

To: All members of the Council

our ref: Council - 13 May 2022
contact: Matthew Evans, Democratic Services
telephone: 01432 383690
email: matthew.evans@herefordshire.gov.uk

5 May 2022

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 13 May 2022** at the The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE at **2.00 pm** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

Claire Porter



Solicitor to the Council

AGENDA

Council

Date: **Friday 13 May 2022**

Time: **2.00 pm**

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

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast if the meeting:
[Extraordinary Meeting, Council - Friday 13 May 2022 2.00 pm - YouTube](#)

For any further information please contact:

Matthew Evans, Democratic Services

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

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

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor Sebastian Bowen

Councillor Kema Guthrie

Councillor Graham Andrews

Councillor Polly Andrews

Councillor Chris Bartrum

Councillor Dave Boulter

Councillor Ellie Chowns

Councillor Clare Davies

Councillor Barry Durkin

Councillor Elizabeth Foxton

Councillor John Hardwick

Councillor Liz Harvey

Councillor Kath Hey

Councillor Phillip Howells

Councillor Terry James

Councillor Tony Johnson

Councillor Mike Jones

Councillor Jonathan Lester

Councillor Bob Matthews

Councillor Jeremy Milln

Councillor Roger Phillips

Councillor Ann-Marie Probert

Councillor Nigel Shaw

Councillor John Stone

Councillor Elissa Swinglehurst

Councillor Kevin Tillet

Councillor Ange Tyler

Councillor William Wilding

Councillor Paul Andrews

Councillor Jenny Bartlett

Councillor Christy Bolderson

Councillor Tracy Bowes

Councillor Pauline Crockett

Councillor Gemma Davies

Councillor Toni Fagan

Councillor Carole Gandy

Councillor John Harrington

Councillor Jennie Hewitt

Councillor David Hitchiner

Councillor Helen l'Anson

Councillor Peter Jinman

Councillor Graham Jones

Councillor Jim Kenyon

Councillor Trish Marsh

Councillor Mark Millmore

Councillor Felicity Norman

Councillor Tim Price

Councillor Paul Rone

Councillor Louis Stark

Councillor David Summers

Councillor Paul Symonds

Councillor Diana Toynbee

Councillor Yolande Watson

Agenda

Public Information

Pages

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1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

How to submit questions

The deadline for submission of questions for this meeting is:

5:00 p.m. on Monday 9 May 2022.

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

At extraordinary meetings of the full Council questions must relate to reports on the agenda.

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

3. QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive questions from members of the public.

4. QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any written questions from members of the Council.

5. COUNCIL MEMBERSHIP - DISPENSATION

For Council to consider granting a dispensation, via the council's Monitoring Officer, pursuant to section 85 of the Local Government Act 1972, to Councillor Graham Jones whose compassionate leave of absence will exceed six months, on 17 May 2022.

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The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The Public's Rights to Information and Attendance at Meetings

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

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

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

YOU HAVE A RIGHT TO: -

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

Recording of meetings

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

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

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

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

Public transport links

The 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>,



Title of report: Council Membership - dispensation

Meeting: Extraordinary Full Council

Meeting date: Friday 13 May 2022

Report by: Director of Law and Governance

Classification

Open

Decision type

This is not an executive decision

Wards affected

Castle;

Purpose

For Council to consider granting a dispensation, via the council's Monitoring Officer, pursuant to section 85 of the Local Government Act 1972, to Councillor Graham Jones whose compassionate leave of absence will exceed six months, on 17 May 2022.

Recommendation(s)

That:

- a) **Council approve a period of absence from meetings by Councillor Graham Jones pursuant to section 85 of the Local Government Act, and**
- b) **The monitoring officer is authorised to extend Councillor Graham Jones current period of absence, by one month, to 18 June, 2022.**

Alternative options

1. To not grant Councillor Jones a one month extension. This is not recommended. Councillor Jones has taken a period of compassionate leave following the passing of his wife and his late

mother. Despite these significant life events, Councillor Jones remains committed to serving his community and his constituents in the Castle ward as their local member.

2. It is open to Council to authorise a longer, or a shorter period of absence. The period to 18 June, 2022 is recommended because it is a reasonable period within which the councillor may return to duties and, should it be necessary, enables Council to consider the matter further, if necessary, at its meeting scheduled on 20 May, 2022.

Key considerations

3. On 17 November 2021, Councillor Graham Jones was granted by the Monitoring officer at that time a period of compassionate leave following the passing of his wife. During the run up to his wife's passing Councillor Jones had been a principal carer, alongside balancing his work commitments and his council duties.
4. Approximately 18 months prior to this Cllr Jones also lost his mother.
5. Both of Cllr Jones's losses occurred during and with COVID 19 lockdown being in full force. This meant that close friends and family, some of whom live overseas, were unable to physically extend their condolences, remembrance and support to Councillor Jones and his immediate family.
6. Following these significant life events, Cllr Jones sought and was granted compassionate leave of absence. He has spent much of this time with his immediate family - recently travelling to Canada to see his brother.
7. Under the council's constitutional provisions (Sections: 2.2.20 to 2.2.21) a councillor will cease being a councillor if they fail to attend meetings of the council for a period of six months without prior approval of the council meeting. Councillor Jones's period of compassionate leave ends on 16 May 2022. He is unable to physically attend a council committee meeting prior to his six month non-attendance deadline. This will mean an automatic disqualification from 17 May onwards.
8. Prior to his compassionate leave being granted on 17 May 2022, Councillor Jones was an active councillor. He has a good attendance record at both full Council and through membership of the Planning and Regulatory Committee. Since May 2019, he has attended 36 meetings out of 50. The 14 meetings Councillor Jones has issued apologies for came in the preceding months to his wife's sad death.
9. In discussions with the True Independent's group leader and democratic services manager, Councillor Jones has made his position clear. He wishes to stay on as a local councillor for his remaining term of office. He has noted his continuing commitment and sense of duty to his community in representing their priorities as a local councillor.
10. To enable Councillor Jones to continue in his role as a councillor beyond 17 May 2022, council must take a decision as to whether it will give approval for the Monitoring Officer to provide a dispensation from automatic disqualification office.

Community impact

11. Councillors are directly elected to represent the interests of their ward as well as the whole county. To ensure that the residents of Castle ward retain democratic representation during Councillor Jones's leave of absence, one of his group members, Councillor Mike Jones, is providing ward support on behalf of Councillor Graham Jones.

Environmental Impact

12. This decision has no direct consequences to delivering the council's [environmental policy commitments](#). This is a decision on back office functions that will have minimal environmental impacts.

Equality duty

13. 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.
14. In consideration of a one month extension to Councillor Graham Jones's leave of absence on compassionate grounds, regard should be paid to a reasonable adjustment to support the councillor to resume his duties.

Resource implications

15. There are no new resource implications from this decision. If an extension of Councillor Jones's leave of absence is agreed, he will continue to receive his basic allowance
16. If Council were not agree to a dispensation being provided this would lead to an instant disqualification, in pursuant of Section 85 (1) of the Local Government Act 1972. This in turn would trigger a local by-election which has an indicative cost of around £5 to 6k

Legal implications

17. Section 85(i) of the Local Government Act 1972 states "if a member of a Local Authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the Authority, he shall unless the failure was due to some reason approved by the Authority before the expiry of that period cease to be a Member of the Council.
18. Attendance in an official capacity at a meeting of a committee or sub-committee of the council or at any meeting of a joint committee or other such body discharging functions of the council or at any meeting as a representative of the council is deemed to be a 'meeting of the council'.
19. If after six months from the date of a member's last attendance to attend any meeting, the council has not approved the absence then the member as a result of the operation of law ceases to be a member of the council from that date. The six months runs from the date of the member's last attendance and approval must be given within that six month period.

20. Once approval had been given and it can be for no more than 6 months prospectively or retrospectively or a combination of both – this statutory six months period begins to run from the end of the period for which approval has been given.
21. If Councillor Jones is likely to remain absent from the council beyond 16 May 2022 then, the need for dispensation arises before 16 May 2022. If Councillor Jones fails to attend any meeting of the council after 17 May 2022 he would be disqualified as a Councillor under the statutory provision (Section 85(1) of the Local Government Act 1972) unless the council passes a dispensation resolution before that date.

Risk management

Risk / opportunity	Mitigation
There is a risk of adverse public perception to the extension of a one month period of non-attendance.	<p>The report to Council sets out clear and justifiable reasons as to why a short extension is being sought.</p> <p>The council has a duty to assist officers and councillors and offer a reasonable adjustment to ensure they can resume their duties following absence.</p>

Consultees

22. Group Leaders were consulted ahead of the Monitoring Officer seeking their support for approval from the Chief Executive to hold an extraordinary council meeting for council to consider. While not a formal decision making forum, Group Leaders signalled their support for the extraordinary council meeting to take place.

Appendices

None

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Matthew Evans	Date 03/05/2022
Finance	Louise Devlin	Date 04/05/2022
Legal	Kate Charlton	Date 04/05/2022
Communications	Luenne Featherstone	Date 04/05/2022
Equality Duty	Harriett Yellin	Date 05/05/2022

Procurement	Lee Robertson	Date 03/05/2022
Risk	Kevin Lloyd	Date 05/05/2022

Approved by	Claire Porter	Date 05/05/2022
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Please include a glossary of terms, abbreviations and acronyms used in this report.

