

## **Minutes of the meeting of Council held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Friday 28 May 2021 at 10.30 am**

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

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

**Officers:** Democratic services manager, Chief Executive and Acting deputy chief executive - solicitor to the council, the Monitoring Officer and Democratic services manager

### **1. ELECTION OF CHAIRPERSON**

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded the nomination of Councillor Kath Hey as Chairperson of the Council.

*(Councillor Kath Hey declared a schedule 1 interest and left the meeting for the vote)*

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

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

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

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

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

### **2. APPOINTMENT OF VICE-CHAIRPERSON**

Councillor Johnathan Lester proposed and Councillor John Harrington seconded the nomination of Councillor Kema Guthrie as Vice Chairperson of the Council.

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

Councillor Kema Guthrie made the statutory declaration of acceptance of office.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jeremy Milln.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest at this stage of the meeting, please see minute 1 above and minutes 7 and 9 below.

**5. MINUTES**

**RESOLVED: That the minutes of the ordinary meeting held on 5 March 2021 and the extraordinary meeting held on 27 April 2021 be confirmed as a correct record and signed by the Chairman.**

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

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

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

Councillor John Hardwick proposed and Councillor Ellie Chowns seconded the nomination of Councillor David Hitchiner.

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

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

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

Council considered the report attached to the agenda relating to appointments to committees of the council and outside bodies in line with the rules of political proportionality. The Chairman outlined a correction to the date in recommendation (g) of the report which should read 28 November 2021. The monitoring officer confirmed that all members had a dispensation for recommendation (f) and could participate in the item.

Recommendation (a)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (a) which was carried.

**RESOLVED: That the list of ordinary committees listed at paragraph 11 are confirmed with their terms of reference as set out in the council's constitution.**

Recommendation (b)

Councillor David Hitchiner proposed and Councillor David Summers seconded recommendation (b).

Councillor Ellie Chowns proposed and Councillor David Summers seconded an amendment to recommendation (b) that Councillor Jim Kenyon be allocated the seat on

the Children and Young People Scrutiny Committee currently allocated to The Green Party and The Green Party be allocated the seat on the Planning and Regulatory Committee currently allocated to the not aligned member. The monitoring officer explained that the vote on the amendment would need to be a nem con vote as it proposed the suspension of the rules of proportionality. The amendment was put to the vote and was lost.

Councillor Jonathan Lester proposed an amendment that Councillor Jim Kenyon be added to the membership of the Children and Young People Scrutiny Committee. Councillor Lester subsequently withdrew his amendment.

The original motion, recommendation (b) was put to the vote and was carried.

**RESOLVED: That the number of seats on each committee as set out at paragraph 11, and the allocation of those seats to political groups as set out at appendix 1 is approved.**

*(There was an adjournment at 11.29 a.m. due to a problem with the live stream for the meeting, the meeting reconvened at 11.45 a.m.)*

Councillor David Hitchiner proposed and Councillor John Hardwick seconded the appointment of the not aligned member, Councillor Jim Kenyon, to the Planning and Regulatory Committee which was carried.

**RESOLVED: That Councillor Jim Kenyon is appointed to the Planning and Regulatory Committee.**

Recommendation (c)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (c) which was carried.

**RESOLVED: That the allocation of seats on outside bodies to political groups as set out at appendix 2 is approved.**

Recommendation (d)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (d).

Councillor Jonathan Lester proposed and Councillor Nigel Shaw seconded an amendment to recommendation (d) to include Councillor Jim Kenyon on the membership of the the Children and Young People Scrutiny Committee. The amendment was carried.

Councillor Gemma Davies proposed and Councillor Jennie Hewitt seconded an amendment to recommendation (d) to include a representative from the teaching sector as an additional co-optee on the Children and Young People Scrutiny Committee. The amendment was carried.

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

**RESOLVED: That the appointment of five co-opted members of children and young people scrutiny committee are 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

and additionally;

- vi. one representative from the teaching sector co-optee
- vii. Councillor Jim Kenyon

#### Recommendation (e)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendation (e), the recommendation was carried with no votes against.

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

#### Recommendation (f)

Council moved to recommendation (f) and the appointment of chairpersons and vice chairpersons to council committees.

The consideration of each appointment was as follows:

#### **Chairperson of the Adults and Wellbeing Scrutiny Committee**

Councillor Helen l'Anson proposed and Councillor Carole Gandy seconded the nomination of Councillor Elissa Swinglehurst as Chairperson of the Adults and Wellbeing Scrutiny Committee.

There were no other nominations.

Councillor Elissa Swinglehurst was appointed.

#### **Vice Chairperson of the Adults and Wellbeing Scrutiny Committee**

Councillor Alan Seldon proposed and Councillor Pauline Crockett seconded the nomination of Councillor Trish Marsh as Vice Chairperson of the Adults and Wellbeing Scrutiny Committee.

There were no other nominations.

Councillor Trish Marsh was appointed.

#### **Chairperson of the Audit and Governance Committee**

Councillor Christy Bolderson proposed and Councillor Jonathan Lester seconded the nomination of Councillor Nigel Shaw as Chairperson of the Audit and Governance Committee.

There were no other nominations.

Councillor Nigel Shaw was appointed.

#### **Vice Chairperson of the Audit and Governance Committee**

Councillor Peter Jinman proposed and Councillor Dave Boulter seconded the nomination of Councillor Christy Bolderson as Vice Chairperson of the Audit and Governance Committee.

There were no other nominations.

Councillor Christy Bolderson was appointed.

### **Chairperson of the Children and Young People Scrutiny Committee**

Councillor Jonathan Lester proposed and Councillor John Stone seconded the nomination of Councillor Carole Gandy as Chairperson of the Children and Young People Scrutiny Committee.

Councillor Jennie Hewitt proposed and Councillor Paul Symonds seconded the nomination of Councillor Phillip Howells as Chairperson of the Children and Young People Scrutiny Committee.

Councillor Phillip Howells was appointed.

### **Vice Chairperson of the Children and Young People Scrutiny Committee**

Councillor Phillip Howells proposed and Councillor Alan Seldon seconded the nomination of Councillor Jennie Hewitt as Vice Chairperson of the Children and Young People Scrutiny Committee.

There were no other nominations.

Councillor Jennie Hewitt was appointed.

### **Chairperson of the Employment Panel**

Councillor Tony Johnson proposed and Councillor Roger Phillips seconded the nomination of Councillor David Hitchiner as Chairperson of the Employment Panel.

There were no other nominations.

Councillor David Hitchiner was appointed.

### **Vice Chairperson of the Employment Panel**

Councillor Trish Marsh proposed and Councillor Yolande Watson seconded the nomination of Councillor Ellie Chowns as Vice Chairperson of the Employment Panel.

There were no other nominations

Councillor Ellie Chowns was appointed.

### **Chairperson of the General Scrutiny Committee**

Councillor Barry Durkin proposed and Councillor William Wilding seconded the nomination of Councillor Jonathan Lester as Chairperson of the General Scrutiny Committee.

There were no other nominations

Councillor Jonathan Lester was appointed.

### **Vice Chairperson of the General Scrutiny Committee**

Councillor Jonathan Lester proposed and Councillor Jennie Hewitt seconded the nomination of Councillor Tracy Bowes as Vice Chairperson of the General Scrutiny Committee.

There were no other nominations.

Councillor Tracy Bowes was appointed.

### **Chairperson of the Planning and Regulatory Committee**

Councillor Gemma Davies proposed and Councillor David Summers seconded the nomination of Councillor John Hardwick as Chairperson of the Planning and Regulatory Committee.

Councillor Kevin Tillett proposed and Councillor Mark Millmore seconded the nomination of Councillor Terry James as Chairperson of the Planning and Regulatory Committee.

Councillor Terry James was appointed.

### **Vice Chairperson of the Planning and Regulatory Committee**

Councillor Pauline Crockett proposed and Councillor Tracy Bowes seconded the nomination of Councillor Alan Seldon as Vice Chairperson of the Planning and Regulatory Committee.

There were no other nominations.

Councillor Alan Seldon was appointed.

### **Chairperson of the Licensing Sub-Committee**

Councillor Tracy Bowes proposed and Councillor John Hardwick seconded the nomination of Councillor Alan Seldon as Chairperson of the Licensing Sub-Committee.

There were no other nominations

Councillor Alan Seldon was appointed.

**RESOLVED: That the appointment of committee chairpersons and vice chairpersons of the committees are approved as follows:**

<b>Committee</b>	<b>Position</b>	<b>Councillor</b>
Adults and wellbeing scrutiny committee	Chairperson	Councillor Elissa Swinglehurst
	Vice Chairperson	Councillor Trish Marsh
Audit and governance committee	Chairperson	Councillor Nigel Shaw
	Vice Chairperson	Councillor Christy Bolderson
Children and young people scrutiny committee	Chairperson	Councillor Phillip Howells
	Vice Chairperson	Councillor Jennie Hewitt
Employment panel	Chairperson	Councillor David Hitchiner

	Vice Chairperson	Councillor Ellie Chowns
General scrutiny committee	Chairperson	Councillor Jonathan Lester
	Vice Chairperson	Councillor Tracy Bowes
Planning and regulatory committee	Chairperson	Councillor Terry James
	Vice-chairperson	Councillor Alan Seldon
Licensing sub-committee	Chairperson	Councillor Alan Seldon

Recommendation (g) and (h)

Councillor David Hitchiner proposed and Councillor Liz Harvey seconded recommendations (g) and (h).

Councillor Gemma Davies proposed an amendment that the dispensation for non-attendance due to COVID-19 related illness should be extended to cover all absences resulting from illness. Councillor Davies subsequently withdrew her amendment.

The original recommendations (g) and (h) were put to the vote and carried.

**RESOLVED: That Council**

- i) waives the requirements of Section 85(1) of the Local Government Act 1972 and agrees that any councillor unable to attend a meeting for a period greater than six months for Covid 19 related reasons, receives a dispensation from the requirements of section 85 until 28 November 2020.**
- ii) authorises the Monitoring Officer to approve the individual dispensations requests of any councillor who is unable to attend a council meeting for Covid19 related reasons and notes that the Monitoring Officer will retain a list of those councillors who apply for this dispensation.**

**9. COUNCILLORS ALLOWANCE SCHEME**

Council considered a report by the Monitoring Officer to approve the Herefordshire councillors' allowances scheme having regard to the recommendations of the council's independent remuneration panel. A supplement to the report containing an additional recommendation had been circulated on 27 May. The following corrections to the report were outlined to Council:

- Recommendation (b) to be changed to – *a three-step mandatory training element to be included in year three of the electoral term in relation to the basic allowance;*
- In appendix g, the table on page 118 required corrections. The final column of the table should state F/Y 2024/25 and the Chairperson of the Council's proposed allowance rates should state:
  - F/Y 2021/22 - £10,258.29
  - F/Y 2022/23 - £10,596.50
  - F/Y 2024/25 - £10,934.86

The monitoring officer explained that a dispensation had been granted to all members to enable participation in the debate and vote.

### Recommendation (a)

It was proposed that a recorded vote was undertaken to agree the councillors' allowances scheme which was supported by over eight members of the Council.

Councillor Nigel Shaw proposed and Councillor Ellie Chowns seconded option 2 for the councillors' allowances scheme as set out in appendix (g) of the report - *Council accept the Independent Remuneration Panel's recommendation in full, but defer the new allowance scheme to begin in 2023/24 (following all-out local elections) to deliver the new increase.*

Councillor Gemma Davies proposed and Councillor Ange Tyler seconded option 3 for the councillors' allowances scheme as set out in appendix (g) of the report - *Council accept the Independent Remuneration Panel's recommendation in full, but defer the new allowances scheme to begin in 2022/23 to deliver the full increase.*

Councillor Roger Phillips declared an other interest as the Vice Chairman of the National Joint Council.

Council raised the principal points below in the debate:

- The low level of allowances currently paid to Herefordshire councillors relative to other authorities;
- The importance of attracting young and working-age people to become councillors by providing a reasonable level of remuneration;
- The discomfort to councillors of being legally required to set the level of allowances;
- The absence of any uplift in the level of councillor allowances over the previous eight years;
- Concern that any further delay to increasing councillors allowances would result in an increasing deficit between the levels paid at Herefordshire Council and other local authorities;
- Option 2 represented a reasonable compromise between acknowledging the current economic difficulties and the need for an increase in the very low level of basic allowance paid;
- The need to evaluate the level of basic allowance paid to councillors from urban and rural wards, particularly where there existed a large number of parish councils;
- Confirmation that the increase to allowances would be index-linked if option 2 was supported and the uplift occurred following local elections in May 2023; and
- Confirmation that individual councillors could choose to not receive any increase in their allowances.

Councillor David Hitchiner proposed and Councillor Gemma Davies seconded an amendment to recommendation 14 of the Report of the Herefordshire Independent Remuneration Panel to include the wording *and the Leader*. The amendment was carried.

### **RESOLVED: That recommendation 14 of the Report of the Herefordshire Independent Remuneration Panel is amended as follows:**

That the SRA for the role of the Cabinet Support and Cabinet Opposition Support Members remain an allowance of up to 50% of the band 2 allowance (cabinet member allowance) subject to the total budget currently allocated for individual cabinet members *and the leader* not being exceeded.

Options 2 and 3 for the councillors' allowances scheme as set out in appendix (g) of the report were put to the recorded vote. Option 2 was carried.

Option 2 (32): Councillors Paul Andrews, Polly Andrews, Bartlett, Bolderson, Bowes, Chowns, Crockett, Durkin, Fagan, Foxton, Gandy, Guthrie, Harrington, Hitchiner, Howells, l'Anson, Johnson, Graham Jones, Mike Jones, Kenyon, Lester, Matthews, Millmore, Norman, Price, Probert, Rone, Shaw, Stark, Swinglehurst, Toynbee, and Wilding.

Option 3 (12): Councillors Graham Andrews, Boulter, Davies, Hardwick, Harvey, Hewitt, Hey, Marsh, Seldon, Summers, Tyler and Watson

Abstain (7): Councillors Bartrum, Bowen, James, Jinman, Phillips, Symonds and Tillett.

**RESOLVED: That Council accepts the Independent Remuneration Panel's recommendation in full, subject to the amendment to recommendation 14 outlined above, and agrees to defer the new allowance scheme to begin in 2023/24 (following all-out local elections) to deliver the new increase.**

Recommendation (b)

Councillor Jennie Hewitt proposed and Councillor Liz Harvey seconded recommendation (b), as corrected above, which was carried.

**RESOLVED: That a three-step mandatory training element is included in year three of the electoral term in relation to the basic allowance.**

Recommendation (c)

Councillor Alan Seldon proposed and Councillor Nigel Shaw seconded recommendation (c) which was carried.

**RESOLVED: That basic and special responsibility allowances are updated annually in line with the national joint council for local government services pay award for a period of not more than four years.**

Recommendation (d)

Councillor Alan Seldon proposed and Councillor Nigel Shaw seconded recommendation (d) which was carried.

**RESOLVED: That the current schemes of travel and subsistence, and childcare and dependants' carers' allowances are retained with a requirement that expenses must be claimed within 12 months of being incurred.**

The meeting ended at 1.41 pm

**Chairman**