

SUPPLEMENT TO THE AGENDA FOR

Council

Friday 4 March 2016

10.00 am

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

	Pages
5. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	3 - 6
8. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions from Councillors.	7 - 12



MEETING:	Council
MEETING DATE:	04 March 2016
TITLE OF REPORT:	Questions from members of the public
REPORT BY:	Governance Manager

Wards Affected

County-wide

Purpose

To receive any questions from members of the public deposited more than eight clear working days before the meeting of Council.

Introduction and Background

- 1 Members of the public may ask one question of a Cabinet Member or Committee or other Chairmen at any meeting of Council, subject to the exceptions in the paragraph below. Written answers will be circulated to Members, the press and public prior to the start of the Council meeting. Questions subject to a Freedom of Information request will be dealt with under that separate process.
- 2 No questions from the public will be considered at the Annual Meeting of Council which Council has agreed will concentrate on the civic and ceremonial role of the Annual Council meeting. No questions from the public will be considered at the Budget (February) meeting of Council except on those items listed on the agenda.
- 3 Standing Order 4.1.14.4 of the Constitution states that: a question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday eight clear working days before the day of the meeting (ie the Monday of the week preceding the Council meeting where that meeting is on a Friday). Each question must give the name and address of the questioner and must name the person to whom it is to be put.
- 4 A questioner who has submitted a written question may also put **one** brief supplementary question without notice to the person (if s/he is present at the meeting) who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman may reject a supplementary question on any of the grounds for rejecting written questions (as set out in paragraph 5 below), or if the question is too lengthy, is in multiple parts or takes the form of a speech. In any event, any person asking a supplementary question will be permitted only **1 minute** to do so.

Further information on the subject of this report is available from
Governance Services on Tel (01432) 260659

- 5 A question may be rejected if it:
- Is not about a matter for which the Council has a responsibility or which affects the County or a part of it;
 - Is illegal, scurrilous, defamatory, frivolous or offensive or otherwise out of order;
 - Is substantially the same as or similar to a question which has been put at a meeting of the Council in the past six months or relates to the same subject matter or the answer to the question will be substantially the same as the previous answer;
 - Requires the disclosure of confidential or exempt information;
 - Relates to a planning or licensing application;
 - Relates to an employment matter that should more properly be dealt with through the Council's human resources processes.
- 6 There will be a time limit of a maximum of 30 minutes for public questions and of 30 minutes for Members' questions. There will normally be no extension of time, unless the Chairman decides that there are reasonable grounds to allow such an extension, and questions not dealt with in this time will be dealt with by written response. The Chairman will decide the time allocated to each question.

QUESTIONS

- 7 One question has been received and accepted by the deadline and is attached at Appendix 1.

Background Papers

- None

Public questions to Council – 4 March 2016

Question from Mr P McKay, Leominster

Question 1

Highways records

Council has advised under FOI that when undertaking the LSG upgrade requiring highway dedication codes to be registered, that our unadopted highways that HC simply must be aware of such as those in regular public use such as Rockfield Road, cul-de-sac's leading to public places such as Dinedor Camp, and to public paths mentioned on the written statements as road to which path connects, are to be registered without any public highway dedication rights of use, expecting instead our parish councils to apply for registration with supporting evidence. I view the legislation and DfT Code of Practice as requiring Council to self-register these unadopted highways, which could be supported by an Evidence Base outlining earlier decisions made when the present records were raised, providing transparency so that all may be aware, HC having the evidence, expertise and responsibility for doing this.

I therefore ask what further instruction/guidance does Council require Government to raise before they would undertake self-registration, which surely would be a more cost effective way forward with completion of the highway records, providing connectivity, and to the standard that the public and parishes expect?

Answer from Cllr P Rone, cabinet member transport and roads

Herefordshire Council considers that it complies with current government guidance in this area. As has previously been advised, the council has a finite resource available for researching and establishing highway rights and these will be prioritised in the first instance to addressing properly made applications.

Members' questions at Council – 5 March 2016**Question from Councillor S Bowen****Smallholdings****Question 1**

Can the cabinet member confirm:

- a) that he agrees that one of the recommendations of the general overview and scrutiny committee concerning the county smallholding estate was that every tenant was to be given the opportunity to buy their own smallholding, and if so, why has no tenant, so far, been given this opportunity?
- b) that all tenants be given the opportunity to buy their own smallholdings, and if not, why not?

Answer from Councillor H Bramer cabinet member contracts and assets

Answer to question 1

As the chairman of general overview and scrutiny, Councillor Bowen will recall that the specific recommendation made, and accepted, was: "That the council should, on a case by case basis, provide existing tenants with the opportunity to purchase their own holdings conditional upon the assessed impact upon the remainder of the identified estate for sale or retention and ensuring best value is achieved." It will be noted that this did not suggest that every tenant would have the opportunity to buy their own smallholding as there may be circumstances, such as land or buildings having development potential, when this would not achieve best value in line with the committee's recommendation.

Councillor Bowen will also recall that, in taking the decision to undertake a structured sale of the entire smallholdings estate, cabinet acknowledged the need to develop an overarching disposals plan and to ensure support was available to existing tenants. Tenants are being consulted on their support needs and work is underway to develop a disposals plan to inform a report to the executive; while this work is underway it would be inappropriate to progress sale opportunities with individual tenants.

Question from Councillor S Bowen**Hereford tramway****Question 2**

Has full and proper consideration been given to the possible implementation and very large potential benefits of a Hereford light tramway system and if not, why not?

Members' questions at Council – 5 March 2016

Answer from Councillor P Price, cabinet member infrastructure

Answer to question 2

Detailed studies have previously been carried out to assess the costs and benefits of the introduction of such a scheme in Hereford. Taking into account the constraints you would expect to be associated with delivering such a scheme in a historic city centre, the studies concluded that investment would represent poor value for money when compared to other investment in transport for the city. Although these studies were undertaken some years ago, nothing has happened in the intervening time to suggest a new study would produce a different result.

Question from Councillor K Guthrie

Investment in Herefordshire roads

Question 3

Would you please explain how such a low spend will safeguard the highways infrastructure when the recent injection of capital only improved a small fraction of the network, and those roads not improved will now have less money spent on them than they did before?

Answer from Councillor P Rone, cabinet member transport and roads

Answer to question 3

As a consequence of government recognition of the best practice approach adopted in Herefordshire we have secured 100% of the available funding for the county. That said, the level of investment in the coming year (£1.6m) is indeed considerably less than the £20m invested over the past two years. That investment really made a difference by improving 566 km of the road network

It was recognised at the time the investment was agreed that this would not address the full scale of the backlog maintenance; to do this continued sustained investment in the highways network is needed. Given investment needs to 2020 are estimated as being in excess of £100m this is clearly not achievable through revenue budgets; capital funding opportunities will continue to be explored nationally and locally.

Following the usual prioritisation process a decision on the annual maintenance plan is scheduled for the beginning of April.

Question from Councillor R Matthews

Question 4

Merton Meadow flood alleviation

The Yazor Brook flood alleviation scheme was completed in March 2012 at an approximate cost of £5M, and diverts flood flows from the Yazor Brook at Credenhill into the River Wye.

We were assured at the time, by the leader of the council and local MP that the scheme would solve all of the flooding problems within the city so as to allow the Edgar Street Grid development to go ahead. We are now told in a written response from the council that in the area of the Merton Meadow raised ground levels will be required, at considerable cost, before any further development can take place, and for the new premises to remain flood - free. High water tables along the route of the new link road are also causing huge problems resulting in water frequently rising above the road surface. I imagine that it will cost many millions of pounds to rectify these very serious defects, so can members be informed of what you estimate the overall cost to the taxpayer will be, and in particular how much extra will the link road cost to develop?

Answer from Councillor P Price, cabinet member infrastructure

Answer to question 4

There is nothing new or unforeseen on this site.

As Councillor Matthews is well aware, the Yazor Brook flood alleviation scheme (FAS) was designed as the first stage of a flood management scheme to enable development of the ESG area. By diverting a significant volume of flood water upstream of the site the FAS reduces the flooding at the ESG site and helps to minimise the impacts of the development. The second stage of the ESG drainage strategy was for further flood mitigation measures in the ESG area and potential flood mitigation measures for the full development were assessed as part of the link road flood risk assessment.

The known high groundwater table has been considered in the flood risk assessments completed to date and will continue to be considered in the assessments as future developments come forward and any necessary mitigation will be a requirement of any planning consent given and undertaken as part of those developments. They do not impact on the delivery of the link road or its costs.

Members' questions at Council – 5 March 2016

Question from Councillor C Chappell

Question 5

European Union referendum

In light of the government's confirmation that the EU referendum will be held on 23 June, can the leader say:

- a) If he has sought the views of officers, community leaders, Chamber of Commerce, the new university and others, on the effect on Herefordshire should there be a 'no' vote in the referendum in June?
- b) What he believes will be the effect of a 'no' vote on the economy of the county, the many county twinning associations, agriculture and plans for Rotherwas?
- c) What is the total financial value that comes, directly and indirectly, to the council from the European Community, and will he be making contingency plans if the advice is that there will be a negative effect for the council and county if there is a 'no' vote?

Answer from Councillor A Johnson, cabinet member corporate strategy and finance

Answer to question 5

- a) I have not.
- b) It is not possible to speculate on the basis of available information, and it is not the role of the council to seek to influence the outcome of the referendum by giving a view.
- c) It is not possible to give a total financial value given the range of funding streams and mechanisms for distribution of funding. The notional allocations for Herefordshire in the period 2014-2020 are in the region of £64m (covering ERDF, ESF, LEADER, and agri-environmental funding streams); however additional funding is also available to farmers and this information is not held by the council. As with all our development proposals we regularly review funding opportunities, and developments are prioritised accordingly to ensure available resources are invested in the best interests of the county

Question from Councillor S Bowen

Housing land supply

Question 6

Can the cabinet member confirm:

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- a) If he will write a strong letter to the Government, and in particular, to Greg Clerk MP regarding the malign effect of the current rules on the Council having a five year land supply?
- b) If the council is aware of the distortions this rule is making to planning inspectors' decisions and to the possible very detrimental effects that the five year land supply rules may have on neighbourhood plans?
- c) If he agrees that a reduction to a three year land supply would be better; and even better that the land supply rules be abolished altogether?

Answer from Councillor P Price cabinet member infrastructure

Answer to question 6

- a) I will indeed be lobbying to secure a more balanced approach which follows the principles of devolution in passing greater control of local issues to local government.
- b) The council is aware of the impact of not having a five year land supply, therefore it is increasingly important that parishes continue to make good progress with their neighbourhood plans, identifying and allocating local housing sites which contribute to the overall housing targets within the core strategy. This will help support the council's evidence base in demonstrating a five year land supply and will reduce the potential for future appeal decisions to succeed on the basis of the council's failure to demonstrate a five year land supply. How the issue is addressed would be a matter for the minister but both suggestions would address the point.
- c) Shorter term (or zero) targets don't assist strategic planning; the issue appears to be one of interpretation at planning inquiries rather than of principle.

Question from Councillor S Bowen

Car parking charges

Question 7

Taking account of the prolific photographic evidence of near empty car parks in Hereford and Leominster:

- a) do you not think that the heavy and rigid increases in car parking charges might be having a detrimental effect upon trade and that many private houses are being incommoded by cars and their drivers trying to avoid the swingeing increases in parking costs?

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- b) may I suggest that an urgent review of usage and receipts be undertaken, in the interests of fairness and economic benefit to the whole community?

Answer from Councillor P Rone cabinet member transport and roads

Answer to question 7

The new car park tariffs have only been in operation for just over one month, and that being February, rarely the busiest month of the year; it is far too early to properly assess any effects of the changes. There no evidence of any significant increase in the number of complaints from residents about inappropriate parking.

The use and revenues from car parks is regularly monitored by the service.

Question from Councillor S Bowen

Highway maintenance

Question 8

Considering the parlous state of our county roads, in particular our B,C and U roads (which have all suffered heavily from the very wet winter and in places are more third world than first world) do you agree:

- a) that it would be sensible to use a portion of the £4.4 million recently given to the council to address some of the more egregious problems on our roads?
- b) that some money spent wisely now will save us much more later on; on the principle of a stitch in time saves nine?

Answer from Councillor P Rone cabinet member transport and roads

Answer to question 8

I would refer Councillor Bowen to the answer given to question 3 above.

Given the broader risks in the medium term financial strategy it would not be sensible at this time to spend reserves.