

SUPPLEMENT TO THE AGENDA FOR

Council

Friday 17 July 2015

10.00 am

The Shire Hall, St Peter's Square, Hereford HR1 2HX

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Question from Mr P McKay, Herefordshire

Question 1

Accuracy of administrative map

Our Administrative Map does not show all our roads, and of particular concern are those that provide connectivity with public paths, lead to public places, and/or are through routes. The Ordnance Survey Integrated Transport Network data does according to the Technical Specification provide a list of public use roads, but the survey as undertaken fails to distinguishing between public and private use roads, with OS in process of raising a disclaimer.

Will council a) record these roads with public highway rights under the new Local Street Gazetteer standards, having procedures in place for correction of any errors, as council simply must be aware of many of them, and b) advise Ordnance Survey that raising a disclaimer is unacceptable, requiring a survey as paid for in conformance with the Technical Specification ?

Answer from Councillor P Rone cabinet member transport & roads

Answer to question 1

- a) Herefordshire Council's administrative map identifies all streets that the council is aware are subject to highway rights. In April 2015 the council adopted a protocol for dealing with applications for amendments to highway records. The protocol (available on the council's website at the following link: <https://www.herefordshire.gov.uk/transport-and-highways/amending-herefordshire-councils-highway-records>) sets out the procedure under which members of the public or other organisations can submit evidence to the council to enable consideration to be given to any suggested amendments. I am aware that the questioner has also raised this matter via a freedom of information request and to the chairman of general overview and scrutiny committee. A formal response has been sent direct and a copy will be provided to the chairman and members of the general overview and scrutiny committee.
- b) This is a matter for the Ordnance Survey as the responsible body for their data. However, the council is aware that the Ordnance Survey is currently working on the alignment of data to ensure consistency with data held by local councils.

Question from Mrs E Morawiecka, Breinton

Question 2

Housing growth targets

In March 2015 Herefordshire Council published "Update of Herefordshire Local Plan - Core Strategy Examination in Public - Five year housing land supply (2015-2020)". In this document the council stated para 4.3 "*The Herefordshire Core Strategy covers the period 2011-31 and provides for a minimum 16,500 homes. This target exceeds the objectively*

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assessed need identified for between 15,400-16,200 homes over this period by 2% - 7% (300-1,100 homes)."

The Regional Spatial Strategy is no longer a national requirement and so the council can set its own housing development target on the basis of the Objectively Assessed Need for homes. If Herefordshire Council reduced the housing target in their Core strategy on the basis of the most up to date housing figures, the council would be in a position to demonstrate that it does have a 5 Year Housing Land Supply, as required by the NPPF. This would prevent speculative planning applications across Herefordshire, often on Greenfield sites.

Would the cabinet member please explain why Herefordshire Council continues to defend a housing growth target above that required by national government, when to continue to do so leaves housing development across the county in the hands of large developers?

Answer from Councillor P Price cabinet member infrastructure

Answer to question 2

The objectively assessed housing need and the five year housing land supply were fully tested at the recent examination hearings.

The proposed level of housing provides an opportunity to improve affordability and supports economic growth across the county.

The outcome of this process will be precisely that which the questioner has in mind, namely the adoption of an up to date local plan which will give local control to decision making in planning.

Members' questions at Council – 17 July 2015**Question from Councillor A Seldon****Petty Bridge realignment**

Question 1

About nine years ago, a LPG tanker overturned at Petty Bridge on the A44 approach to Bromyard. Examining the cause of the accident led to schemes to realign the road to the bridge. These schemes have never been implemented and now seem to have disappeared. What has happened to them?

Answer from Councillor P Rone cabinet member transport & roads

Answer to question 1

Prior to 2002, the site was identified as an accident cluster site (that being where three personal injury accidents occurred over the previous five year period). Improved signage and minor works to improve visibility were therefore carried out to address this known problem. Monitoring showed a reduction in the number of accidents in subsequent years which indicated that these works had been successful and this location is not currently an accident cluster site.

Funding for improvement schemes across the county is carefully prioritised taking into account current personal injury accident records across the county; in light of this there are currently no plans for an improvement scheme at this location. Should there be a change in the safety record of the site this position would of course be reviewed.

Question from Councillor A Seldon**Pavement sweeping in Bromyard**

Question 2

Despite the best efforts of our locality steward, there has been no regular pavement sweeping in Bromyard this year. Why? When will the regular service be resumed?

Answer from Councillor P Rone cabinet member transport & roads

Answer to question 2

It is not the current practice to sweep at regular defined intervals. Pavement sweeping in market towns is carried out on a reactive basis when the need is identified through the regular inspections by the locality stewards. It is open to town councils to fund additional provision, which has already happened elsewhere in the county.

Question from Councillor C Chappell

No. 1 Ledbury Road

Question 3

No1 Ledbury Road, which is run by the Wye Valley NHS Trust, but is mainly funded by social services, and which has offered respite to many families with children with special needs is to close in March 2016. I am not aware that this has been discussed by the Health and Social Care Scrutiny Committee. What discussion has the cabinet member had to look at alternative ways to help the Wye Valley Trust keep this valuable facility open?

Some parents have been told that the alternatives to this provision are;

1. Foster Parents. Still to be recruited and cannot possibly have the necessary skills needed.
2. A Buddy scheme, but children with autism, for example, do not take well to outsiders telling them what to do.
3. Direct Payments. What expertise is there in the community which parents can buy which is as good as or better than present?

Does the Cabinet member believe that these are adequate alternatives to the expertise provided by a dedicated staff at No1 Ledbury Road?

Can he explain to Council what financial savings will be made, and can he tell us what he believes will be the personal cost to the children and families affected?

Answer from Councillor J Lester cabinet member young people and children's wellbeing

Answer to question 3

Councillor Chappell may recall that Cabinet, at its meeting on 21 November 2013, agreed a new prospectus based approach to the commissioning of short breaks and respite services for children with disabilities (see web page at the following link: <http://cabinet decision short breaks>).

This approach supports the council and Clinical Commissioning Group's (CCG's) shared vision for children and young people with disabilities, which is: *that they are healthy, safe and achieve well; and that they go on to lead happy and fulfilled lives with choice and control.*

Herefordshire was unusual in not having had a range of short breaks available and this decision sought to address this. Following this decision the council

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and the CCG have worked closely over the past two years to develop a range of services to provide “short breaks” for children and young people with disabilities, and their families. This includes enabling families to have support in local family based settings, which is something that families told us they wanted when we worked with them to develop services.

No 1 Ledbury Rd, a facility owned and managed by Wye Valley NHS Trust, has been providing institutional overnight respite care and has been mainly funded by the CCG. This is an historic position, though the CCG is not funded to provide such short breaks. Wye Valley NHS Trust, has recently given notice that the facility will not be available from April 2016 onwards. The council will derive no financial savings from this change. The prospectus approach agreed by Cabinet, ensures there will be a number of alternatives to this specific institutional overnight care, including overnight foster care which is being developed to begin from January 2016 onwards.

I am concerned to hear from some parents who say that they have not been consulted on these latest developments and I am looking into this. I will also meet with the CCG and Wye Valley NHS Trust to review the arrangements being put in place. I understand the concerns being expressed and I can assure councillors that the council will fulfil its statutory duties to meet the needs of the most vulnerable.

The Herefordshire local offer provides information for young people and families on special educational needs and disabilities. This also includes information on the range of services, including the voluntary and community sectors, early years, education, care and health and is available for information at the following web link:

<https://www.herefordshire.gov.uk/education-and-learning/local-offer>

Question from Councillor C Chappell

Mandatory training (members)

Question 4

Councillors' allowances are there to support loss of wages, the use of private telephones and other incidental expenses. Many councillors work 30 hours a week or more for their constituents and the county.

No councillor is opposed to undertake the mandatory 'Safeguarding' training or 'Planning' training for those on the planning committee, but what was the thinking behind the Independent Remuneration Committee's recommendation that all councillors should undertake a wholesale training programme and lose £1000 of their allowances if they failed to complete?

What allowance has been made, under the Disability Act, for those councillors with visual impairment?

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Answer from Councillor B Wilcox chairman of the council

Answer to question 4

Public expectations of office holders are rightly high. All members, on election, sign a declaration of acceptance of office and undertake to fulfil the duties of that office to the best of their judgement and ability; training is provided to support members to meet that commitment and remain within the law when fulfilling their many and varied duties.

The independent remuneration panel were requested to consider how allowances could be structured to incentivise take up of training considered key to this aim. This request arose following concerns about poor member attendance at training and development sessions being raised by members themselves.

Allowances are not being lost or withheld; rather in accordance with the recommendations of the independent remuneration panel approved by this Council at its meeting in May, there are two levels of basic allowance and members will qualify for the higher rate for the whole year if they have completed the seven training elements identified in the Council report within a three month period. Other training and development opportunities will continue to be made available to members on an ongoing basis but will not impact on the basic allowance rate paid.

I understand that, in compliance with legislative requirements, if reasonable adjustments are required as a result of a disability these will be made.

Question from Councillor C Chappell

Mandatory training (employees)

Question 5

At the top of the training module it says it is for of employees. I understand that some councillors have been told that we too are employees of the council! To avoid any accusation of discrimination, can the head of paid service assure Council that ALL the council's employees have undertaken the training and if not will lose the same proportion of their salary as councillors will lose their attendance allowance?

Answer from Alistair Neill head of paid service

Answer to question 5

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Elected members hold office and are not employees of the council; some training materials may be applicable to both and it is regrettable if this has led to a perception that members are employees. I am not aware of advice being given to members that they are employees but will of course correct any such misunderstanding should that be the case.

All employees of the council are required to undertake mandatory training relevant to their role. Managers actively monitor individuals' completion of mandatory training and failure to complete would be addressed through the regular performance and development reviews. In addition management board review overall performance in this area.

Training is provided to ensure that employees are best equipped to do the job required of them safely and to the best of their ability; the primary incentive is that individuals feel confident that they have the right tools at their disposal.

As the Chairman notes in his response to Councillor Chappell's previous question, the suggestion for there to be an incentive applied to encourage member training (which cannot be addressed through performance management as elected members are not employees) came from members themselves who had expressed concern at the low levels of uptake of training and development opportunities.

Question from Councillor L Tawn

Fire damaged building in High Town

Question 6

Please could the cabinet member provide an update on the fire damaged buildings in High Town, including the sites future and current ownership?

Answer from Councillor P Price cabinet member infrastructure

Answer to question 6

In October 2014, it became clear that market forces were not going to resolve the problem of the fire damaged 16-18 High Town properties in Hereford. On my request, planning officers therefore served a Town and Country Planning Act notice on the then owners of the property (Omaha Properties Ltd) requiring them to either rebuild the properties or, if unable to do so, to internally stabilise the buildings with secure boarding around the site with a pictorial representation of the rebuilt properties on this boarding. The notice required compliance by 20 February 2015.

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At that time the council were informed that the owners had gone into liquidation and the receivers, Deloittes, have subsequently advised they are unable to enact a satisfactory resolution.

The only improvement effected since the expiry of the notice has been the recladding of the existing scaffold to a height of 4.8m. The council made no objection to a local artist painting a mural of the First World War on this, as it arguably bettered the plain hoarding.

The fire-damaged buildings continue to give great cause for concern. Options for accelerating the improvement, including some interest expressed by a charity, are currently being finalised and I expect to take a cabinet member decision on those options in the second half of August, and will consult with the ward member before doing so.

Question from Councillor M Lloyd-Hayes

No.1 Ledbury Road

Question 7

Who decided that the respite care/short breaks provision at No 1 Ledbury Road would not be available after March 2016?

Answer from Councillor J Lester cabinet member young people and children's wellbeing

Answer to question 7

I refer Cllr Lloyd- Hayes to the answer given to member question 3 above.

Question from Councillor A Powers

First bus services

Question 8

Can the cabinet member please explain how bus services in the city and the county will be affected by the decision of First Midland to withdraw its services in September?

Answer from Councillor P Rone cabinet member transport and roads

Answer to question 8

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I am pleased to confirm that services should not be adversely affected. The council has received confirmation that **all** of the services currently operated by First Midland have been registered for continuation after First's withdrawal after 5 September. Services have been registered by local bus operators Yeomans Canyon Travel and DRM Bus.

Question from Councillor R Matthews

Broadband

Question 9

I understand that the faster broadband scheme may not be met as BT struggles with rural connections, and that they are unlikely to meet targets as set out in the delivery contract. If BT should fail to achieve the agreed targets, it is liable to contractual fault. If that is the case, what is the likely outcome, and most importantly, could it possibly result in further expenditure by this council?

Answer from Councillor G Powell cabinet member economy and corporate services

Answer to question 9

55% of premises in Herefordshire now have access to fibre broadband from a position of no fibre coverage in 2012. The Fastershire project, delivering faster broadband to Herefordshire and Gloucestershire, runs until December 2016 by which time around 90% of premises in the county should have access to a fibre broadband service.

The Fastershire project in Herefordshire is divided into seven milestone areas and constructed in a way that means BT have to deliver fibre to both easy and difficult to reach areas at the same time. In some of the early milestone areas BT have struggled to enable the hard to reach rural areas within the contractual timescale due to the need to deploy more "fibre to the premise" technology than anticipated. If BT fail to meet the target completion date for each milestone they are in contractual default, however rather than jeopardise the whole project BT have been given additional time to complete certain milestone areas (cabinet member decisions of 20 March and 6 May 2015).

The agreement to extend the milestone completion dates avoids contractual default but does not mean that the council will incur additional expenditure.

Herefordshire Council has been allocated additional government funding under the superfast extension programme, which is designed to enable fibre broadband to reach more rural premises. The Herefordshire broadband strategy that was agreed in June 2014 outlines how the additional funding will

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be used. The cabinet member decision of 12 June 2015 outlines how the project is working with BT to determine whether there is opportunity to extend the current programme whilst pursuing additional open procurement to test value for money and understand whether emerging technologies would meet the needs of rural areas more cost effectively.

Question from Councillor E Harvey

Waste management

Question 10

During 2013 & 2014 I raised concerns regarding material weaknesses and errors in the technical advice, failures to follow DEFRA guidelines and shortcomings in the financial modelling all informing the largest investment decision this council has ever made. To borrow £40m towards the £160m cost of a waste incinerator to be built at Hartlebury jointly with Worcestershire Council.

Throughout this time I was told repeatedly by officers and by councillors that I was wrong.

Yesterday Audit and Governance Committee discussed a report from the external auditors which concluded that on all these points of concern I was correct.

Whilst time remained to address the shortcomings, was the repeated rebuttal of my concerns a deliberate strategy to ensure the decision to invest went ahead irrespective of whether or not it delivered value for money for Herefordshire? Or were the officers and members involved not sufficiently expert to understand the substance and seriousness of the concerns that I raised? Or are the external auditors' judgements also to be dismissed as 'wrong' by this administration?

Answer from Councillor H Bramer cabinet member contracts and assets

Answer to question 10

The report by Grant Thornton, the council's external auditors, into an objection made to the council's 2013/14 accounts, rejected the objection, did not identify any remedial action the council should take, and concluded:

"In particular the Council:

- sought and obtained appropriate expert advice regarding the technology to deal with residual waste;
- obtained projected waste flow information from its advisers

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- secured relevant financial information from appropriate experts and from the Council's officers regarding the costs of the project and financing criteria;
- received detailed legal advice on its proposed course of action;
- determined appropriate criteria in regard to VFM, covering both quantitative and qualitative measures, and considered these criteria carefully in reaching its decision."

Like Councillor Harvey I would not wish in any way to suggest that the external auditor's judgements are 'wrong'; I would however disagree with Councillor Harvey's interpretation of the findings.

By investing in this technology the council will make significant savings over the lifetime of the plant when compared with other waste management solutions such as continuing to landfill municipal waste.

Question from Councillor E Harvey

Cabinet member skills

Question 11

How are we to be assured that all cabinet members possess the qualifications and experience necessary to fit them for their responsibilities?

Answer from Councillor A Johnson leader of the council

Answer to question 11

I recall that Councillor Kenyon asked a very similar question of my predecessor and my answer is broadly the same.

Councillor Harvey will be very well aware that there isn't a person specification setting out necessary qualifications for holding office as a councillor let alone taking on any of the special responsibilities such as cabinet member or chairman of a committee. Once elected, members draw on their experience and will continue to develop their knowledge and skills to enable them to be effective whether in representing their constituents, or fulfilling any of a wide range of member roles within the council.

Cabinet members have a wide range of backgrounds, skills and experience that encompass the private sector, self-employment, and the public sector; as well as a wealth of voluntary activity. This experience is underpinned by an absolute commitment to the future of this county and the people within it.

Performance assessment of all councillors of course takes place every four years in the polling booths.

