

**Corporate Support Centre**  
Paul Walker - Chief Executive

**To: All members of the Council**

our ref: Council - 19 May 2023  
contact: Matthew Evans, Democratic Services  
telephone: 01432 383690  
email: matthew.evans@herefordshire.gov.uk

11 May 2023

Dear Councillor,

**You are hereby summoned** to attend the meeting of the Herefordshire Council to be held on **Friday 19 May 2023** at the Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE at **10.30 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely  
**Claire Porter**



**Monitoring Officer**



# AGENDA

## Council

Date: **Friday 19 May 2023**

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Time: **10.30 am**

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

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

[Annual Meeting, Council - Friday 19 May 2023 10.30 am](#)

For any further information please contact:

**Matthew Evans, Democratic Services**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

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

# Agenda for the Meeting of the Council

## Membership

Councillor Polly Andrews	Councillor Bruce Baker
Councillor Jenny Bartlett	Councillor Chris Bartrum
Councillor Graham Biggs	Councillor Dave Boulter
Councillor Harry Bramer	Councillor Jacqui Carwardine
Councillor Ellie Chowns	Councillor Simeon Cole
Councillor Frank Cornthwaite	Councillor Pauline Crockett
Councillor Clare Davies	Councillor Dave Davies
Councillor Barry Durkin	Councillor Mark Dykes
Councillor Toni Fagan	Councillor Elizabeth Foxton
Councillor Carole Gandy	Councillor Catherine Gennard
Councillor Peter Hamblin	Councillor Liz Harvey
Councillor Helen Heathfield	Councillor Robert Highfield
Councillor David Hitchiner	Councillor Dan Hurcomb
Councillor Terry James	Councillor Peter Jinman
Councillor Jim Kenyon	Councillor Jonathan Lester
Councillor Nick Mason	Councillor Bob Matthews
Councillor Ed O'Driscoll	Councillor Aubrey Oliver
Councillor Rob Owens	Councillor Justine Peberdy
Councillor Roger Phillips	Councillor Daniel Powell
Councillor Ivan Powell	Councillor Philip Price
Councillor Ben Proctor	Councillor Stef Simmons
Councillor Adam Spencer	Councillor Louis Stark
Councillor Pete Stoddart	Councillor John Stone
Councillor Elissa Swinglehurst	Councillor Richard Thomas
Councillor Kevin Tillet	Councillor Diana Toynbee
Councillor Allan Williams	Councillor Rob Williams
Councillor Mark Woodall	

## Agenda

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

### **NOLAN PRINCIPLES**

**Pages**

9 - 10

**1. ELECTION OF CHAIRPERSON**

To elect the Chairperson of the Council.

**2. APPOINTMENT OF VICE-CHAIRPERSON**

To appoint the Vice-Chairperson of the Council.

**3. APOLOGIES FOR ABSENCE**

To receive apologies for absence.

**4. DECLARATIONS OF INTEREST**

To receive declarations of interest in respect of items on the agenda.

**5. MINUTES**

To approve and sign the minutes of the meeting held on 3 March 2023.

11 - 28

**6. CHAIRPERSON AND CHIEF EXECUTIVE'S ANNOUNCEMENTS**

To receive the Chairperson and Chief Executive's announcements.

**7. ELECTION OF LEADER OF THE COUNCIL**

To elect the Leader of the Council.

**8. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES**

To make appointments to the committees of the Council and outside bodies in line with the rules of political proportionality.

29 - 38

**9. APPOINTMENT OF INDEPENDENT PERSONS**

To approve the appointment of independent persons.

39 - 44



## **The Public's Rights to Information and Attendance at Meetings**

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

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Recording of meetings**

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

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

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

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

## **Public transport links**

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://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.



## Minutes of the meeting of Council held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 3 March 2023 at 10.00 am

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

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Barrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Clare Davies, Gemma Davies, Barry Durkin, Toni Fagan, Carole Gandy, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen I'Anson, Terry James, Tony Johnson, Graham Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Ann-Marie Probert, Paul Rone, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee and William Wilding

**In attendance:** Councillors Peter Jinman\*

**Officers:** Chief Executive, Democratic Services Manager, Corporate Director - Economy and Environment, Corporate Director - Children & Young People, Corporate Director Community Wellbeing, Director of Governance and Legal Services, Corporate Services and Chief Executive Democratic Services Manager

\*denotes virtual attendance

### 59. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Elizabeth Foxton, John Hardwick, Mike Jones, Ange Tyler and Yolande Watson.

### 60. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 61. MINUTES

**RESOLVED:** That the minutes of the meeting held on 10 February be confirmed as a correct record and signed by the Chairman.

### 62. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

### 63. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 14)

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

**64. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 15 - 18)**

A copy of the Member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 2.

**65. 2023/24 COUNCIL TAX SETTING REPORT**

Council considered a report by the Leader of the Council to set the Council Tax and precepts for 2023/24. Council noted the supplement published on 2 March to provide updates to appendices 1, 2 and 5 to the 2023/24 Council Tax Setting Report.

The Cabinet Member Finance, Corporate Services and Planning proposed the recommendations and introduced the report.

The Leader seconded the recommendations for approval.

Council debated the report.

A named vote was held to set the Council Tax and precepts for 2023/24. The Council Tax and precepts for 2023/24 were carried by a simple majority.

FOR (30): Councillors Graham Andrews, Paul Andrews, Polly Andrews, Bartlett, Bartrum, Boulter, Bowen, Bowes, Chowns, Crockett, Clare Davies, Fagan, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, James, Graham Jones, Marsh, Milln, Norman, Phillips, Stark, Summers, Symonds, Tillet, Toynebee and Wilding.

Against (1): Councillor Kenyon.

Abstentions (14); Councillors Bolderson, Durkin, Gandy, Guthrie, l'Anson, Johnson, Lester, Matthews, Millmore, Probert, Rone, Shaw, Stone and Swinglehurst.

**RESOLVED:**

**That:**

- a) **The precepting authority details included at appendices 1 to 5, relating to town and parishes, West Mercia Police and Hereford and Worcester Fire Authority be approved in accordance with sections 30(2), 34(3), 36(1) and section 40 of the Local Government Finance Act 1992 (as amended) and that the following amounts be approved for the year 2023/24 in accordance with sections 31 to 36 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011):**
  - a. **£405,393,965 being the estimated aggregate expenditure of the council in accordance with section 31A (2) of the act, including all precepts issued to it by parish councils;**
  - b. **£273,020,000 being the estimated aggregate income of the council for the items set out in section 31A (3) of the act (including revenue support grant);**
  - c. **£132,373,965 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the council in accordance with section 31A(4) of the act, as its council tax requirement for the year (including parish precepts); [Item R in the formula in Section 31B of the Act];**
  - d. **£1,862.50 being the amount at (c) above divided by the amount of the council tax base calculated by the council, in accordance with**

- section 31B of the act, as the basic amount of its council tax for the year (including parish precepts);
- e. £5,393,965 being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act;
  - f. £1,786.61 being the amount at (d) above less the result given by dividing the amount at (e) above by the amount of the council tax base calculated by the council, in accordance with section 34(2) of the act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates (Herefordshire Council band D council tax, excluding parishes); and
- b) It is agreed that the net tax base of 71,073.11 band D equivalent properties (being the gross tax base adjusted for an assumed collection rate) used for setting the budget requirement for 2023/24;
    - a. is allocated to band D equivalent dwellings per precept area as shown in appendix 1; and
    - b. the individual council tax allocations per valuation band of dwelling by parish (including fire and police precepts) as set out in appendix 5.

## **66. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES**

Council considered a report by the Director Governance and Law to make appointments to the committees of the Council and outside bodies in line with the rules of political proportionality.

Councillor Sebastian Bowen proposed the recommendations in the report. Councillor David Hitchiner seconded the recommendations in the report.

The recommendations in the report were put to the vote and were carried by a simple majority.

**RESOLVED: That:**

- a) the allocation of seats on each committee to political groups as set out at paragraph 8 be approved; and
- b) the number of seats on the scrutiny management board and the allocation of those seats to political groups as set out at paragraph 9 be approved.

## **67. APPOINTING DEPUTY ELECTORAL REGISTRATION OFFICERS**

Council considered a report by the Director Governance and Law to appoint all Electoral Services Office (ESO) staff with limited powers as Deputy Electoral Registration Officers (DERO).

Councillor Sebastian Bowen proposed the recommendations in the report. Councillor David Hitchiner seconded the recommendations in the report.

Council debated the report. During the course of the debate, the following action was raised:

- To provide a written response concerning the training provided to Electoral Services staff.

The recommendations in the report were put to the vote and were carried by a simple majority.

**RESOLVED: That:**

**Council agrees that the following ESO staff be appointed as Deputy Electoral Registration Officers (DERO) with limited powers: a) Colette Maund (Electoral Services Manager), Amy Hallett (Electoral Services Officer), Bethan Batchelor (Electoral Services Assistant), Alison Catling (Electoral Services Assistant) and Oyebunmi Osiyemi (Electoral Services Assistant).**

## **68. LEADER'S REPORT**

Council received and noted the Leader's Report which provided an update on the work of the cabinet since the previous ordinary meeting of Council on 9 December.

Council questioned the Leader and the following action was raised:

- To provide a written response concerning the cost of consultants in respect of the City Masterplan and what infrastructure existed to support the proposals.

*There was an adjournment at 12:02 p.m.; the meeting reconvened at 12:10 p.m.*

## **69. NOTICES OF MOTION UNDER STANDING ORDERS**

### **Motion 1 – River Wye byelaws**

Councillor Elissa Swinglehurst proposed the motion.

Councillor Jennie Hewitt seconded the motion.

Council debated the motion.

In summary, there was widespread support across the Council to request that the executive consider the introduction of a byelaw for the River Wye within Herefordshire, there was concern regarding the potentially burdensome administrative process to introduce such a byelaw.

Councillor Swinglehurst closed the debate.

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

**RESOLVED – that:**

**This motion calls upon the executive to consider making an application to the UK government to recognise a byelaw drafted by Herefordshire Council to invest the River Wye and tributaries within the county of Herefordshire with the following rights from the rights of rivers declaration.**

- 1. The right to be free from pollution**
- 2. The right to perform essential functions within its ecosystem**
- 3. The right to flow**
- 4. The right to feed and be fed by sustainable aquifers,**
- 5. The right to native biodiversity**
- 6. The right to regeneration and restoration**

**7. With an additional right to be protected from physical damage.**

**70. FULL COUNCIL MEETING DATES 2023/24**

Council considered and agreed the dates for meetings during the 2023/24 municipal year.

**RESOLVED – that the following dates are agreed for meeting of Council during the 2023/24 municipal year:**

- **28 July 2023**
- **13 October 2023**
- **8 December 2023**
- **9 February 2024 (Budget meeting)**
- **8 March 2024**
- **24 May 2024 (Annual meeting)**

The meeting ended at 12.43 pm

**Chairperson**





**Appendix 1 - Questions from members of the public**

Question Number	Questioner	Question	Question to
PQ 1	Mr Fisher, Bromyard	On 1 April 2022 the Planning Inspector directed the Council to determine a total of 39 applications made by Herefordshire Ramblers for additions to the Definitive Map. The deadline set by the Inspector for 13 of these applications has already passed. What progress has the Council made in determining these 39 applications?	Cabinet member infrastructure and transport
<p><b>Response:</b>            Although it is our statutory duty to determine these applications, the limited resource currently within the Public Rights of Way (PROW) Service is insufficient to deal with the volume of work that the direction from the Planning Inspector (PINS) has generated. With the PROW team now being wholly insourced we are more able to determine their priorities, however the lack of suitable recruits for vacant positions has meant that the team has been pulled away to other, equally pressing, activity.</p> <p>Of the 39 applications referenced, the team has started work on one of the applications. The number is low because the team was already working on other Definitive Map Modification Orders (DMMOs) prior to the issuing of the PINS Direction.</p> <p>Moving forward I have asked the team to submit a growth bid to allow the team to seek assistance from external parties that are experts in the field and will be able to wholly focus on the processing of the outstanding DMMOs. As with all activity the bid will be looked at in the round of all Council priorities.</p> <p>Nationally we understand there are in excess of 10000 undetermined DMMOs, these numbers being driven in part by the original deadline of 2026 laid out in the Crow Act 2000 which authorities do not have the resource to deal with. Our near comparable neighbour, Gloucestershire, has 172 undetermined applications and 34 awaiting referral to the Secretary of State.</p> <p>Fortunately, after direct lobbying by many authorities; including local LAF members, myself and Jesse Norman MP in Herefordshire, Defra dropped this deadline, which should negate the heavy flow of applications coming in and we may be more able to get through the backlog, particularly if we are successful with our growth bid.</p> <p>As each DMMO application costs thousands to progress and we would dearly like to spend that money on improving the infrastructure on the ground instead, we are looking at an innovative approach, which we have discussed with Jesse Norman MP, which would allow us to consider the applications in bulk. This would require primary legislation changes, hence the involvement of our MP.</p>			
<p><b>Supplementary question:</b>            Will the Council commit to providing six-monthly progress reports to the Ramblers and to the Local Access Forum on dealing with the backlog of applications to be determined and the equally concerning delays in making the necessary Orders once applications have been determined?</p>			

17

**Response to supplementary question – Cabinet member infrastructure and transport**

Updates would be provided on progress to clear the backlog which would be made available publically. With the lifting of the deadline for DMMO applications the number being submitted was reducing.

PQ 2

Ms Davies,  
Hereford

As I am sure many councillors travel to work by car they must be aware of the crumbling roads leading into the city it is very noticeable that other county roads e.g. Wales, Shropshire and Worcestershire are in far better condition. I believe the patching has to stop, it's a total waste of money, surely as council tax payers we deserve better. It also seems as if the council wants to make life more difficult for the older generation in the county, especially in the city itself. Many of us find walking very difficult so by doing away with the on street parking we are being excluded from spending time and money in the city. Please can the cabinet members respond to these issues and concerns?

Cabinet  
member  
infrastructure  
and transport

**Response:**

Thank you very much for your question Ms Davies and I am absolutely aware that our roads are crumbling. Our highways network is estimated to be £315 million behind in being returned to optimal condition.

The County has in excess of 2,000 miles of roads and 2,000 miles of paths which are publicly maintained highways together with significant infrastructure such as 724 bridges, street lighting, gullies, drainage systems, barriers and green infrastructure. The budget allocated by the council is not insignificant but the extent of the network and its challenging condition does mean that difficult investment decisions are required to ensure that the network remains safe for all users. Therefore we have to concentrate on fast roads like A and B roads to the detriment of C and U roads and urban streets and footways. As a new administration we have managed to get extra money into our market towns as part of the extraordinary highways maintenance through our market town investment plans to try and redress that balance.

We used to get extra support from the government because we are a rural authority but unfortunately that funding has been almost completely withdrawn with the near complete cutting of the Revenue Support Grant and other revenue streams. We get approx. £100 million less in revenue in 2023 than we did in 2010. Unfortunately both our current MPs voted for these cuts.

Capital funding for highway repairs is still provided by Central Government but, unfortunately that has decreased by 33% since 2010 in real terms and we as a Council, unlike some authorities who have more income, also have to supplement road repairs from our own budget.

As engineers a wide range of treatments are applied to deal with discrete problems and issues. Patching is, and always will be, an essential tool for engineers to deal with road conditions as this represents a far more cost effective solution to simple re-surfacing.

With regard to parking the Council is aware of the benefits that a well-managed parking service can deliver for the City and our market towns. It is important that we balance provision and promotion of parking against the wider strategic ambitions of the council around sustainability and place making. By ensuring that our parking provision is located in the right locations, with a mix of long and short stay, we will be best placed to deliver pleasant centres that people want to visit and spend time in.

We also recognise the importance of parking to people with mobility issues. Where an individual is eligible for a blue disabled parking badge then the council does offer 3 hours free parking in all of its owned car parks. More information around obtaining a blue badge can be found on the council website at <https://www.herefordshire.gov.uk/parking-1/blue-badge-scheme>

PQ 3	Ms Searle, Hereford	<p>My points are, the horrendous amount of traffic lights in Hereford! Why do we need them when the traffic is less and has a good flow when the lights are not working?</p> <p>The state of our roads. So many pot holes!</p> <p>And I would like to know where the money has gone for our bypass, that has come from central government twice? And so the councillors actually live in Hereford and put up with what we have to put up with!</p>	Cabinet member infrastructure and transport
<p><b>Response:</b></p> <p>Thank you for your question. I agree with you on traffic lights, there are far too many and we are looking at reducing or removing them. One of the battles we have is convincing National Highways that we want to remove the lights on the parts of the roads that they control, at the Asda/Belmont junction and also the Tesco/Steels roundabout. On the roads we control we are looking at putting a roundabout in at the bottom of Aylestone Hill and potentially the Kerry junction. Some lights will need to stay, such as at some pedestrian crossings but generally we should be reducing traffic lights.</p> <p>With reference to potholes, and road maintenance: The County has in excess of 2,000 miles of roads and 2,000 miles of paths which are publicly maintained highways together with significant infrastructure such as 724 bridges, street lighting, gullies, drainage systems, barriers and green infrastructure. The budget allocated by the council is not insignificant but the extent of the network and its challenging condition does mean that difficult investment decisions are required to ensure that the network remains safe for all users. Therefore we have to concentrate on fast roads like A and B roads to the detriment of C and U roads and urban streets and footways. As a new administration we have managed to get extra money into our market towns as part of the extraordinary highways maintenance as part of our market town investment plans to try and redress that balance.</p> <p>We used to get extra support from the government because we are a rural authority but unfortunately that funding has been almost completely withdrawn with the near complete cutting of the Revenue Support Grant and other revenue streams. We get approx. £100 million less in revenue in 2023 than we did in 2010. Unfortunately both our current MPs voted for these cuts.</p> <p>Capital funding for highway repairs is still provided by Central Government but, unfortunately that has decreased by 33% since 2010 in real terms and we as a Council, unlike some authorities who have more income, also have to supplement road repairs from our own budget.</p> <p>With reference to the funding for the bypass I can confirm that as no business case had been prepared, Government did not provide any funding for progressing the Western Bypass.</p>			
PQ 4	Mr McGeown, Weobley	<p>Cllr David Hitchiner, as Leader of Herefordshire Council, has made a pledge, representing Herefordshire people, a pledge suggests obligations, to UK100 CITIES NETWORK LIMITED.</p> <p><a href="https://www.uk100.org/blog/2021/01/road-cop26-january-update-local-net-zero-pledges-hit-50">https://www.uk100.org/blog/2021/01/road-cop26-january-update-local-net-zero-pledges-hit-50</a></p> <p>Financial information from:</p>	Leader

<a href="https://www.whatdotheyknow.com/request/pledge_by_leader_of_herefordshir?nocache=incoming-2236456#incoming-2236456">https://www.whatdotheyknow.com/request/pledge_by_leader_of_herefordshir?nocache=incoming-2236456#incoming-2236456</a>	<p>“FOI2023/00242 Answer: Herefordshire Council haven’t paid UK100 CITIES NETWORK LIMITED any money and they’re not set up as a supplier.”</p>
<p><b>So question:</b> what is the relationship between Herefordshire Council and the £1.5Million+ annual turnover, Private Company, UK100 CITIES NETWORK LIMITED, Company number 10515243, <a href="https://find-and-update.company-information.service.gov.uk/company/10515243">https://find-and-update.company-information.service.gov.uk/company/10515243</a></p>	<p>A company that, from FOI, has no financial connection with or supplier too the council and does this pledge involve proposed imposition onto Herefordshire people of travel and movement restrictions, in any way similar, to those that are currently causing controversy and protest in Oxford?</p>
<p><a href="https://www.oxfordstudent.com/2023/01/25/15-minute-city-plans-cause-controversy/">https://www.oxfordstudent.com/2023/01/25/15-minute-city-plans-cause-controversy/</a></p>	

**Response:**

The Council signing up to the UK 100 net zero pledge does not involve the ‘proposed imposition onto Herefordshire people of travel and movement restrictions, in any way similar, to those that are currently causing controversy and protest in Oxford’

However, following the Hereford Transport Strategy Review, which was considered by cabinet on the 3 December 2020, and the formal decision at the Council meeting of the 2 February 2021 to stop the progress of the southern link road and western bypass schemes, the council’s preferred transport strategy for Hereford comprises of four key elements:

- a. active travel measures;
- b. investment in buses;
- c. demand management; and
- d. a new road link and river crossing to the east of Hereford (the eastern road link)

In order to progress this strategy an overarching masterplan is being produced for the city, the draft city masterplan is being considered by Cabinet on the 2 March 2023 ( <https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=8905&Ver=4> ). If approved the Hereford City Masterplan will be the subject of consultation later this year in the summer.

In the masterplan consultation draft, low traffic neighbourhoods are proposed for a number of areas within the city to eliminate, or substantially reduce, motorised rat running through traffic, from residential areas and to reduce speeds within those neighbourhoods, thereby enabling residents to walk or cycle more should they choose to do so. The Hereford City Master plan will be considered for adoption in autumn following consultation in the summer. Individual low traffic areas will be co-designed with local communities as funding allows.

Both the revised Hereford Transport Strategy and the draft masterplan are clearly aligned with the national Government objective that public transport and active travel will be the natural first choice for daily activities.

**Supplementary question:**

What actual or intended/hoped for benefits to Herefordshire came from the action of David Hitchiner, as Leader of Herefordshire Council, making the pledge to UK100 CITIES NETWORK LIMITED and where/how can a Herefordshire resident, a simple man such as myself, easily find full details of this pledge action and its intended consequences in Herefordshire Councils information records/archives.

**Response to supplementary question – Leader**

The network provides an opportunity for the leaders of councils to co-ordinate work on methods to address climate change and move towards net zero. No fee was required to join the network but attendance at meetings had been limited due to other demands.

PQ 5	Ms Currie, Hereford	Can the cabinet member for CYPD please advise if the cabinet were in agreement for the terms of reference and parameters of the proposed commission meeting with families? These families are affected by historic failings of children's services, and in doing so can the cabinet member please confirm which/how many members indicated support, disagreed and abstained as conversations about it appear to have happened behind closed doors and not in full cabinet meetings.	Cabinet member children and families
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**Response:**

The Children’s Commissioner and Herefordshire Safeguarding Children Partnership (HSCP) have appointed the Commission to hear directly from families about their experience of children’s services in Herefordshire. Whilst the council is one of the three statutory safeguarding partners to the Herefordshire Safeguarding Children Partnership; this is a commissioned piece of work and Panel Members on the Commission do not have links to Herefordshire Children’s Services.

In order to consider and review matters appropriately, it is important that Panel Members are suitably qualified and experienced and include those with a social work qualification and practice experience. To ensure that information is effectively shared, considered and where needed responded to it is important that a representative of safeguarding partners observe the sessions and having listened to feedback from families on this matter it is now proposed that the Independent Scrutineer for the HSCP observe rather than representatives of agencies, and that Eleanor Brazil will attend to support the work of the panel.

Since the question was submitted, the Minister’s decision has been published and the proposed Commission sessions are dates in the future.

The Commissioner and the Safeguarding Partnership have listened to feedback from families and also removed what was paragraph 11 from the Terms of Reference about future attendance at public Council meetings as it was felt that this was an unfair limitation on families – although this was never the intention. The revised version of the Terms of Reference reflecting this change has been shared with the families.

For clarity, it is noted that the Commission will not be able to overturn, alter or appraise any decisions which are made by the courts; this includes the making of placement or adoption orders.

**Supplementary question**

Can the cabinet member please advise if the friendships between at least one of the panel members and two of external persons appointed to help improve Children's Services were declared when the INDEPENDENT Commission idea was suggested?"

**Response to supplementary question – cabinet member children and families**

As the appointees are professional, their friendships are not relevant to the role they will play.

PQ 6	Mr Potts, Hereford	Given it is now almost 6 months since the publication of the damning Ofsted report, which places the local authority you lead as inadequate on every single criteria. Can the leader outline what measures he recognises have yet to take place, which will give Ofsted, the families and the children you have failed, the confidence that Herefordshire has turned a corner and is an authority which is once again able and capable of protecting children in its care?	Leader
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**Response:**

As far as measures yet to take place are concerned, there are no areas of our services that we are not working on, and we are determined to up the pace of progress. Progress, including future actions, are included in the updated Improvement Plan and published on the council [website](#).

The Leader of the council notes that recommendations of the Commissioner, as accepted by the Minister, are for children’s services to remain under the operational control of the council to build on the work that is already underway, albeit with a strong requirement to see evidence of progress in key areas within a period of three to six months. These recommendations are clear, measurable and public.

Implementation and progress of the improvement plan are overseen by the Improvement Board, the Corporate Leadership Team and Cabinet through regular assurance meetings. In addition to this, the council will receive a number of Ofsted monitoring visits followed by a re-inspection. It is typical for Ofsted to carry out 3-4 monitoring visits each year and that it might be three years of this before a re-inspection.

**Supplementary question:**

As there was no longer confidence in the council and the cabinet member children and families in regard to the performance of children’s services, when would the cabinet member be replaced?

**Response to supplementary question – Leader:**

Continuity was important and there was confidence in the current cabinet member. Work was ongoing with the Director of Children’s Services and now was not the time to make changes.

PQ 7	Ms Reid, Hereford	CE’s Report mentions the Commission set up by Herefordshire Safeguarding Children Partnership (HSCP). Support group A Common Bond and I have similar concerns about it. For example, all Panel members have a safeguarding background; two are former social workers but	Cabinet member
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	<p>no representative of families. Herefordshire Council is one of the three Safeguarding Partners of HSCP. Therefore, I do <u>not</u> consider that they are independent of the council.</p> <p>Parameter 7:</p> <p style="padding-left: 40px;">"The Panel will <u>not</u> be able to consider any request to <u>review a case</u> where a child has been <u>adopted</u> ..."</p> <p>A family member can be accompanied by "someone" (ie one person) but:</p> <p style="padding-left: 40px;">"The Children's Commissioner and key representatives of the Council and safeguarding partners will attend the Panel sessions as observers."</p> <p>Do you agree with our concerns?</p> <p>I consider that the Commission sessions should be held after the Minister's decision.</p>	children and families
<p><b>Response:</b> The Children's Commissioner and Herefordshire Safeguarding Children Partnership (HSCP) have appointed the Commission to hear directly from families about their experience of children's services in Herefordshire. Whilst the council is one of the three statutory safeguarding partners to the Herefordshire Safeguarding Children Partnership; this is a commissioned piece of work and Panel Members on the Commission do not have links to Herefordshire.</p> <p>In order to consider and review matters appropriately, it is important that Panel Members are suitably qualified and experienced and include those with a social work qualification and practice experience. To ensure that information is effectively shared, considered and where needed responded to it is important for key stakeholders, including the council, to be able to observe Panel sessions. The Commission and Panel Sessions are structured so that any person observing Panel Sessions does not influence the Commission.</p> <p>Since the question was submitted, the Minister's decision has been published and the proposed Commission sessions are dates in the future.</p> <p>It is noted that, pending the Terms of Reference being finalised, no decision has yet been taken concerning which cases should be included.</p> <p>For clarity, it is noted that the Commission will not be able to overturn, alter or appraise any decisions which are made by the courts; this includes the making of placement or adoption orders.</p>		
<p><b>Supplementary Question:</b></p> <p>Response included:</p> <p style="padding-left: 40px;">"... pending the Terms of Reference being finalised, no decision has yet been taken concerning which cases should be included."</p>		

However, families including adoption cases have received letters with appointments to speak to the Commission's Panel including terms of reference ("Parameters") including Parameter 11:

"If families participate in the Panel there will be the expectation that they will not raise the same issues as a public question at future Council meetings."

Three times I have submitted public questions about unsatisfactory responses to them but no responses! There were no responses to (? 4) public questions to the 28/2/23 Children's Scrutiny Committee meeting.

A family representative should be on the Panel. Testifying family members should be allowed more than supporter: duty of care.

Will adoption cases, including legacy cases, be reviewed as repeatedly promised?

**Response to supplementary question – cabinet member children and families:**

We have asked the Commissioner and the Safeguarding Partnership to reflect on the feedback from families about the original terms of reference and I am pleased that paragraph which referred to future attendance at public Council meetings has been removed. Observers to the panel will now also be limited to just the Independent Scrutineer of the Safeguarding Partnership with Eleanor Brazil attending to support the work of the Panel. It is therefore completely independent of the council.

Adoption Cases cannot be reviewed by the panel as they have no jurisdiction over Court Orders.

As for the public questions posed to the scrutiny committee earlier this week, the Chair of the committee issued a statement about this and apologised that questions got through the system to prepare responses. I echo that apology and am assured that responses are being prepared.



**Appendix 2 - Questions from members of the Council**

Question Number	Questioner	Question	Question to
MQ 1	Councillor Durkin, Old Gore	As the council is a DBID partner, is the cabinet member responsible, assured that the DBID proposal for Herefordshire is 'on track' legally, operationally and commercially to enable becoming an effective countywide BID, with the aim of improving businesses in the defined commercial area? Or is the cabinet member aware of any such stated or other impediments to enabling commencement?	Leader
<p><b>Response:</b>                      Herefordshire County Business Improvement District (BID) is independent of the council. The Council has appointed a Director to the Board. The BID is currently operational having formed a limited by guarantee company in early 2022, and has supported marketing activity over the last few months with a loan provided by the council to enable activities to commence prior to the collection of levies from relevant businesses. The council has been working with the BID to clarify those businesses that should be issued levy demand notices, seeking clarification as to who should be invoiced based on the definitions and exemptions included in the BID business plan (which was subject to the ballot in November 2021). We are now close to resolving these areas. We are not aware of any reason that would prevent the BID continuing. We have every confidence that the BID will be a significant contributor to the Herefordshire Economy and accordingly the Council looks forward to working closely with it.</p>			
<p><b>Supplementary Question:</b>                      How much have the tax payers of Herefordshire paid for this project? Would the Leader assure me that, as the authority is able to demand a BID levy, the BID arrangements are currently compliant with the requirement of the BOD Act and associated regulations? In addition also please inform why the answer to my question made no reference to advice from counsel?</p>			
<p><b>Response to supplementary question – Leader:</b>                      The council took advice from counsel to ensure that arrangements were lawful, the advice remains confidential. The advice gave reassurance to the council and the bills would be sent out shortly.</p>			
MQ 2	Councillor Shaw, Bromyard Bringsty	What are the current total of vacant positions and positions held by temporary, Interim or staff acting up to a role (e.g. Acting Director) at the Council?	Cabinet member finance, corporate services and planning
<p><b>Response:</b></p>			

I'd like to thank Cllr Shaw for his question. Getting the balance right between permanent and temporary staff is important and – as he knows – there are many reasons why the council uses the flexibility afforded by temporary, agency and short-term appointments.

Sometimes we need specialist advice or expertise relating to a specific project or initiative – but only for a short period of time. In social care service areas there is a national shortage of qualified social workers prepared to work in the public sector – a problem exacerbated by Covid. Enabling officers to act up into more senior roles is an important way both to cover vacancies while formal recruitment processes are underway and to provide wider experience and on the job development opportunities.

The total number of vacancies is not held in one information system and a current figure cannot be provided in the time available to respond to written questions. However, in December 2022 an exercise was undertaken to reconcile all the data sources, which took more than 2 weeks to complete, and at that time there were 260 vacant posts of which 83 were covered by agency workers and 177 were vacancies actively being recruited into.

**Supplementary question:**

Will the cabinet member take steps to ensure that all current vacancies are advertised actively and will the chief executive consider actions he can take to have daily visibility of the trend in vacancies?

**Response to supplementary question – cabinet member finance, corporate services and planning:**

Yes

MQ 3	Councillor Hewitt, Golden Valley North	The Ofsted Rapid Review 2021 into sexual violence in schools and colleges found that, for child-on-child sexual assault 'when criminal investigations do not lead to prosecution', 'guidance does not equip' schools to make 'difficult decisions'. KCSIE (2022) cites relevant articles of the Human Rights Act (HRA) and Equality Act (EA) but falls short of an explanation as to how they may be used to protect victims. We understand that the DCS and his team are conducting a review of HC's guidance and advice, including safeguarding, this summer term. We seek assurance that this acknowledged gap in guidance will be addressed. That this Local Authority will produce written advice for our staff, to use when working with Designated Safeguarding Leads (DSL's) which explains clearly how the Human Rights Act and the Equality Act work to protect child victims of sexual assault.	Cabinet member children and families
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**Response:**

Thank you for the question. Yes we keep our guidance under review. We are in regular dialogue with local DSLs about safeguarding and referral processes, and in the case of a particular incident we are one of several sources schools go to for advice. I am aware of the national level *metooschool* campaign for guidance from the DfE, Ofsted and councils to provide more detail on the legal frameworks that protect the rights of children who disclose sexual assault, and am always open to suggestions of useful wording.

**Supplementary question:**

Can the cabinet member assure me that to her knowledge no victim of peer on peer abuse in this county has had to pay twice by remaining in school with their perpetrator despite the best efforts of the school?

**Response to supplementary question – cabinet member children and families:**

This is a national issue and I have frequent conversations with schools and colleagues around the country. I cannot give that assurance in a public meeting which would be very irresponsible to do so.





# Title of report: Appointments to Council Committees and Outside Bodies

**Meeting: Council**

**Meeting date: Friday 19 May 2023**

**Report by: Director of Governance and Legal Services**

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

(All Wards);

## Purpose

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

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees;
- (b) To review the representation and determine the allocation of seats on committees and relevant outside bodies to political groups for the coming year;
- (c) To make appointments to the positions of chairpersons and vice-chairpersons of committees; and
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.

## Recommendation(s)

That:

- (a) **the list of ordinary committees listed at paragraph 10 be confirmed with their terms of reference as set out in the council's constitution;**
- (b) **the number of seats on each committee as set out at paragraph 10, and the allocation of those seats to political groups as set out at appendix 2 (*to follow*) be approved;**

- (c) **the allocation of seats on outside bodies to political groups as set out at appendix 3 (to follow) be approved;**
- (d) **the appointment of five co-opted members of children and young people scrutiny committee be approved as follows:**
  - i. **one representative as nominated by the diocese of Hereford**
  - ii. **one representative as nominated by the archdiocese of Cardiff**
  - iii. **one parent governor as elected from the primary school sector**
  - iv. **one parent governor as elected by the secondary school sector**
  - v. **one parent governor as elected by the special school sector;**
- (e) **the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Internal Drainage Board, and the Wye Valley AONB Joint Advisory Committee be approved; and**
- (f) **the appointment of committee chairpersons and vice chairpersons of the committees listed at appendix 4 be approved; and**
- (g) **the size and the allocation of seats on the scrutiny management board be approved.**

### **Alternative options**

1. To draw up a different set of committees of a different size and composition with different terms of reference.
2. Council could decide to not suspend the rules of proportionality with respect to the outside bodies; the River Lugg Internal Drainage Board, and the Wye Valley AONB Joint Advisory Committee. This may result in those members with a local interest in the work of these bodies being unable to contribute to their discussions and decision-making. If the rules of proportionality were not suspended for the standards panel then only members of the largest political groupings would be eligible to sit on the panel or the size of the panel would need to increase to ensure that political proportionality could be achieved.
3. Council could decide to suspend the rules of proportionality for all committees and establish its own criteria for appointing members to its committees. This would require a vote to do so in respect of each committee to which these rules apply and without any member of the council voting against each proposal. However such a blanket approach is inconsistent with the spirit of political proportionality within the Local Government and Housing Act 1989 and would additionally require Council to approve which councillor would take each individual seat on the relevant committees and outside bodies.

### **Key considerations**

4. Council is required to review its political composition and how this is applied to appointments to committees and sub-committees of the council at each annual meeting of Council. Similarly, the constitution requires Council to review its ordinary committees at the annual meeting and make appointments to them.
5. Following the local elections on 4 May 2023 the membership of the respective political groups at the council is shown in appendix 1 (to follow). Following the elections councillors complete a notice of wish to join a political group, once the council has received completed forms from all those members intending to join a political group appendix 1 will be circulated.

6. Council is under a duty to ensure membership of those committees and outside bodies covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to political groups in proportion to their numerical strength on the council, whilst also maintaining a similar proportional balance of overall seat numbers. Once Council has approved the allocation of seats to political groups, it is a matter for the relevant political group leaders to confirm which of their members will take up any seats allocated to their group. Cabinet (as the executive), the licensing sub committee (a statutory committee) and the health and wellbeing board (with a membership set out by statute) are exempt from the requirements of political proportionality.
7. Any member who is not a member of a group is not entitled to an allocation of seats within these rules; under the rules concerning political groups in the constitution (section 2.2.23) a political group must have two or more members. It is only where the proportionality calculations have been made and if any seats remain unallocated that Council may determine to appoint a member that is not a member of one of the political groups on the Council.
8. These rules of political proportionality should also be applied when allocating seats on outside bodies to which the council makes three or more appointments.
9. It is open to Council to suspend the rules of political proportionality in relation to allocation of seats on any particular body. To do so requires approval by Council with no member voting against the proposal; this is known as a *nem con* vote. Abstentions do not invalidate such a vote.
10. Council has agreed to establish committees of council as listed in the table below. The terms of reference for these committees are set out within the functions scheme of the constitution (link below):

[Constitution - Herefordshire Council](#)

<b>Committee</b>	<b>Seats</b>
Audit and governance	7
Children and young people scrutiny	7
Connected communities scrutiny	7
Employment panel	6
Environment and sustainability scrutiny	7
Health, care and wellbeing scrutiny	7
Planning and regulatory	15
Scrutiny management board	TBD
<i>Total seats</i>	<i>TBD</i>

11. The table in appendix 2 (*to follow*) details the allocation of seats on the above committees based on the political proportionality of the council as set out in appendix 1 (*to follow*). Appendices 1 and 2 will be circulated following consultation with Group Leaders.
12. The scrutiny management board has been established to oversee the co-ordination and work programming of the four other scrutiny committees. The composition of the scrutiny management board is outlined under paragraph 2.6.4 of the constitution; its membership consists of the four scrutiny committee chairpersons and other elected members as required to

ensure the committee is politically balanced. Recommendation (f) in this report will determine the appointment of the four scrutiny committee chairpersons and the chairperson and vice chairperson of the scrutiny management board. Following the appointment of chairpersons and vice chairpersons a calculation of the necessary size of the board can be undertaken and the allocation of seats to ensure that it is politically proportionate. This calculation will be tabled at the annual meeting and Council will be asked to consider recommendation (g); to agree the size of the board and the allocation of seats on the board to ensure political balance. Appendix 5 (to follow) provides the blank table of the size and allocation of seats on the scrutiny management board to be completed and tabled for approval following the agreement of recommendation (f).

13. Those outside bodies to which three or more appointments are currently made on a politically proportionate basis are detailed in the table in appendix 3 (to follow), with the allocation of seats based on the political proportionality of the council as set out in appendix 1 (to follow). Appendices 1 and 3 will be circulated following consultation with Group Leaders.
14. The council is required to appoint certain education representatives onto the scrutiny committee at which educational matters are considered; in the council's case this is the children and young people scrutiny committee. Specifically the council must co-opt representatives from parent governors and relevant diocesan representatives (Church of England and Roman Catholic). There is a statutory election process by which the parent governor representatives are selected, with one representative being sought from each of the primary, secondary and special school sectors. Each relevant diocese is asked to nominate a diocesan representative. All appointments of co-optees follows the council's appointment process set out in the co-optee protocol. Under paragraph 4.5.7 of the Herefordshire Council constitution there are two additional non-voting co-optees of the children and young people scrutiny committee. The children and young people scrutiny committee can appoint additional non-voting co-optees in accordance with paragraph 4.5.6 of the constitution without a further decision required of the full Council. Recommendation (d) proposes the appointment of statutory co-optees, with voting rights on educational matters, to the children and young people scrutiny committee.
15. In line with previous practice, it is proposed to suspend the rules of political proportionality in relation to a small number of specified bodies. These are detailed in the table below together with the reason for seeking the suspension. Recommendation (e) proposes the suspension of proportionality for those bodies listed below; a *nem com* vote is required to suspend proportionality i.e. no votes against the proposition.

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

16. Council is required to appoint the chairpersons and vice chairpersons of committees listed at paragraph 10 above and the licensing sub-committee. The Leader of the Council has delegated authority to appoint the Chairperson of the Health and Wellbeing Board. The committee chairpersons and vice chairpersons to be appointed at the meeting of annual Council are listed in Appendix 4 to this report. The Council Chairperson will call for nominations to each post in



turn and in the event of there being more than one nominee for any one post a vote will be held in accordance with council procedure rules.

### **Community impact**

17. In accordance with the council's adopted code of corporate governance, the council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.

### **Environmental Impact**

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

### **Equality duty**

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

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

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. The council will seek to ensure that all appointments are made fairly (i.e. no discrimination on the basis of protected characteristics) and that committee meetings are physically accessible to all.

### **Resource implications**

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

### **Legal implications**

22. The council is required to ensure that the allocation of seats to committees is compliant with

relevant rules contained in the Local Government and Housing Act 1989 and regulations made under that act.

23. In summary these regulations require that in determining the allocation of seats the council must apply the following four principles as far as reasonably practicable:
- a. that not all the seats on the body are allocated to the same political group;
  - b. that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - c. subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
  - d. subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
24. The proposals in this report comply with these requirements. Once the proportionate allocation of seats has been made in accordance with the above principles, if any seats remain unallocated Council may determine to appoint a not aligned grouped member to fill the seat.
25. Alternative arrangements not complying with these requirements as set out in paragraph 9 may be made so long as no member of the council votes against it.

## Risk management

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

## Consultees

26. No consultees.

## Appendices

Appendix 1: Tables of membership of respective political groups *(to follow)*

Appendix 2: Table of allocation of seats on committees of council *(to follow)*

Appendix 3: Table of outside bodies with politically proportionate appointments *(to follow)*

Appendix 4: Chairperson and vice chairperson posts

Appendix 5: Paper to table – scrutiny management board – size and allocation of seats *(to follow)*

### **Background papers**

None identified

### **Report Reviewers Used for appraising this report:**

<b>Please note this section must be completed before the report can be published</b>		
Governance	Matthew Evans	Date 11/05/2023
Finance	Judith Tranmer	Date 10/05/2023
Legal	Sean O'Connor	Date 05/05/2023
Communications	Luenne Featherstone	Date 05/05/2023
Equality Duty	Harriett Yellin	Date 05/05/2023
Procurement	Lee Robertson	Date 05/05/2023
Risk	Kevin Lloyd	Date 09/05/2023
Approved by	Claire Porter	Date 11/05/2023



#### Appendix 4: Committee chairperson and vice chairperson posts May 2023

<b>Committee</b>	<b>Post</b>
Audit and governance	Chairperson
	Vice chairperson
Children and young people scrutiny committee	Chairperson
	Vice chairperson
Connected communities scrutiny committee	Chairperson
	Vice chairperson
Employment panel	Chairperson
	Vice chairperson
Environment and sustainability scrutiny committee	Chairperson
	Vice chairperson
Health, care and wellbeing scrutiny committee	Chairperson
	Vice chairperson
Planning and regulatory	Chairperson
	Vice chairperson
Licensing sub-committee	Chairperson
Scrutiny Management Board	Chairperson
	Vice chairperson



# Title of report: Appointment of Independent Persons

**Meeting: Council**

**Meeting date: Friday 19 May 2023**

**Report by: Director of Governance and Legal Services**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

This report is to enable the Council to extend the term of office of its existing two Independent Persons, and to appoint two additional Independent Persons, for a term of four years.

As part of its arrangements under which allegations that elected members, town and parish councillors may have breached the code of conduct, the Council must appoint at least one independent person. Herefordshire Council resolved at its meeting in May 2022 to seek the views of two independent persons for each complaint. The same independent persons are utilised as part of any process that could lead to a dismissal of a statutory officer.

The Council currently has two independent persons whose initial term of office expires at this Annual General Meeting. The appointment of only two independent persons does not provide sufficient cover to address potential conflicts of interest, allow for periods of absence or enable the support of an independent person to be offered to subject members.

## **Recommendation(s)**

**That:**

- a) **The Council appoint Jake Bharier, Claire Jenkins, Michelle Morgan and James Cooke as independent persons for a four year term of office.**

## **Alternative options**

1. To re-advertise the vacancy and seek applications from others wishing to fulfil this role. The Council has already undertaken one unsuccessful recruitment exercise and the proposed new appointments both have local government experience which will be very useful in the standards process, as well as a range of wider skills that will make a good contribution to the office of Independent Person.
2. The Council could choose not to extend the term of the existing Independent Persons. However they have valuable experience that the Monitoring Officer would not wish to lose, and to remain with two Independent Persons would reduce capacity and put an increased workload on the two new Independent Persons.

## **Key considerations**

3. Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person as part of its standards arrangements, and their views must be sought by the Monitoring Officer before making a decision on a Member Code of Conduct allegation. There is no maximum number of persons that may be appointed.
4. The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 and paragraph 4.9.23l of the Constitution requires at least two Independent Persons to be consulted and to sit on the Independent Panel when dealing with any recommendation to Council to dismiss a Statutory Officer.
5. The Council agreed at its meeting in May 2022 to modify the LGA Guidance so that it would have two Independent Persons to provide their views on each Member Code of Conduct complaint. In addition, subject members are able to seek the views of an independent person, thereby potentially requiring a third person to give a view.
6. A person may not be recommended for appointment under the Localism Act unless (i) the vacancy has been advertised in such manner as the authority considers is likely to bring it to the attention of the public and (ii) the person has submitted an application to fill the vacancy.
7. In accordance with the requirements of the Localism Act, a recruitment campaign was undertaken in February 2023. This did not prove successful and a further recruitment campaign took place in April 2023. The Council had two applicants, who were interviewed by the Monitoring Officer and Senior Governance Lawyer. A brief biography of the candidates to be recommended is attached as Appendix One.
8. The two existing Independent Persons were appointed by the Council for a four year term in February 2019. This was extended by the Chief Executive under his urgency powers and their term of office now expires at this Annual General Meeting. They have made a valuable contribution to the standards process over the last four years and have extensive experience, and the Monitoring Officer is keen to retain their services. They have both submitted applications and are willing to be re-appointed for a further four year term.
9. Under the Constitution, the recommendation for appointment of Independent Persons would usually be made by the Audit & Governance Committee. In view of the timetable for the recruitment exercise and the election period, this has not been possible and the recommendations are those of the Monitoring Officer, who has the statutory responsibility for dealing with standards matters.



### **Community impact**

10. The position of Independent Person is required by statute and the appointed individuals play an important part in the work of the Council, monitoring the probity and conduct of elected councillors and Town and Parish Councillors, for the benefit of the community that the Council serves.

### **Environmental Impact**

11. There is no obvious environmental impact.

### **Equality duty**

12. The appointment process for Independent Persons is an open and transparent one that takes account of the need to ensure that the Council is complying with the public sector equality duty. The recruitment exercise followed the Council's usual procedures for the recruitment of employees, and the role was widely advertised.

### **Resource implications**

13. Expenditure relating to recruitment and expenses can be contained within current budgets. There is no allowance paid to Independent Persons other than expenses.

### **Legal implications**

14. These are set out elsewhere in the report

### **Risk management**

15. In the event that the Council does not have sufficient Independent Persons, there is a risk that it will not be able to meet its legal obligations.
16. There is a reputational risk to the Council if it is unable to manage effectively its standards complaints process. There is also a risk to councillors in Herefordshire if there are no independent mechanisms in place to support them in their responsibilities towards good governance and adhering to the members' code of conduct.

### **Consultees**

17. None

### **Appendices**

Appendix 1: brief biography of candidates recommended for appointment.

### **Background papers**

None identified

### Report Reviewers Used for appraising this report:

**Please note this section must be completed before the report can be published**

Governance	Matthew Evans	Date 05/05/2023
Finance	Wendy Pickering	Date 10/05/2023
Legal	Sean O'Connor	Date 05/05/2023
Communications	Luenne Featherstone	Date 05/05/2023
Equality Duty	Harriet Yellin	Date 10/05/2023
Procurement	Lee Robertson	Date 05/05/2023
Risk	Kevin Lloyd	Date 09/05/2023

Approved by Claire Porter Date 11/05/2023

**Brief Biography of candidates for independent person for standards**Claire Jenkins:

Claire Jenkins currently serves as an Independent Person, having been appointed in 2019. Claire is a retired psychiatrist and medical psychotherapist with about thirty years of experience working in the NHS. After her retirement, Claire and her husband moved to Hereford in 2015 to build the Passivhaus in which they now live. Furthermore, as a member of a community group, Grassroots, Claire was involved in working to help increase sustainability and social cohesion in Bartonsham, where she and her husband were living during the building of their Passivhaus. Claire volunteered for several years with Home-Start Hereford, visiting families in difficulties to offer support and served as a member of the steering group of the Herefordshire Women's equality group and started attending Council meetings as part of their group's work to encourage greater representation of women and attention to the issues which most affect them. It is this which has brought home to her the importance of the Council and its work and led her to take on the role of Independent Person.

Jake Bharier:

Jake Bharier currently serves as an Independent Person, having been appointed in 2019. Jake served as an independent member of the Herefordshire Council Standards Committee from 2008 to 2013, and was appointed as vice-chair of the committee in 2011. Jake spent twenty years working for Courtaulds plc, a large multinational chemicals company at corporate level, in the area of health, safety and environment. Additionally, Jake worked for Skillshare International for twenty years, an international development non-governmental organisation. Jake has substantial experience of governance, having also represented British NGOs in CONCORD, and was elected to the board of CONCORD in 2004, and appointed Treasurer thereafter. Since Jake retired from full-time employment in 2012, he currently has three other voluntary roles including: being a trustee of the international development NGO, Action on Poverty; a trustee of Herefordshire Wildlife Trust; and both as an active member and chair of Much Birch Surgery Patient Participation Group.

Michelle Morgan:

Michelle Morgan currently works for Publica Group Limited as Marketing and Communications Manager in which she has worked closely with Democratic Services, Section 151 and Monitoring Officers, Leaders, Cabinet Members and officers across the three District Councils her team supports. Michelle has over ten years' experience of working in local government including Herefordshire Council from 2012-17 as Communications Officer, working on projects such as Old Market, City Link Road and Hereford Bypass. As a result, Michelle has gained a comprehensive understanding of the working of local democracy. Through Michelle's extensive experience of working within local government, she has a good understanding of the standards required to hold public office.

James Cooke:

James Cooke currently works as a civil servant for the Welsh Government where he has accumulated experience through a range of environmental and agricultural policy areas. During this time, James has been involved in performing due-diligence appraisals for food manufacturing business grants and has a further thirteen years of experience working in the planning system including assessing planning applications for mineral extraction and developments of national significance. In addition to his work, James serves as a Special Constable for Dyfed Powys Police, a role he began in 2012. In his voluntary role as a Special Constable, James has earned

several awards and chose to apply for the role of independent person as he believes in upholding and promoting high standards of conduct for those in public roles. James wants to use and apply the experience gained at Welsh Government and Dyfed Powys Police in a new context.