	5
Lyonshall Parish Council			4
Marden Parish Council	1		
Mathon Parish	1		
Much Cowarne Parish Council	1		
Orcop Parish Council			1
Pencombe Parish Council			1
Pixley and District Parish Council		1	
Stoke Lacy Parish Council			1
Tarrington Parish Council	1	3	
Vowchurch Parish Council		1	
Walford Parish Council	1	6	7
Welsh Newton & Llanrothal Group Parish Council		1	
Total (excludes withdrawn complaints)	12	28	34

31. The independent persons' views were sought for all complaints received.
32. Following last year's review of code of conduct complaints at the audit and governance committee meeting held on 25 September 2020, there were various actions and attached at appendix 3 is an update on those actions.

Sanctions

33. Our arrangements explain that where there has been a breach of the code and recommendations are made by the monitoring officer, these actions are in fact complied with. A councillor is asked to confirm that they have complied with the recommendation. If they are

unable to confirm completion then the matter has not been able to have been resolved by the monitoring officer and the complaint will be referred to the standards panel for determination.

34. Where there is a breach of the code, the decision notice is published on the council's website, once the appeal period has expired, and can be viewed
35. In respect of the 3 breaches of the code of conduct, two findings had a recommendation from the monitoring officer as follows:

Belmont Rural Parish Council

An apology to be provided. The subject member has indicated that this will be scheduled for the next available parish council meeting.

Belmont Rural Parish Council

Code of Conduct training to be undertaken. The subject member has confirmed that this training was undertaken.

The third complaint did not warrant a recommendation.

Freedom of Information Requests

36. There were no freedom of information requests during the year.

Local Government and Social Care Ombudsman

37. One complaint was referred to the Ombudsman who decided not to investigate as "it is unlikely we will find fault by the Council"

Standards Panel

38. As from 25 May 2018, there has been a right of appeal against monitoring officer resolution decisions. During the period, there were no appeals heard. 5 appeals were received. Three were rejected as they did not contain any new substantial information or evidence which had not been considered at the time of the original complaint. Any new allegation would be dealt with as a new complaint. Two are still to be heard by the standards panel.
39. A Standards panel was convened on 12 January 2022 to undertake a sample review of monitoring officer resolution decisions during the period 1 May 2020 to 30 April 2021.
40. In total, the panels reviewed 30 complaints against individual councillors. The panel did have some recommendations for the Audit and Governance Committee and these are set out in appendix 1.

Community impact

41. This report provides information about the council's performance in relation to the code of conduct.
42. Having an effective process for dealing with code of conduct complaints upholds principles A and G of the code of corporate governance by ensuring that councillors behave with integrity and that councillors are accountable for their actions. This should provide reassurance to the community that councillors are behaving in the best interests of their communities

Environmental impact

43. There are no environmental impacts arising from this report.

Equality duty

44. 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.

47. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

48. There are no resource implications arising directly from this report which is for information.
49. The council has a statutory duty in the Local Government and Housing Act 1989 to provide the monitoring officer with sufficient resources to allow them to perform their duties.
50. The Independent Persons receive no allowances and are only reimbursed their travel expenses for meetings with the monitoring officer.

Legal implications

51. There is no statute that specifically requires the monitoring officer to produce an annual report. However, the review evidences that the council complies with the duties required under the Localism Act 2011.

Risk management

52. There are no risks arising directly from this report which is for information. Maintaining high standards of conduct mitigates risks to the reputation of the council. How the arrangements are managed can be cause for complaint and are dealt with by the chief executive. The fact that the Monitoring Officer is only able to make recommendations regarding a breach of the code of conduct exposes the council and Monitoring Officer to risk of criticism, which was recognised by The Committee on Standards In Public Life.

Consultees

53. None.

Appendices

Appendix 1 – Recommendations from Standards Panel held on 12 January 2022

Appendix 2 – LGA Model Code of Conduct

Appendix 3 – Action tracker

Background papers

None identified.

Report reviewers used for appraising this report:

Governance	Kate Charlton	Date 17/01/2022
Finance		
Legal	Kate Charlton	Date 17/01/2022
Communications	Luenne Featherstone	Date 14/01/2022
Equality Duty		
Risk	Kevin Lloyd	Date 17/01/2022
Approved by	Claire Ward	Date 17/01/2022

**Recommendations from the Standards Panel held on
12 January 2022**

The following were recommendations from the Standards Panel to the Audit and Governance Committee:

1. That information on best practice, especially in relation to planning issues, be circulated to parish councils through the council's normal communication route.
2. That the arrangements for dealing with code of conduct complaints be amended to remove the word 'trivial' and to replace with "not sufficient to show that the code of conduct is engaged".
3. That the Nolan Principles be sent to all town and parish councils with a request that they consider including them in all agendas to remind councillors of expected behaviour.
4. That the Nolan Principles be checked for updates and all relevant Council documentation be updated accordingly.
5. That the arrangements for dealing with code of conduct complaints be amended to make it clear who can make a complaint.
6. That the monitoring officer review the wording used when rejecting complaints in respect of similarity to previously resolved complaints.
7. That decision notices include details as to the powers and sanctions available to the monitoring officer.
8. That advice be provided to all councillors with regard to the use of social media and when acting as a councillor.



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

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 disclose and resolve any interests and relationships.

Objectivity

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

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.

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.

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Action tracker

Audit and governance committee recommendations: 20 September 2020

Action	Status
Summary of the Nolan principles could be included in the agenda papers for Herefordshire Council committee agendas and to encourage parish council to adopt the same approach.	Herefordshire Council agendas do have the Nolan Principles included. New recommendation from Standards held on 12 January 2022 is to continue to encourage parish councils to adopt the same approach.
The parish councils be consulted on the arrangements for dealing with code of conduct complaints.	Review of arrangements was started and put on hold as the LGA were producing model arrangements. Model arrangements form part of the annual code of conduct report for consideration for adoption.

Recommendations from Standards Panel to Audit and Governance Committee in September 2020

Action	Status
Audit and governance consider whether the subject member details should be published where there is a finding of no breach of the code.	There has been no decision to publish decision notices where there is a finding of no breach of the code
A public interest test criteria be developed which can be published on the website.	A public interest test criteria was developed and used by the Monitoring officer but is not currently on the website
Guidance on social media be included as part of the code of conduct.	A review of the code of conduct was commenced but put on hold pending the LGA model code of conduct and guidance. Guidance was released in summer 2021 and forms part of the annual code of conduct report for consideration for adoption with minor local amendments.
The arrangements for dealing with code of conduct complaints be reviewed with regard to the provision and standard of evidence required by both parties.	Review of arrangements was started and put on hold as the LGA were producing model arrangements. Model arrangements form part of the annual code of conduct report for consideration for adoption.
Guidance be issued to parish councils in connection with planning applications and the requirements to declare interests.	Guidance produced and circulated.

To consider promoting membership of HALC to parish councils;	Is to be reviewed by the new chief executive how the council works with HALC and all town and parish councils
Consider whether a template could be used for appeals under the arrangements for dealing with code of conduct complaint;	Considered but not at this time progressed.
Consider adding a question to the code of conduct complaints form to ask what resolution complainants are seeking	<p>Review of arrangements was started and put on hold as the LGA were producing model arrangements.</p> <p>Model arrangements form part of the annual code of conduct report for consideration for adoption.</p> <p>Complainants are asked what resolution they wish to see but the form will be revised when the arrangements are updated / revised.</p>



Title of report: Re-thinking governance

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Director of law and governance

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To consider the suggested amendments to the council's constitution proposed by the re-thinking governance working group for recommendation to Council.

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 27, be recommended to full Council 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 the revised constitution.**

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 the committee to propose that consideration be given to alternative or additional amendments. However additional time may be required in order for the working group to assess the impacts of any such proposals and to consult with the working group as necessary

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.
4. The review was undertaken by a cross-party working group, the current 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	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 this 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
 - Audit and Governance committee functions have been amended to include Chartered Institute of Public Finance and Accountancy Audit Committees Practical Guidance 2018 (“Cipfa”) best practice

- 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 procedure 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 represented, the Independent Remuneration Panel to meet and make recommendations for the new chairperson roles and to ensure all operational changes are in place. This will include training for members and officers.

Community impact

11. 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.
12. 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.
13. 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

14. 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

15. 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.	<table> <tr> <th>Risk / opportunity</th><th>Mitigation</th></tr> <tr> <td>Insufficient time to make all operational changes</td><td>Project management support in place to ensure milestones are met</td></tr> <tr> <td>Structural changes do not make cultural changes need to strengthen scrutiny changes</td><td>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</td></tr> <tr> <td>Insufficient time to re present the consitution</td><td>This is not time critical</td></tr> <tr> <td>Changes do not meet the design principles agreed by Council</td><td>A review will be taken in May 2023</td></tr> </table>	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 consitution	This is not time critical	Changes do not meet the design principles agreed by Council	A review will be taken in May 2023
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Insufficient time to re present the consitution	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 27 – 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
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- (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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 - Article 11 in part 2 of the constitution – decision making
 - The functions scheme in part 3
 - Cabinet portfolios scheme in part 7
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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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2.6.3 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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 - (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](#)

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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

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 ~~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;
- (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 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 .

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.](#)[The Medical Adviser.](#) 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

This articles explains how the council works with other bodies.

2.9.1 Joint arrangements generally

2.9.2 Joint arrangements for Council functions

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- 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

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- 2.9.15 The council has made no such delegations to date.

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- 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.

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- 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.
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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 **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~~s-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 BoardMembership 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"> • <u>All ages whole system commissioning strategy</u> • <u>Independent living services and Assistive technology plan</u> • 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 • <u>Online teaching & home learning</u> • <u>Signs of Safety</u> • Children and families budget and policy framework items • <u>Statutory education scrutiny powers</u> • <u>Childrens mental and physical health & wellbeing</u> • <u>Schools investment programme</u> • <u>Childrens Improvement Board and the oversight of the required improvement journey.</u> • 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 <u>Connected Communities</u> scrutiny committee	<ul style="list-style-type: none"> • <u>Talk Business programme, advice and support</u> • <u>-Development Investment plans -</u>

	<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
<u>Environment and Sustainability scrutiny committee</u>	<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>

	<u>resources & green spaces</u> <ul style="list-style-type: none"> • <u>Integrated wetlands & water quality</u> • <u>Statutory flood risk management scrutiny powers</u> • <u></u>
<u>Scrutiny Management Board</u>	<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.
 - (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 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. which include in their membership councillors and/or officers.

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

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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
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(a) as to the responsibilities or duties in respect of which the following should be available–

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(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;

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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 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.

(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.

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- 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**
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- 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.

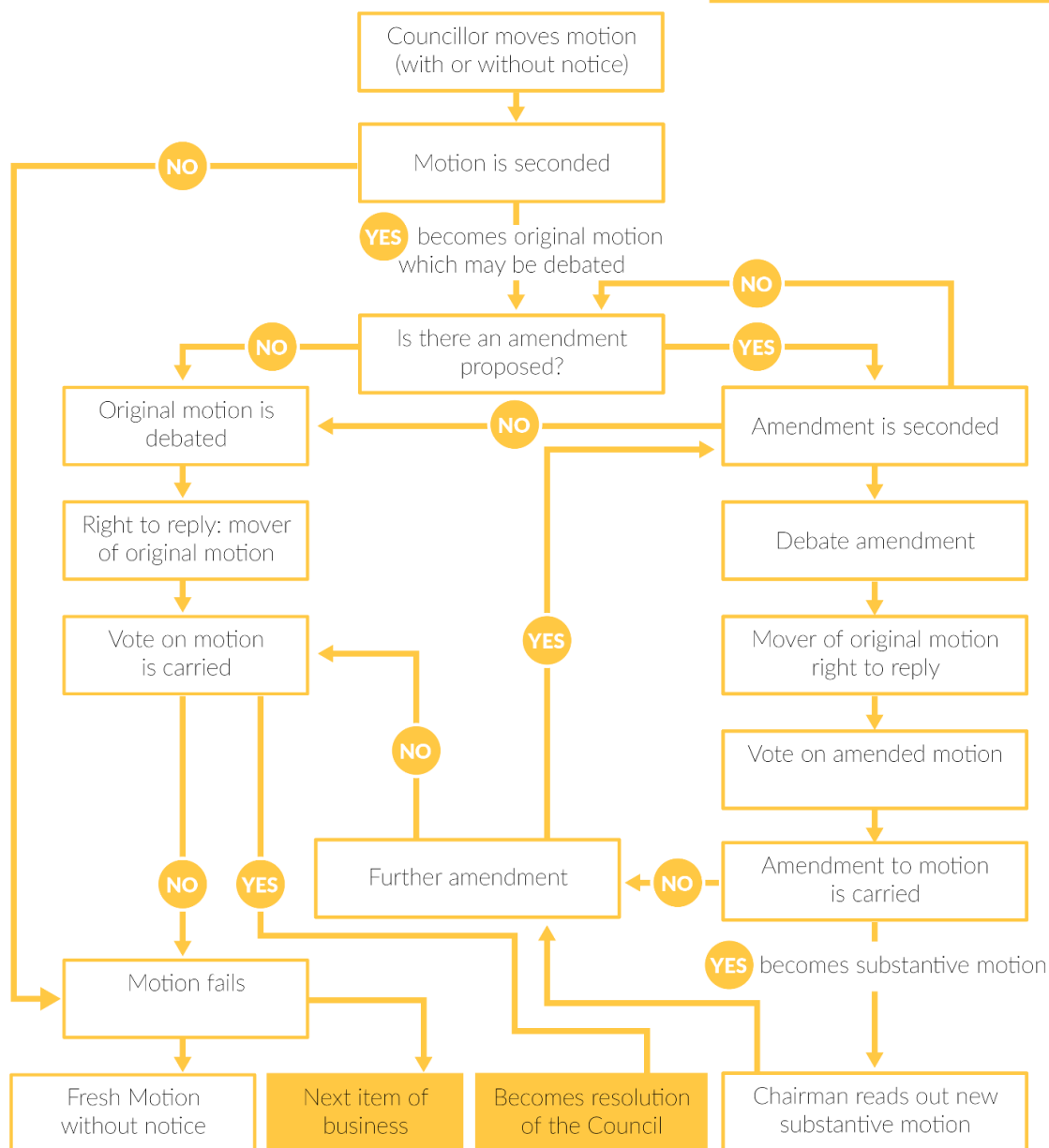
4.1.173 Interests under the councillors' code of conduct

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.

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>	✓		
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> 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>

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	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
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

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- 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**
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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.

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- 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
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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

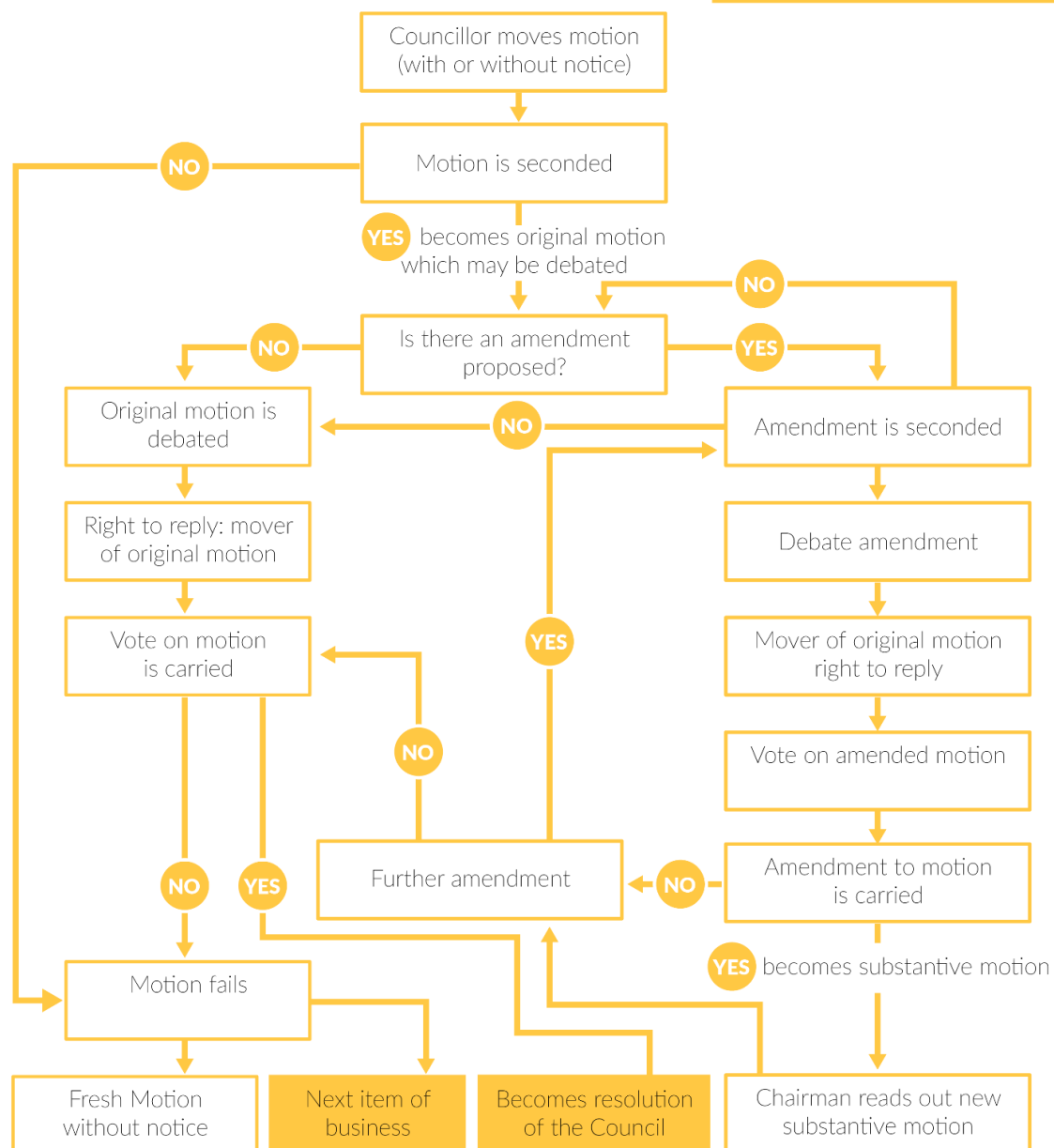
4.1.174* Members must abide by the [councillors' code of conduct \(part 5 section 1\)](#) adopted by the council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate 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.

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.

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- 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

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.

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- 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 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.
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- 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.
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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.

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.
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- 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 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
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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 ~~A~~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

• _____

- 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 ~~one~~two members of the relevant scrutiny committee, other councillors, and may also include, as appropriate, co-opted people with specialist knowledge and or expertise to support the task 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~~ chair~~person~~ men having a casting vote.

4.5.14 To assist in the identification of members for ~~task and finish groups~~scrutiny groups, the chair~~person~~ 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 chair~~persons~~ men of those members suitable for such ~~task and finish~~ activities~~y~~.

4.5.15 ~~These task and finish groups~~scrutiny groups, 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 group~~scrutiny group, the level of which will be dependent on the matter being considered.
- 4.5.17 As working ~~group~~scrutiny 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 group~~scrutiny group.
- 4.5.18 If a ~~task and finish group~~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~~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 group~~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 group~~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
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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 group~~[scrutiny group](#) shall prepare a report. Any report from a ~~task and finish~~[scrutiny 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 ~~group~~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.

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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 dismisso that no objection was received by them within that period from the leader; or
- (e) the dismisso 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.

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- 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
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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.
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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.~~344~~8 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.~~354~~9 Declarations and member involvement

4.9.~~365~~0 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.~~375~~1 No member will seek support for any person for any appointment.

4.9.~~513~~8 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.

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.

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

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>
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<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 offunction of the committee where they are being asked a strategic nature, i.e. –A questionnot 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 (Tthe 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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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.

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5.8.46 What can my councillor do for me?

5.8.47 Your councillor can:

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- 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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 - have a knowledge and understanding of the council's organisation and management structure and who to ask for information and advice.
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- 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.

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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.

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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.

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- 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 [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
- 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.

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- (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~~ 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.

	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**

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
 - ~~(c)~~(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.

	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 CIPiP	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**



Title of report: Work programme update

Meeting: Audit and governance committee

Meeting date: Tuesday 25 January 2022

Report by: Democratic services officer

Classification

Open

Decision type

This is not an executive decision.

Wards affected

Countywide

Purpose

To provide an update on the committee's work programme.

Recommendation(s)

That:

Subject to any updates made by the committee, the work programme for the audit and governance committee be agreed.

Alternative options

- 1 There are no alternative options as regards whether or not to have a work programme as the committee will require such a programme in order to set out its objectives for the coming year.

Reasons for recommendations

- 2 The work programme is recommended as the committee is required to define and make known its work for the coming year. This will ensure that matters pertaining to audit and governance are tracked and progressed in order to provide sound governance for the council.
- 3 The committee is asked to consider any further adjustments.

Further information on the subject of this report is available from
Ben Baugh, democratic services officer on tel 01432 261882

Key considerations

- 4 The routine business of the committee has been reflected as far as is known, including the regular reporting from both internal and external auditors.

Community impact

- 5 A clear and transparent work programme provides a visible demonstration of how the committee is fulfilling its role as set out in the council's constitution.

Environmental impact

- 6 Whilst this is an update on the work programme and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

- 7 This report does not impact on this area.

Resource implications

- 8 There are no financial implications.

Legal implications

- 9 The work programme reflects any statutory or constitutional requirements.

Risk management

- 10 The programme can be adjusted in year to respond as necessary to risks as they are identified; the committee also provides assurances that risk management processes are robust and effective.

Consultees

- 11 The chief finance officer, monitoring officer, chairperson and vice-chairperson contribute to the work programme.

Appendices

Appendix 1 – Work programme for audit and governance committee 2021/22

Background papers

None identified.

Audit and Governance Committttee Constitution		Report	May	June	July	September	October	November	January	March
3.5.9	The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework together with the internal control of the financial reporting and annual governance processes.									
3.5.10	Internal Audit	Internal Audit								
a	To consider the Head of Internal Audit’s annual report and opinion, and a summary of internal Audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements.	Internal Audit Plan & Internal Audit Charter Progress Report on internal audit plan (see part b for timing) Internal Audit Annual Opinion			Opinion					Audit Charter
b	To consider summaries of specific Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary.	Progress Report on internal audit plan		Progress report			Progress report		Progress report	Progress report
c	To consider reports dealing with the management and performance of the providers of Internal Audit Services.									
d	To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.	Tracking of internal and external audit recommendations	Tracking Report				Tracking Report	Update on internal audit recommendations		
e	To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee.	No specific activity required as part of normal questioning activity								
f	The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.	Progress Report on internal audit plan (see part b for timing)								
3.5.11	External Audit	External Audit								
a	Review and agree the External Auditors annual plan, including the annual audit Fee and annual letter and receive regular update reports on progress.	Annual Audit fee letter External Audit progress update (see part b for timing) Tracking of internal and external audit recommendations (see part 3.5.10d for timing) Annual Audit Letter External Audit Annual Plan	Audit Fee						Annual Plan	Annual Letter
b	To consider specific reports from the External Auditor.	External Audit progress update	Progress Report						Progress Report	Progress Report
c	To meet privately with the External Auditor once a year if required.	Not required to be scheduled on work programme								
d	To comment on the scope and depth of external audit work and to ensure it gives value for money.	No specific activity required as part of normal questioning activity								
e	To recommend appointment of the council’s local (external) auditor.	Not required to be scheduled on 20/21 work programme								
f	Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.	No specific activity required as part of normal questioning activity. External Audit can place limited reliance on Internal Audit Work.								
3.5.12	Governance									
a	To maintain an overview of the council’s Constitution, conduct a biennial review and recommend any changes to council other than changes to the contract procedure rules, finance procedure rules which have been delegated to the committee for adoption.	Accounting Policy Update Contract & Finance Procedure Rules			Accounting Policy Update (if required)				Contract and Financial Procedure Rules [updated and approved January 2021] Re-thinking governance report	
b	To monitor the effective development and operation of risk management and corporate governance in the council.	Work programme Corporate Risk Register	Risk Register Work programme	Work programme	Work programme	Risk Register Work programme	Work programme	Work programme Corporate Risk Register	Work programme	Risk register Work programme
c	To maintain an overview and agree changes to the council policies on whistleblowing and the ‘Anti-fraud and corruption strategy’.	Whistleblowing policy Anti-fraud & corruption strategy		Anti-fraud update as part of internal audit progress report				Whistleblowing	Annual update on anti-fraud and corruption strategy	Anti-fraud update as part of internal audit progress report
d	To oversee the production of the authority’s Statement on Internal Control and to recommend its adoption.	Statement of Accounts								
e	To annually conduct a review of the effectiveness of the council’s governance process and system of internal control which will inform the Annual Governance statement.	Annual Governance Statement	Draft		Final					
f	The council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance.	Annual Governance Statement Progress Report							Progress Update	
g	To annually review the council’s information governance requirements.	Information Governance Review						Annual review of information access / governance		

Audit and Governance Committttee Constitution		Report	May	June	July	September	October	November	January	March
h	To agree the annual governance statement (which includes an annual review of the effectiveness of partnership arrangements together with monitoring officer, s151 officer, caldicott guardian and equality and compliance manager reviews).	Annual Governance Statement Annual Governance Statement Progress Report								Progress Report
i	To adopt an audit and governance code.									
j	To undertake community governance reviews and to make recommendations to Council.	On an ad hoc basis only								
3.5.13	Waste Contract									
a	To review, in conjunction with external advisers advising the council as lender, the risks being borne as a result of the funding provided by the council to Mercia Waste Management Ltd and consider whether the risks being borne by the council, as lender, are reasonable and appropriate having regard to the risks typically assumed by long term senior funders to waste projects in the United Kingdom and best banking practice.	Energy from Waste Loan Update								
b	To monitor the administration of the loan to the waste project in line with best banking practice having regard to any such external advice, including the terms of any waivers or amendments which may be required or are desirable.	Energy from Waste Loan Update								
c	Consider what steps should be taken to protect the interests of the council as lender in the event of a default or breach of covenant by Mercia Waste Management Ltd, and make recommendations as appropriate to Council, the council’s statutory officers or cabinet as appropriate to ensure the appropriate enforcement of security and litigation in relation to the loan to Mercia Waste Management Ltd	Energy from Waste Loan Update								
d	Consider and recommend appropriate courses of action to protect the position of the council as lender to the waste project: (i) make recommendation as appropriate to Council with regards to its budget and policy framework and the loan to the waste project (ii) generally to take such other steps in relation to the loan within the scope of these terms of reference as the committee considers to be appropriate.	Energy from Waste Loan Update								
3.5.14	Code of Conduct: To promote and maintain high standards of conduct by members and co-opted members of the Council									
a	To support Town and Parish Councils within the county to promote and maintain high standards of conduct by members and co-opted members of the Council.	Annual Code of Conduct Report							Annual code of conduct report	
b	To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Council.	Part of Re-thinking Governance Review to be scheduled in next year's work programme.								
c	To keep the code of conduct under review and recommend changes/replacement to Council as appropriate.	Part of Re-thinking Governance Review to be scheduled in next year's work programme.								
d	To publicise the adoption, revision or replacement of the Council’s Code of Conduct.	Part of Re-thinking Governance Review to be scheduled in next year's work programme.								
e	To oversee the process for the recruitment of the Independent Persons and make recommendations to Council for their appointment.	Recruitment done on an as required basis and not currently scheduled.								
f	To annually review overall figures and trends from code of conduct complaints which will include number of upheld complaints by reference to individual councillors within unitary, town and parish councils and when a code of conduct complaint has been upheld by the Monitoring Officer or by the Standards Panel, after the option of any appeal has been concluded, promptly to publish the name of the councillor, the council, the nature of the breach and any recommendation or sanction applied.	Annual Code of Conduct Report							Annual code of conduct report	
g	To grant dispensations under Section 33 (2)(b)(d) and (c) Localism Act 2011 or any subsequent amendment.	On an ad hoc basis only								
h	To hear appeals in relation to dispensations granted under section 33 (2)(a) and (c) Localism Act 2011 by the monitoring officer.	On an ad hoc basis only								
3.5.15	Accounts									
	To review and approve the Statement of Accounts, external auditor’s opinion and reports on them and monitor management action in response to the issues raised by external audit.	Statement of Accounts External Auditor Report			Statement & Report			2020/21 external audit findings report 2020/21 statement of accounts		