

MINUTES of the meeting of COUNCIL held at the The Shirehall, Hereford on Friday, 13th May, 2005 at 10.30 a.m.

Present: Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, T.W. Hunt, G.V. Hyde, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

1. CHAIRMAN

RESOLVED: That Councillor J.W. Edwards, be elected Chairman of the Council until the annual meeting of Council in May 2006.

Councillor Edwards made and signed the Declaration of Acceptance of Office.

Councillor Edwards took the chair for the remainder of the meeting.

The Chairman and Group Leaders paid tribute to the outgoing Chairman who was presented with a Past-Chairman's medal.

Councillor Harling responded by thanking the Council for its support during his term of office. A bouquet of flowers was presented to Mrs. Harling in recognition of her assistance during the Chairman's term of office.

Councillor Edwards advised that Councillor Harling would leave the meeting early in order to represent the Council at the Memorial Service for Sir Piers Bengough the Former High Sheriff of the County.

2. PRAYERS

The Very Reverend Michael Tavinor, The Dean of Hereford led the Council in prayer.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

The Chairman reminded Members of their obligation to notify the County Secretary and Solicitor of any changes affecting their Declaration of Financial or Other

Interests within 28 days of any change taking place. He asked them to complete and return the necessary forms to the Members Support office as soon as possible

5. VICE-CHAIRMAN

RESOLVED: That Councillor J. Stone be appointed Vice-Chairman of the Council until the annual meeting in May 2006.

Councillor J. Stone made and signed the Declaration of Acceptance of Office.

6. MINUTES

The Chairman proposed a slight amendment to the penultimate sentence of Minute 70, which should read: "The Cabinet *Member* said he was well aware of the costs but that the A49 was the responsibility of the *Highways Agency*".

RESOLVED: That, subject to that amendment, the minutes of the meeting held on 11th March, 2005, be approved as a correct record and signed by the Chairman.

7. APPOINTMENT OF THE LEADER OF THE COUNCIL

RESOLVED: That Councillor R.J. Phillips be appointed Leader of the Council until the annual meeting in May 2006.

8. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the members and guests to the meeting and advised that lunch would be served at the Town Hall at the end of the meeting

He thanked the Very Reverend Michael Tavinor, the Dean of Hereford, for leading the annual meeting in prayer and told the meeting that the Dean had agreed to continue to act as Chaplain to the Council for another year.

The Council joined the Chairman in congratulating Louise Whitesman, Assistant Solicitor with the Council, on her national award as Young Solicitor of the Year from the Law Society's Solicitors in Local Government Group. The award recognised the range of work covered by Louise over the past 12 months, which included project managing the contract phase of the new Whitecross High School scheme and promoting the Hereford Markets Act.

The Chairman congratulated the County's two recently re-elected MPs, Paul Keetch and Bill Wiggins, on their success at the recent Parliamentary Elections. He said he was looking forward to working with them both in the best interests of the County.

He announced that the group photograph of Councillors would be taken at the next meeting of Council in July.

There were no petitions.

9. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Council's Constitution, a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which

the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear days before the meeting. No such questions had been received.

10. **QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

The Chairmen reminded Council that anyone wishing to ask a formal question at Council should do so by ensuring that the question is lodged with the County Secretary and Solicitor and/or Mrs. Dyer, the Members Services Manager, before 10.30 am. on the day before Council. Recently, questions had been received in a number of different offices within the Council, which had caused delays.

The Chairman ruled that a question from Councillor W.L.S. Bowen on Carbon Management would be taken during the Cabinet Report.

He also ruled that the answer to Councillor Bowen's questions about Plough Lane would also answer Councillor Mrs. Lloyd-Hayes questions on the same subject.

Councillor R. Manning asked:

"In view of the shortfall in Herefordshire Jarvis Services' budget for the provision of school dinners for 29 Primary schools and 2 Secondary schools, does the cabinet member for children's services feel that it is appropriate to pressurise these schools to make up the shortfall created by Jarvis?"

Councillor DW Rule, thanked Councillor Manning for his question. He advised that officers had been helping Herefordshire Jarvis to offer revised contract terms for the school meals service to approximately a third of Herefordshire schools. A number of proposals had been offered to schools, one of which represents an increase in cost for the continuation of the current contract with Jarvis, other options include either re-tendering the contract or providing meals from the local high school.

He said that school catering contracts are predominantly for three years, at the end of which tenders are invited off a selected list of approved contractors. In recent years the tendency has been to provide meals for primary schools from high school kitchens, as these are commercially more viable.

He stated that no pressure has been put upon schools to accept any option. Funding for school meals is fully delegated to schools and Governing Bodies are legally required to choose the option that provides best value for money for the school. Schools have been asked to inform the Council of their meals preference by May 23rd so that there would be sufficient time to implement alternative arrangements should it be necessary for the autumn term

He confirmed that the Council had increased the free meal allowance paid to schools from £1.05 to £1.25, an increase of 19% at a cost of £58,000 for the 2005/06 financial year as it recognised the cost pressures faced by contractors.

He spoke of the continuing difficulty the Council faces in providing an economic school meals service in a very rural county, and welcomed a wider debate at a future Children's Services Scrutiny Committee on how to provide an efficient and effective school meals service.

Councillor Manning responded by saying he thought the quality of the school meals provide by Jarvis was excellent. However, he was concerned that because Jarvis needed to charge more for the meals they were able to renege on their three-year

contract. He asked for a review of the tendering process to prevent this happening again.

Councillor Rule said he would encourage the Children's Services Scrutiny Committee to carry out a review of the matter.

Questions asked by Councillor J.P. Thomas of the Cabinet Member (Environment)

"In the interests of public confidence in this Council's stewardship of the environment, is it not time that - in common with the majority of other planning authorities - we require all polytunnel development, above some de minimus level, to be subject to planning permission?"

Councillor Edwards reminded Council that, in consultation with interested parties, it had adopted a Code of Practice, which requires growers to submit information about temporary polytunnels consisting of metal frames covered in polythene and where crops are grown in the existing soil to enable the Council to determine if planning permission is required. Based on the facts of individual cases, the Council may consider planning permission is not required.

The Code of Practice incorporates measures aimed at protecting the countryside and residential amenity but does not establish a threshold in relation to the area covered by polytunnels over which planning permission would be required, as it is the impact of each particular proposal which needs to be evaluated.

In response to a further question by Councillor Thomas, he reminded the Council that the Code was subject to annual review.

Question asked by Councillor J.P. Thomas of the Cabinet Member (Environment)

"Is there some way that this Council's waste disposal function can operate in such a way that skips of rubbish (including organic matter) collected from Leominster market on Friday afternoons, can be expeditiously removed from Etnam Street car park; instead of hanging around to rot for up to four days, as is now the practice? Does he not agree that the current practice is unacceptable in the context of the needs of public health and tourism?"

Councillor Edwards said that officers were aware of the problems associated with Trade Waste Collections from Leominster Market on Friday evenings and were endeavouring to secure the removal of the waste on Saturday, rather than Wednesday. There were considerable financial implications to having Saturday collections and negotiations are continuing with our Contractor. If it is not financially feasible to collect on Saturday, officers are trying to have the collection date brought forward to Monday.

Whilst it is agreed that the current arrangements are not ideal, the waste is of a similar nature to household waste and therefore, like other household waste, does not pose a Public Health Nuisance from being stored in proper Trade Waste bins (with close fitting lids) for several days.

Councillor Thomas said that the lids on the bins were not close fitting leading to waste spilling over. Councillor Edwards said he would ask officers to investigate the matter further and hoped for a rapid improvement.

Question asked by Councillor W.L.S. Bowen of Cabinet Member (Economic Development, Markets and Property)

"Has a lease been agreed for the use of the Bulmer building in Plough Lane? What are its terms? (including length of lease and repairing obligations)?"

Councillor Hyde said that the Council had taken a lease of the top floor and part of the ground floor at Plough Lane on 1st January, 2004. The lease was for a period of five years and was not "excluded" under the Landlord and Tenant Act; therefore the Council had a right to renew. The Council is in commercial negotiations with the owners. He advised that a confidential report had been despatched with the agenda for Cabinet to be held on 19th May, 2005. He said that no further lease had been agreed at this stage.

In response to a question about the use of the building as a civic centre Councillor Hyde said that there were no definite plans and any future use of the building would be subject to the owner's plans for the building.

Question asked by Councillor WLS Bowen of Cabinet Member responsible for Schools

"How many school meals does Herefordshire Jarvis provide and how many are provided by either schools' own kitchens or by other means? Will all providers of school meals be asked to use Fairtrade products where appropriate and source other supplies from local suppliers and, preferably, organic producers? What is the average cost of a school meal in Herefordshire? What nutritional standards are required?"

Councillor Rule replied that Herefordshire Jarvis provides approximately 2,700 meals or 30% of the total 9,000 free and paid meals served on a daily basis. This figure is an average based on a full year and will vary throughout the year. Fairtrade terms and conditions are already included in the tender specification for the school meals service which all contractors must comply with.

The average daily spend in a self service high school cafeteria is £1.75 however this will vary depending on the individual selection made by pupils from the choices available from the menu. The average cost of a meal transported into primary schools is £1.60 and for a meal cooked on site £1.50. This includes a dessert.

Compulsory nutritional standards for school lunches came into effect on 1st April, 2001. These healthy eating guidelines include reduced fat, sugar and salt, increased fibre, a wide range of salad, vegetables, fresh fruit and yoghurt available daily. DfES have proposed tough new minimum nutritional standards developed by a national expert panel will be rolled out to primary and secondary schools from September 2005 and becoming mandatory in September 2006. Additionally from September 2005, Ofsted will review the quality of school meals as part of regular school inspections and report to governors and parents.

The Council participates in the national "Healthy Schools" initiative, which encourages pupils to adopt healthy lifestyles including the importance of adequate physical exercise and how to eat and drink healthily. Initiatives include grow your own vegetables and "five a day" portions of fruit and vegetables. In June all schools will be invited to attend a training session on the new Food in Schools toolkit. The Council is also working with the Bulmers Foundation to source local sustainable food.

Question asked by Councillor Mrs M.D. Lloyd-Hayes

"Will the Cabinet Member for Property please inform me as to the current position regarding Herefordshire Council taking a further lease of accommodation at the former Bulmers site? When was the lease agreed, what are the terms i.e. length, rent and repairing obligations? From which company or individual has the lease been granted? Who has approved the taking of such a lease?"

The Chairman ruled that the answer to Councillor Bowen's question on the same subject would be a sufficient response, and invited Councillor Mrs. Lloyd-Hayes to ask a supplementary question.

Councillor Mrs. Lloyd Hayes asked why an item regarding Office Accommodation had been removed from the Forward Plan and asked if the Chairmen of the Scrutiny Committees could be informed if items were removed from the plan in the future.

The County Secretary and Solicitor explained that the Forward Plan is prepared on a four monthly rolling basis and is reviewed each month to inform the Cabinet's agenda. Items may need to be moved from the agreed due date given the early planning period. She would investigate if it was practical to notify Scrutiny Chairmen of any such changes.

Note: All Scrutiny Chairmen receive full Cabinet agenda and reports, which clearly state if the item was a key decision and whether it was included on the Forward Plan. If a key decision has not been included in the Forward Plan, the Chairman of the relevant Scrutiny Committee is normally sent a separate notification letter with the agenda.

11. NOTICES OF MOTION UNDER STANDING ORDERS

There were no notices of motion.

12. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 17th and 24th March and 14th and 28th April, 2005.

In relation to Item 1.1, the Herefordshire Crime, Disorder and Drug Reduction Strategy – Councillor Phillips said that the Strategy was now ready and recommended its approval. In response to a comment about the lack of involvement of young people in the Council's decision making process and lack of accommodation for them to meet safely, Councillor Phillips advised that a Youth Council was being set up, and that although accommodation was an on-going problem, the Council was working with other partner organisations to try to resolve the issue.

In relation to Item 1.2, Review of the Constitution – In response to a query. Councillor J.C. Mayson, confirmed that, as Cabinet Member (Rural Regeneration and Strategy) he would have responsibility for Farmers' Markets throughout the County including Hereford City.

In relation to Item 2.1, Notices of Motion - Councillor Mrs. J.P. French, Cabinet Member (Human Resources and Corporate Support Services) moved the recommendation, which included an amendment to the original motion.

Councillors Bowen and Mrs. Lloyd Hayes thanked the Cabinet Member for her support.

In relation to Item 6 – Children's Services – although there was no item on the agenda specifically relating to denominational school transport, a number of Councillors had been lobbied on the matter, prior to the Council meeting. Councillor D.W. Rule, the Cabinet Member (Children's Services) agreed to consider extending the consultation period if, having considered all the facts, he considered it necessary.

In relation to Item 8.1(i) – Leominster Industrial Estate Access Road – In response to a query about empty premises on the Industrial Estate, the Leader said that the Council would be working with Advantage West Midlands (AWM) who were responsible for marketing the site. He acknowledged that it was important for the town and the County for the business park to be a success. Councillor A.C.R. Chappell, the Chairman of the Social and Economic Development Scrutiny Committee, stated that he intended to invite AWM to appear before the Committee to answer questions and that he would invite all Members to that meeting. Mention was made of Rotherwas Industrial Estate, which would benefit greatly from having a new access road.

In relation to Item 9.1(i) – Carbon Management Action Plan – The Chairman had previously ruled that Councillor Bowen 's written question relating to carbon management be taken at this point. The questions were:

"Is the Council making full and proper attempts and measure to become carbon neutral – both for the Council itself and also for the whole of Herefordshire?"

Can we be informed as to the energy efficiency of all heating and lighting systems within Council Property?

What efforts are we making to reduce fuel usage and increase energy efficiency in Council properties?"

Councillor Edwards, Cabinet Member (Environment) stated that the Council was making every effort to measure the carbon it produces and that the Council now has a Carbon Management Plan. The targets for carbon reduction are 12.5% by 2012 and 20% by 2020, and Herefordshire is one of the few Councils who have been proactive in this area.

All the electricity consumed by the Council comes from renewable sources, which has a significant and positive effect on reducing the Councils impact of the environment. He said that he did not have the level of detail to answer the question in full but whenever systems are replaced the best available technology is used. Staff are educated in the efficient use of energy and the Council manages its energy consumption and promotes energy efficiency. We do all that is reasonably possible to reduce energy consumption.

In inviting a supplementary question, the Chairman warned that very detailed questions required more time for officers to research the answers. In response to a question about the Council's energy costs, Councillor Edwards said he would have to research that information and invited Councillor Bowen, as Vice-Chairman of the Environment Scrutiny Committee to assist in the process.

In relation to Item 10.1(iv) – Widemarsh Street – Proposed Experimental Pedestrianisation Scheme – In response to a number of queries from the local Member regarding pedestrian safety, traffic flow and traffic orders, Councillor R.M. Wilson, Cabinet Member (Highways and Transportation) advised that there were three phases to the closure of Widemarsh Street to traffic: The May Fair; the refurbishment of the High Street at Eign Gate and the experimental Pedestrianisation of Widemarsh Street. He acknowledged that there would always be difficulties with

interim measures. He assured the local Member that appropriate traffic orders would be in place and advised that new signs prohibiting parking in High Town were to be erected once they had been authorised by the Secretary of State. He confirmed that taxis would continue to have legal access via Bewell Street. In response to a question about bus stops he advised that it would be up to the bus companies to decide on both the bus routes and where bus stops should be relocated. He confirmed that there was no intention to carry out roadworks at the junction of West Street and Broad Street until a decision was made about whether to make the scheme permanent.

RESOLVED:

- That
- (a) the recommended Herefordshire Crime, Disorder and Drug Reduction Strategy be approved;
 - (b) Appendices 1, 2 and 3 of the report to Council, dealing with revisions to the Constitution, be approved;
 - (c) The County Secretary and Solicitor be authorised to make any necessary textual amendments to the Constitution, including changes arising from the national review of responsibility for the Youth Service;
 - (d) Council supports Fairtrade, and serves Fairtrade coffee and tea at its meetings and in offices and canteens;
 - (e) Council seeks to attract popular support for the campaign across Herefordshire to ensure that:
 - Fairtrade products are used by a number of local work places and community organisations; and
 - Fairtrade produce is readily available in local shops and serviced in local cafes and catering establishments.
 - (f) The local Fairtrade Steering Group be supported; and
 - (g) The Council's procurement Strategy and Code of Practice for the regulation of contracts for works, services and suppliers be revised to reflect the commitment to Fairtrade and that local Herefordshire producers and their products be used where they offer good value for money and their selection is in accordance with the Council's legal obligations.

13. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES

A revised Appendix 1 to the report, containing proposed appointments to the posts listed, was circulated at the meeting.

In presenting the report, the Chief Executive reminded Members that in order to maintain the status quo in relation to seats held on the Strategic Monitoring Committee, Council would have to approve alternative arrangements to strict proportionality for appointments to Committees in accordance with Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. This could only be carried if a resolution was passed without anyone voting against it. If there was any vote against it, it would be necessary to recast the proportionality across all bodies covered by the Regulation.

RESOLVED: (unanimously)

- That
- (a) the arrangements for appointments to Committees and other bodies be agreed;
 - (b) Councillors be appointed to the offices described in Appendix 1

- to these minutes, for a term of office which will expire at the next Annual Meeting of Council; and
- (c) **The Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders.**

14. STANDARDS COMMITTEE

Mr Robert Rogers, presented the report of the meetings of the Standards Committee held on 4th February and 1st April, 2005. He thanked the County Secretary and Solicitor and staff for their assistance with the two hearings held under the Local Authority (Code of Conduct) (Local Determination) Regulations 2003.

The Chairman moved the Recommendation.

RESOLVED: That the report of the meetings of the Standards Committee held on 4th February and 1st April, 2005 be received and the recommendation approved.

15. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 15th February, 1st and 15th March, and 12th April, 2005.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 15th February, 1st and 15th March, and 12th April be received.

16. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meetings of the Strategic Monitoring Committee held on 15th and 28th April, 2005.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 15th and 28th April, 2005 be received.

17. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 22nd April, 2005.

RESOLVED: That the report of the meetings of the Planning Committee held on 22nd April, 2005 be received.

18. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority meeting held on 15th February, 2005.

He reminded Members that the Police Authority was not responsible for operational matters and asked them to let him have any questions about operational matters in writing so that he could make the appropriate enquiries.

He agreed to follow up a number of queries and include them in his next newsletter.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 15th February, 2005 be received.

19. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor G.W. Davis presented the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 16th December, 2004 and 16th February, 2005.

In response to a query he agreed to find out if it was possible to include a contact number on the Fire Authority report.

RESOLVED: That the report of the meetings of the Hereford and Worcester Fire and Rescue Authority held on 16th December, 2004 and 16th February, 2005 be received.

20. DATES OF FUTURE MEETINGS

RESOLVED: That the dates for Council meetings in 2005/06 be confirmed as follows:

Friday, 29th July, 2005

Friday, 4th November, 2005

Friday 10th February, 2006

Friday, 10th March, 2006 (To set the Council Tax)

Friday, 12th May, 2006 Annual Council (Shirehall)

All meetings to commence at 10.30 a.m. and be held in the Council Chamber, Brockington, 35 Hafod Road, Hereford unless advised otherwise.

The meeting ended at 12.30 p.m.

CHAIRMAN