

HEREFORD CITY COUNCIL
GOVERNANCE AND PROCEDURES COMMITTEE
MINUTES OF MEETING on 3rd July 2018

Present: The Right Worshipful the Mayor, Councillor Susan Boulter and Councillors Bushkes, Chappell, Hey, Kenyon, Lloyd-Hayes, Michael, Stevens, Tawn and Wilcox

In Attendance: Steve Kerry (Town Clerk), Tracy Morriss (Deputy Town Clerk), Lesley Robinson (Administration, Finance & Information Officer)

GP2018/19.13 ELECTION OF CHAIRMAN AND VICE CHAIRMAN

It was proposed by Councillor Wilcox and seconded by Councillor Tawn that Councillor Chappell be elected as Chairman. It was proposed by Councillor Hey, seconded by Councillor Boulter that Councillor Lloyd-Hayes be elected as Chairman.

On being put to the vote it was, by five votes to four with two abstentions,

RESOLVED That Councillor Lloyd-Hayes be elected as Chairman of the Committee for the municipal year

It was proposed by Councillor Stevens and seconded by Councillor Bushkes that Councillor Michael be elected as Vice Chairman. There being no other nominations this was put to the vote and it was unanimously

RESOLVED That Councillor Michael be elected as Vice Chairman

GP2018/19.14 APOLOGIES FOR ABSENCE

None

GP2018/19.15 DECLARATIONS OF INTEREST

Councillor Wilcox declared a non-pecuniary interest in item 9 on the agenda "Attendance at Civic Events".

GP2018/19.16 MINUTES OF PREVIOUS MEETING

The **Minutes of the meeting of 15th May** were agreed as an accurate record and signed accordingly by the Chairman.

(It was reported that the revised declaration of interest forms referred to in the minutes had been forwarded from Herefordshire Council today.)

GP2018/19.17 HIGH COURT JUDGEMENT

The Clerk presented his report on the recent litigation in the High Court between a member of Ledbury Town Council and the Council. He stressed that he had not reported on the case in detail as it affected Ledbury, but only on the implications for the

management of any future complaints made against members of the City Council by staff.

The Chairman thanked the Clerk for a thorough report which she confirmed covered the essential points in the judgement. Councillor Kenyon queried whether the Council should review its membership of the National Association of Local Councils (NALC) as their advice had been overturned by the Court. This was noted as a point to be voted on at the end of the debate. The Clerk confirmed that this would be a referral of the matter to Council as it was reserved for Council to affiliate or disaffiliate the Council from outside bodies.

It was confirmed that the City Council is following the new Herefordshire Council code of conduct and that Herefordshire have reversed a committee recommendation to conceal the names of councillors and councils referred to in code of conduct reports.

In answer to a question, the Clerk explained that HALC's advice had been rejected after a legal argument in court. If they had obtained leading counsel's opinion, and if Ledbury had followed that high level legal advice this was not a case of negligence but of an interpretation of the law being handed down by the court which had supported the individual member not the town council. The Clerk was not aware of what internal discussions had taken place in Ledbury.

It was confirmed that the most obvious effect of leaving HALC would be cessation of access to training facilities for members and officers at very low cost. The Clerk used HALC for advice, as referred to in the report where their advice regarding a recent code of conduct issue in the City Council was now to be considered erroneous in the light of the judgement.

Councillor Kenyon proposed, Councillor Chappell seconded and it was by nine to nil with one abstention

RESOLVED

That the Committee recommends that Council reviews its membership of HALC and NALC at its next meeting

It was proposed by Councillor Kenyon, seconded by Councillor Michael and unanimously

RESOLVED

That in the event of a grievance from an employee concerning the behaviour of a councillor the matter should initially be managed through the grievance procedure and an informal settlement sought.

That if an informal or mediated settlement cannot be achieved then the formal process of the grievance procedure will be used to establish if a substantiated complaint exists.

That if a substantiated complaint is found to exist this will be referred to the Monitoring Officer and thereafter managed wholly within the process of Herefordshire Council under the Code of Conduct.

That if temporary management measures are necessary to prevent further conflict while the grievance or standards complaint is resolved these measures shall be proportionate, not go beyond what is strictly necessary and must not prevent the Councillor from operating as a democratic representative or member of the corporate decision-making bodies of the Council.

If a matter is referred to the Monitoring Officer their advice will be sought and applied to any temporary measures to avoid exacerbating conflict.

That Council will not assume a power to add to sanctions imposed through the standards process.

GP2018/19.18 VICTORIA CROSS EXHIBIT INSURANCE COSTS

Introducing the report, the Clerk explained that the family were still in discussion about the possibility of allowing the Alan Leonard Lewis VC to be displayed in the civic museum. It was hoped that final decisions on short or long-term loan and exact terms would be made shortly. As the insurance cost was so high it was necessary to have confirmation of members' willingness to approve the spending recorded in a minute, if the project was to proceed promptly once agreement was given.

Members were concerned that the Council did not get caught up in any disputes and asked that either all family members sign a consent, or if this is impractical the owner of the VC certifies that they have sole ownership and are entitled to agree to its being displayed. This would indemnify the Council against any subsequent claims. There is also a second VC with strong local connections, that of Corporal Price a Rorkes Drift survivor. The cost of insurance was considered high, and members suggested various ways in which it might be shared with appropriate organisations and some possible alternative providers of cover. The Clerk will follow these up.

It was noted that the quoted figure for insurance was for a year, if the family agree to a shorter exhibition it would be commensurately reduced. If the VC does come to Hereford it would be a great opportunity to use our social media to great effect.

There was some discussion about deferring this item to the next meeting in August, but it was decided to allow the Clerk to resolve the insurance issue so we would be ready to receive the exhibit if and when it was offered, but that an update report would be taken to the next meeting.

It was proposed by Councillor Kenyon, seconded by Councillor Stevens and unanimously

RESOLVED

That the Committee accepts the offer to be able to exhibit the Allan Leonard Lewis VC in the civic museum and agrees to meet the insurance cost of up to £1,730.88 from Zurich Mutual or at a lower cost if another insurer is prepared to make a better offer for equivalent cover.

That before the Clerk accepts the offer of the VC as an exhibit the entitlement of the family member to offer it is established beyond doubt.

That the Clerk explores the possibility of joint funding of insurance with appropriate bodies.

GP2018/19.19 COUNCILLORS' TRAINING PROGRAMME

The Clerk introduced the latest report on this topic and asked members to confirm the final programme and agree a date to which all members would be encouraged to commit. The report emphasised that full attendance, or as near to it as possible, would greatly increase the value of the event.

Members agreed that attendance was important but that for a few unavoidable work commitments might make it impossible. If one to one sessions could be arranged for those topics lead by officers then it would be beneficial.

After detailed discussion it was proposed by Councillor Michael, seconded by the Mayor and

RESOLVED

That members agree the date of Saturday 6th October 2018 for Councillors training event to take place.

That members commit to attending and recommending that all members attend.

That members agree to the suggested programme which is now regarded as final –

Data protection – update on progress and legislation including any briefings from the regulator

Civic protocol and ceremonial functions

Conducting business at meetings – including handling resolutions, amendments to proposals etc

Websites, twitter, Facebook, Instagram etc – how to use each and which is best for which task.

GP2018/19.20 ATTENDANCE AT CIVIC EVENTS

The Town Clerk introduced the report explaining that the issue had arisen as a result of a trend for some time for fewer, and fewer, councillors to attend major civic events. These included Mayor-making (where there had only just been a quorum present to elect the new Mayor, Annual Thanksgiving, the opening of Historical Hereford Day and that critical comments had been received from people who have attended many of these noting the fall in attendance. In order to maximise attendance by City Councillors it was proposed that where a serving City Councillor has another role which entitles them to an invitation they should be invited as a City Councillor as their first obligation to attend. The only exception would be for county events such as Remembrance Day where although their invitations are sent from the City Council offices they are in fact from another body – in this case the Royal British Legion.

Councillor Wilcox commented that he was sad to see this report as should the City Council stop sending corporate invitations to people such as the High Sheriff or the Lord Lieutenant it might be seen as a snub. On two occasions during his period as Chairman of Herefordshire Council he had stepped down from that role to attend as a City Councillor and he asked that recommendation 3.1 in the report not be passed.

Discussion continued about whether members had a mandatory possibility to attend civic events as part of being a City Councillor or where it was simply an expectation to continue a tradition. Councillor Stevens stated he would not attend religious ceremonies and did not see it as part of his elected role to do so. This did not mean he took his council duties other than that very seriously. It was also noted that some members have work commitments which can make Saturday attendance difficult. It was noted that it would be helpful if groups who brief potential candidates for the City Council could make them aware of the civic side of Council membership, as this sometimes comes as a complete surprise to newly elected members.

Members asked for a further recommendation regarding the wearing of civic robes at civic events.

It was proposed by Councillor Kenyon, seconded by Councillor Bushkes and by four votes in favour, none against, with eight abstentions

RESOLVED

That for civic events which are internal to the City Council such as Mayor-making, Annual Thanksgiving Service, Opening Historical Hereford Day, invitations to those with more than one entitlement to be invited shall be sent to City Councillors and their attendance requested in that role.

It was then proposed by Councillor Chappell, seconded by Councillor Michael and with six votes in favour, one against and three abstentions

RESOLVED

That when attending civic events City Councillors must wear the appropriate civic robes and hats.

GP2018/19.21 RISK ANALYSIS

The Clerk presented a report confirming the levels of risk on non-financial matters faced by the Council, which continues to be low. This report, combined with the financial risks accepted by Finance and Policy Committee will be presented to full Council as part of their annual oversight of key matters.

It was proposed by Councillor Lloyd-Hayes, seconded by Councillor Stevens and unanimously

RESOLVED

That the Committee notes the report and endorses it for inclusion with a report on financial risks for onward transmission to Council as part of a comprehensive annual risk review.

GP2018/19.22 DATE OF NEXT MEETING

Tuesday 21st August 2018 at 6 pm

The meeting was closed at 7:10 pm

Signed

Dated