



HEREFORD CITY COUNCIL

COUNCIL MEETING – 14 November 2023

MINUTES OF MEETING

Present: The Right Worshipful the Mayor Councillor Jacqui Carwardine and Councillors Andrews, Boulter, Dykes, Foxton, Griffiths, Hobbs, Hornsey, Kenyon (part), Milln, Owens, Potts, Powell, Proctor and Tillett.

Attending: Steve Kerry Town Clerk

C2023/24.31 APOLOGIES FOR ABSENCE

The Clerk reported apologies from Councillors Stevens and Toynbee.

C2023/24.32 DECLARATIONS OF INTEREST

Councillors Tillett and Milln declared non-pecuniary interests in item 11 concerning their personal knowledge of the applicants and in Councillor Owens' case occasional employment by the group on the projects.

Councillor Potts declared a non-pecuniary interest as a member of a first aid industry body which might be relevant to an item he anticipated arising during Clerk's correspondence.

C2023/24.33 MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Potts, seconded by Councillor Tillett and, with one abstention,

RESOLVED That the minutes of the meeting of 20 June 2023 be accepted as a true record and signed accordingly by the Chair.

C2023/24.34 MOTION TO COUNCIL

The Mayor moved the motion in her name concerning an email from Councillor Toynbee to a county member Councillor Chowns and a city member Councillor Owens, in which disparaging remarks had been made about a number of councillors including herself. She said she had felt very hurt and upset by the remarks which were entirely unfair and not what she would expect to see from a fellow councillor. She had waited long enough for an apology and none had been forthcoming therefore she was now proposing that the matter be dealt with through the Monitoring Officer. She was equally, if not more, upset about the remarks about her colleagues, city members Councillors Dykes and Owens and county member Councillor Oliver.

As Councillor Toynbee had sent her apologies, the Clerk, with the Mayor's permission, read an email from her seeking to explain the position.

Councillor Kenyon and Councillor Potts added their views that the remarks were wholly unfair and unacceptable from one councillor to another. They also felt that Councillor Toynbee was trying to shift blame for what she had done to Councillor Owens.

Councillor Boulter wondered why it was necessary to bring this to Council, those upset about the email should contact the Monitoring Officer directly.

Councillor Milln acknowledged that the language of the email was unpleasant and extremely regrettable. However, he felt that as six months had elapsed, it was time to forgive and move on.

Councillors Dykes and Owens supported the motion and spoke of their anger at such remarks being made and Councillor Dykes explicitly asserted that he had received no apology whatsoever.

In responding to the debate, Councillor Tillett referred to the email the Clerk had read and stated he had not received any apology, only a vague suggestion for a meeting over coffee. Councillor Chowns by contrast had immediately sought him out at a county council meeting and apologised to him and his colleagues which was the right thing to do. His principal concern was about Councillor Carwardine's position as Mayor. When the Council elects someone as Mayor they have a duty to support them in their year of office and help them uphold the dignity of the office. Comments verbally to a friend about someone's alleged failings is one thing but circulating an email is quite another. There may also have been a breach of the GDPR involved. It was in his view time to draw a line in the sand and move on with the formal investigation.

On being put to the vote it was, by eleven votes to nil with three abstentions,

RESOLVED

That Councillor Diana Toynbee has emailed County Councillor Ellie Chowns describing several present and former Hereford City Councillors, including the then Mayor and the current Mayor, bringing the city mayoralty into disrepute by her comments.

Councillor Toynbee has failed to withdraw her remarks or apologise directly to those affected over the last six months.

Councillor Toynbee has broken GDOR rules by sharing private email addresses of city councillors.

Council believes the content of these emails is contemptuous and:

Requires the Town Clerk to write to the Monitoring Officer to raise this as a standards complaint.

Council requires the Town Clerk to write to the Chair of the Disciplinary Committee of the Green Party and to the joint national leaders informing them of Councillor Toynbee's behaviour.

Council believes that the resolution of this matter is necessary to enable the normal process of mayoral selection to proceed in future.

C2023/24.35 INTERVIEW PANEL SELECTION

The Clerk reported that at a meeting of Policy and Resources Committee members had considered the implications of his upcoming retirement likely to be from 31 March 2024. Some of the debate had been on confidential matters but one item that was in the public domain and upon which the consent of the whole council was sought was the selection of the panel who would shortlist, interview and appoint. His proposal endorsed by the Policy and Resources Committee was that the Deputy Mayor and the Committee Chairs would form the panel. The reason for the Deputy Mayor undertaking this was that, if normal precedent is followed, Councillor Tillett is expected to be Mayor in May when the new Clerk is settling into the role. The Committee Chairs provide an overview of the whole function of the council, and are by definition, members in whom colleagues have expressed some confidence in electing them to those roles.

Councillor Kenyon suggested that his years on the Council, including ten as Chair of Community Development and one as Mayor would add value to the group. Councillor Boulter felt that this should be a cross party panel, the Chairs and the Deputy Mayor were all Liberal Democrats. Councillor Tillett added that if he or the Chair of a Committee cannot carry out the role the original proposal is that the Mayor or the Vice Chair will stand in for them.

After general discussion it was confirmed that Councillor Kenyon was not moving an amendment to add his name. It was also confirmed that members wished to consider having the panel itself elect a substitute if one of their number was unable to take part.

In response to Councillor Boulter's suggestion for proportionality the Clerk confirmed that this would mean three Liberal Democrats, one of the two Green Party members and one from the four members who are the only representatives of their group, or are ungrouped.

It was moved by Councillor Foxton, and seconded by Councillor Boulter that the panel be selected on the basis of proportional representation among the groups on the Council. This was rejected by three votes to twelve.

It was then proposed by Councillor Potts, seconded by Councillor Hornsey and by twelve votes to three

RESOLVED

That the selection panel for the post of Town Clerk be the Deputy Mayor and the Chairs of Climate and Biodiversity Committee, Community Development Committee, Planning Committee and Policy and Resources Committee – namely Councillors Tillett, Owens, Hornsey, Andrews and Stevens.

That if any member of the panel is unable to take part for any reason including personal knowledge of an applicant the panel will select another member of Council to take their place.

That the panel will be responsible for shortlisting, interviewing and appointing the new Clerk.

C2023/24.36 INTERIM INTERNAL AUDIT REPORT

The Clerk briefly introduced the interim report, noting that it contained no recommendations or concerns. The Auditor had provided some notes outside his report to set up a proper

process for Tourist Information Centre transactions which were increasing and this would be checked in his next report.

It was proposed by Councillor Andrews, seconded by Councillor Potts and unanimously

RESOLVED That the interim report of the internal auditor be accepted.

C2023/24.37 EXTERNAL AUDIT REPORT

The Clerk presented the unqualified report of the external auditor. He added that he had inadvertently made an error which would be picked up next year. He had missed the deadline for putting up the public notice of the unqualified audit which would have to be picked up in next year's report when the Council was asked if it had met all statutory requirements and processes etc. He wanted to make it clear that this should not reflect on his successor, the mistake was made this year.

It was proposed by Councillor Potts, seconded by Councillor Hornsey and unanimously

RESOLVED That Council accepts the unqualified report of the external auditor.

C2023/24.38 CALENDAR OF MEETINGS AND CIVIC EVENTS 2024

The Clerk presented the proposed calendar for the next year. Councillor Owens, as Chair of Climate and Biodiversity, asked that the frequency of meetings of that Committee be increased. The Clerk confirmed that this could be done without reference to Council – the Committee itself would set the date for its next meeting. This calendar was for information as it stood at present.

The calendar was noted.

C2023/24.39 REVIEW OF COMMITTEE ROLES AND REMITS

The Clerk introduced the report and noted that it had been a long and detailed process into which every committee had made an input. Some matters such as the management of grant or planning applications was a matter of a committee agreeing a process internally. But matters which involved altering the remit of a committee required the approval of full Council. Those matters were now being brought to Council after every Committee had been consulted and made its observations. There was only one disagreement which was the location of the oversight of the Hereford Zipper now the need for a specific committee had ended. The Clerk was recommending Policy and Resources Committee but a case could be made, and had been suggested, for it to be within the remit of Climate and Biodiversity Committee.

Councillor Potts admitted that this had been his idea and was not a popular one at the time! It had yielded a very valuable review of process for grants which had been greatly streamlined and later for planning applications with a similar result. The workload of Climate and Biodiversity Committee had been increased and was now better balanced with the other committees. He was happy to move all of the recommendations and thanked the Clerk and staff team for their effort in bringing this substantial piece of work to a conclusion. Councillor Powell supported that and enquired about major planning applications outside the parish boundaries, who would pick them up for consideration as they were outside a ward. Councillor Andrews, as Chair of Planning, confirmed that major border applications would be brought to committee on her recommendation. (It was noted that we still await the results of the appeal on a recent mast application which will define the capacity of planning authorities to affect the location of these installations by setting a precedent.)

It was agreed to take all the recommendations together and it was therefore proposed by Councillor Potts, seconded by Councillor Hornsey and unanimously

RESOLVED

That grants for projects whose primary purpose is to improve biodiversity or to ameliorate climate change will be considered by the Climate and Biodiversity Committee and that in 2023/24 the sum of £10,000 is vired from the grants budget to Climate and Biodiversity Committee.

That both Committees have a £5,000 limit on grants, with awards above £3,000 only being made for projects of very high value to the City.

That both Committees may recommend awards of above £5,000 to full Council.

That in future years 30% of the grants budget is assigned at the start of the financial year to Climate and Biodiversity Committee and 70% to Community Development Committee.

That the balance of fund allocation between the two committees is reviewed in the half yearly financial report to Policy and Resources Committee and any recommendations for an adjustment are reserved for agreement by full Council.

That the oversight of the following ongoing business relationships be transferred from Community Development to Policy and Resources Committee:

Herefordshire Citizen's Advice Bureau

Herefordshire Closed Circuit Television

Hereford Allotments and Leisure Gardeners

Close House

Hereford City Business Improvement District

Hereford in Bloom

That the Hereford Zipper Committee be abolished and the oversight of the project be added to the business relationships overseen by Policy and Resources Committee.

That the process for an annual award(s) of Mayors Commendations be developed and that the Committee stage of that process be considered by Policy and Resources Committee as a confidential matter.

That Council notes the changes agreed by Community Development Committee for the processing of grant awards.

That Council notes the changes agreed by Planning Committee for the processing of planning applications for masts and for general applications.

That Council agrees to the call for members to review planning applications in their wards and to raise controversial applications for consideration by the Committee, noting that other applications will be passed by the relevant officer as "No Comment".

That Council thanks all those members and officers who have participated in the review for their ideas and suggestions and thanks the Clerk for drawing these together into a single report.

C2023/24.40 LARGE GRANT REFERRED BY COMMUNITY DEVELOPMENT COMMITTEE – GROWING LOCAL - £9,852.00

The Clerk reported that the Community Development Committee had considered a grant application from Growing Local and felt it had sufficient merit to be agreed above the limit for that Committee. It was therefore a recommendation that it be agreed by Council to award £9,852. Members noted that Growing Local was an excellent group who did a lot of good work and should be supported. This was a very good application. It was specifically requested that there be detailed feedback from the group on how the money was used and that full attribution to the City Council be given.

It was proposed by Councillor Hornsey, seconded by Councillor Powell and, with Councillors Owens, Tillett and Milln abstaining having declared a non-pecuniary interest at the start of the meeting,

RESOLVED That a grant of £9,852.00 be made to Growing Local in accordance with their grant application as recommended by Community Development Committee.

C2023/24.41 MEDIUM TERM FINANCIAL STRATEGY

The Clerk introduced the report explaining that with current inflation and known pressures on the Council's finances going forward it would be prudent to start building up resources now. A 5% per annum, increase would contribute to the provision of funds for the future operation of the Zipper when the reserve is exhausted, and give some cover for possible liabilities arising from increases in grants, costs from a partial ownership solution of the Town Hall and pressure to meet service cuts driven by Herefordshire Council's difficult financial position. The Policy and Resources Committee were not keen to see a tax increase this year, as although a modest element in the overall council tax bill faced by residents, any increase would be difficult for some as so many other costs were rising including the Fire and Rescue, Police and County Council charges.

Councillor Potts suggested that instead of an increase of 5% the Council should give notice that it will cease to fund CCTV provided by Herefordshire Council. He felt the burden of this cost should fall on those who benefit from it, namely the Police and Crime Commissioner.

Members debated whether it was necessary to give formal notice now or whether there could be a period of discussion with Herefordshire before making a decision. The Clerk reminded members that any decision on a medium term financial strategy was for guidance of officers producing the budget. The final budget decisions would be made by Council in January after a further review by Policy and Resources Committee, and that further information about CCTV could be made available if it was needed. If the Council simply asked for discussions, the notice period under the contract would not start and as it was six months, this would reduce the saving to be made in the first year.

Councillors noted that setting a medium term financial strategy is not the same as setting the final budget and that some matters of detail could be left until more information was available; but it was important to give a clear indication of what was expected. It was noted that those on the lowest income paid proportionately less council tax as their homes were usually in lower tax bands, that universal credit covered elements of the old council tax benefit and that even a 5% increase was only £2.60 per annum on a Band D. However, publicity was always given to the percentage not the cash amount.

It was also noted that although we pay a substantial amount towards it we have no practical control over how CCTV is run, for example there have been cuts in the staffed hours with no commensurate reduction on our charge. In answer to a question, it was confirmed that with the inflator it is anticipated that the charge for 2024-2025 will be around £58,000 which is close to 5% of the Council's annual budget.

It was proposed by Councillor Potts, seconded by Councillor Kenyon and by fourteen votes to one

RESOLVED

That in setting the budget for 2024-2025 officers are requested to assume a 0% increase and to seek savings to cover expected inflation.

That for the years 2025-2026 and 2026-2027 an annual increase of 5% is assumed.

That the percentages above may be varied in each year by more detailed information on projected costs and income as well as the movement of the tax base, which affects the value of a change to the precept.

That the medium term financial plan is also based on maintenance of the current level of the general reserve as a hedge against the liabilities and risks identified in the report to Council.

That the Clerk serves notice on Herefordshire Council of an intention to terminate funding of CCTV to contribute to the delivery of a 0% increase in 2024-2025.

That the proposals for future increases are reconsidered as more data becomes available concerning Town Hall costs and the possible sponsorship and advertising revenues raised by the Zipper.

C2023/24.42 MAYOR'S COMMUNICATIONS

The Mayor reported that she had been very busy and was thoroughly enjoying her period in office.

C2023/24.43 MINUTES OF COMMITTEES

The following minutes of Committees were noted without any questions or comments:

Climate and Biodiversity 27 June and 19 September 2023

Community Development 13 June, 5 September, 17 October 2023

Community Development (Grants) 26 June and 18 September 2023

Planning and Highways 22 June, 20 July, 17 August, 14 September, 12 October 2023

Policy and Resources 4 July and 12 September 2023

Youth Council 19 June, 10 July, 18 September and 16 October 2023

C2023/24.44 REPRESENTATIVES TO OUTSIDE BODIES

- a) **Municipal Charities** – Councillor Hornsey reported that lots is going on with new properties and that the new Clerk would be starting January. The Clerk reported that he had been asked by the Clerk if we wished to nominate new Council members as the current ones were all now trustees in their own right. The meeting felt that they

were satisfactorily represented by the existing trustees who could report any matters of interest. Any new nominations would be reviewed in January.

- b) **Hereford in Bloom** – Notes of a recent meeting had been circulated with the agenda.
- c) **Close House** – Councillor Potts had attended their last three meetings and had been amazed at the amount they are doing with holidays for disadvantaged children and young carers being a highlight. Other members noted their support for the British Legion around Remembrance Day and the poppy appeal and at the Kindle Centre where the EPICs had proved very valuable.
- d) **Hereford Business Improvement District** – In Councillor Stevens’ absence an emailed update would follow this meeting.
- e) **Stronger Towns Board** – Councillor Hornsey reported that all relevant information is on their website. All projects are progressing well with the cycle track open and the Zipper launched. However, the two Herefordshire Council projects concerning the Museum and Library were still rated as red risks with significant challenges to overcome to remain on track.
- f) **Bishop of Hereford’s Blue Coat School** – Councillor Hobbs reported that there is a meeting next week.
- g) **Community Land Trust** – Councillor Milln reported that delivery of projects is proving extremely difficult. One site in Burton Road is under active consideration.
- h) **Hereford Allotments and Leisure Gardeners** – Councillor Kenyon reported no issues had arisen.
- i) **Hereford Association of Local Councillors** – The Clerk reported that having renewed our membership the Council was entitled to send a representative to meetings of the HALC Executive. It was proposed by Councillor Griffiths, seconded by Councillor Boulter and unanimously

RESOLVED That Councillor Potts be appointed to represent the Council on the HALC Executive.

- j) **Three Choirs** – The Clerk reported that as the festival would be in Hereford in 2025 a new Committee was being formed and the Council are invited to send two representatives. Councillor Foxton who had done this in the past and Councillor Hornsey were both willing to continue. Councillor Kenyon indicated interest but did not ask to be nominated. The following nominations were made – Councillor Dykes (proposed by Councillor Tillett, seconded by Councillor Hobbs), Councillor Foxton (proposed by Councillor Boulter, seconded by Councillor Milln) and Councillor Hornsey, (proposed by Councillor Owens, seconded by Councillor Potts).

Councillor Kenyon left the meeting at this point.

On being put to the vote Councillor Dykes received ten votes, Councillor Foxton received three votes and Councillor Hornsey received thirteen votes. It was therefore

RESOLVED That the City Council representatives to Three Choirs 2025 be Councillors Dykes and Hornsey.

C2023/24.45 TOWN CLERK'S COMMUNICATIONS

The Clerk reported the following matters for members' information:

Councillor Kenyon has obtained an offer of first aid training for members and officers, and it will be made available to volunteers especially the EPICs and Hit Squad who support City Council events. It was offered by a local provider as a one day emergency first aid course leading to a certificate valid for three years. There were a number of questions about accreditation of the provider and the value for money so if this is to be proposed it will be an agenda item for the next meeting of Council.

The consultants supporting the Stronger Towns Fund were trying to gain funding for a military history pageant as an annual occurrence as part of the legacy projects. To establish a proper plan they had asked if the City could contribute £2,000 from the Zipper project capital pot, which is able to bear the cost. This was agreed by acclamation.

The Christmas Lights were up and the Swich On was on Sunday.

The long running issues with controlling vehicular access to High Town when events were on had been resolved with a pop up bollard solution which would remove the need for contractors to attend to put temporary barriers in place and would also not compromise the archaeological remains under the paving. This has only arisen after belated consultation from Herefordshire whose previous suggestions were impractical and costly.

C2023/24.46 DATE OF NEXT MEETING

Tuesday 23rd January 2024 at 6 pm

C2023/24.47 EXCLUSION OF PRESS AND PUBLIC

Pursuant to the Public Bodies (Admission to Meetings) Act s1(2) it was proposed by Councillor Andrews, seconded by Councillor Tillett and unanimously

RESOLVED That the press and public be excluded from the meeting to allow for the consideration of confidential business.

C2023/24.48 PROPOSAL TO AWARD FREEDOM OF THE CITY

At the conclusion of the confidential item which is separately minuted, it was

RESOLVED That Council accepts the recommendation of the Policy and Resources Committee and agrees to offer an individual the Freedom of the City and authorises the Clerk to contact them to ask if they will accept the award.

There being no further business the Mayor declared the meeting closed

Signed

Date