

**Economy, Communities and Corporate**

Geoff Hughes - Director

**TO: ALL MEMBERS OF THE COUNCIL**

Our Ref: Council - 12 December 2014

Please ask for: Governance Services

Direct Line / Extension: (01432) 260249

E-mail: [councillorservices@herefordshire.gov.uk](mailto:councillorservices@herefordshire.gov.uk)

04 December 2014

Dear Councillor,

**YOU ARE HEREBY SUMMONED** to attend the meeting of the Herefordshire Council to be held on **Friday 12 December 2014** at The Shire Hall, St Peter's Square, Hereford HR1 2HX at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

*Bill Norman*

**BILL NORMAN  
ASSISTANT DIRECTOR GOVERNANCE**



# AGENDA

## Council

Date: **Friday 12 December 2014**

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Time: **10.00 am**

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

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Governance Services**

Tel: 01432 260239

Email: [councillorservices@herefordshire.gov.uk](mailto:councillorservices@herefordshire.gov.uk)

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# Agenda for the Meeting of the Council

## Membership

### Vice-Chairman

### Councillor J Stone

Councillor PA Andrews  
Councillor CNH Attwood  
Councillor CM Bartrum  
Councillor AJM Blackshaw  
Councillor H Bramer  
Councillor ACR Chappell  
Councillor MJK Cooper  
Councillor BA Durkin  
Councillor DW Greenow  
Councillor J Hardwick  
Councillor JW Hope MBE  
Councillor JA Hyde  
Councillor JG Jarvis  
Councillor Brig P Jones CBE  
Councillor JF Knipe  
Councillor MD Lloyd-Hayes  
Councillor RL Mayo  
Councillor SM Michael  
Councillor PM Morgan  
Councillor C Nicholls  
Councillor J Norris  
Councillor RJ Phillips  
Councillor AJW Powers  
Councillor PD Price  
Councillor P Rone  
Councillor P Sinclair-Knipe  
Councillor DC Taylor  
Councillor TL Widdows

Councillor AM Atkinson  
Councillor JM Bartlett  
Councillor PL Bettington  
Councillor WLS Bowen  
Councillor AN Bridges  
Councillor EMK Chave  
Councillor PGH Cutter  
Councillor PJ Edwards  
Councillor KS Guthrie  
Councillor EPJ Harvey  
Councillor MAF Hubbard  
Councillor TM James  
Councillor AW Johnson  
Councillor JLV Kenyon  
Councillor JG Lester  
Councillor RI Matthews  
Councillor PJ McCaull  
Councillor JW Millar  
Councillor NP Nenadich  
Councillor FM Norman  
Councillor CA North  
Councillor GJ Powell  
Councillor R Preece  
Councillor SJ Robertson  
Councillor A Seldon  
Councillor GR Swinford  
Councillor GA Vaughan-Powell  
Councillor DB Wilcox

## AGENDA

Pages

*(The meeting will be preceded by prayers.)*

- |            |   |  |         |
|------------|---|--|---------|
| <b>1.</b>  | <b>ELECTION OF CHAIRMAN</b>   |  |         |
|            | To elect the Chairman of Council for the remainder of the municipal year.   |  |         |
| <b>2.</b>  | <b>APPOINTMENT OF VICE-CHAIRMAN (IF THERE IS A VACANCY)</b>   |  |         |
|            | To appoint a Vice-Chairman of Council for the remainder of the municipal year, in the event of a vacancy.   |  |         |
| <b>3.</b>  | <b>APOLOGIES FOR ABSENCE</b>  |  |         |
|            | To receive apologies for absence.   |  |         |
| <b>4.</b>  | <b>DECLARATIONS OF INTEREST</b>   |  |         |
|            | To receive any declarations of interest by Members in respect of items on the Agenda.   |  |         |
| <b>5.</b>  | <b>MINUTES</b>  |  | 9 - 36  |
|            | To approve and sign the Minutes of the meeting held on 26 September 2014.   |  |         |
| <b>6.</b>  | <b>CHAIRMAN'S ANNOUNCEMENTS</b>   |  | 37 - 38 |
|            | To receive the Chairman's announcements.  |  |         |
| <b>7.</b>  | <b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>   |  | 39 - 42 |
|            | To receive questions from members of the public.  |  |         |
| <b>8.</b>  | <b>NOTICES OF MOTION UNDER STANDING ORDERS</b>  |  | 43 - 46 |
|            | To consider Notices of Motion.  |  |         |
| <b>9.</b>  | <b>LEADER'S REPORT</b>  |  | 47 - 52 |
|            | To receive the Leader's report on the activities of Cabinet since the meeting of Council in September.  |  |         |
| <b>10.</b> | <b>LOCAL COUNCIL TAX SUPPORT SCHEME 2015-2016 EFFECT ON PARISH PRECEPTS</b>   |  | 53 - 58 |
|            | To note the recommended approach to the funding changes as a result of the abolition of the council tax benefit scheme and the introduction of the council tax reduction scheme and to approve the recommended funding allocation to parish councils. |  |         |
| <b>11.</b> | <b>PROPOSED CAPITAL PROGRAMME 2015/16 TO 2017/18</b>  |  | 59 - 68 |
|            | To recommend to Council for approval the additional capital investment programme for 2015/16 to 2017/18 inclusive, as proposed by Cabinet on 13 November 2014.  |  |         |
| <b>12.</b> | <b>HEALTH AND WELLBEING BOARD TERMS OF REFERENCE</b>  |  | 69 - 80 |
|            | To recommend to Council amended terms of reference for the board.   |  |         |

**13. THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW**

81 - 92

To make further recommendations, as agreed by the Audit and Governance Committee on 26 November 2014, regarding the Ross-on-Wye Community Governance Review as the changes proposed by that review required the consent of the Local Government Boundary Commission for England and that consent has now been obtained.

**14. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

To receive any written questions from Councillors.

## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

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You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.



HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Council held at The Shire Hall, St Peter's Square, Hereford HR1 2HX on Friday 26 September 2014 at 10.00 am**

**Present:** Councillor J Stone (Vice –Chairman in the Chair)

**Councillors:** AM Atkinson, CNH Attwood, JM Bartlett, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, ACR Chappell, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell, TL Widdows and DB Wilcox

**24. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, LO Barnett, PJ Bettington, DW Greenow, JW Hope MBE and J Knipe.

(The Chairman indicated that because of the large agenda he intended to take agenda item 16 after agenda item 9 followed by agenda item 15 before returning to agenda item 10 and the subsequent items.)

**25. DECLARATIONS OF INTEREST**

**Agenda item 8: Notices of Motion**

**Notice of Motion 1 - Rotherwas Rail Link**

Councillor AN Bridges declared a pecuniary interest as an employee of Network Rail.

Councillor RJ Phillips declared a non-pecuniary interest as a Director of the Enterprise Zone.

**Notice of Motion 3 – Car Parking**

Councillor JW Millar declared a non-pecuniary interest as signatory to the original contract.

Councillor SJ Robertson declared a disclosable pecuniary interest because relatives owned a car park adjacent to the hospital and left the room for the duration of this item.

**Agenda item 9: Youth Justice Plan**

Councillor AJM Blackshaw declared a non-pecuniary interest as Vice-Chairman of West Mercia Police Audit Committee.

Councillor RJ Phillips declared a non-pecuniary interest as Justice of the Peace and a Youth Panel member.

Councillor DB Wilcox declared a non-pecuniary interest as a youth magistrate.

**Agenda item 10 Review of the Implementation of the Licensing Policy and Cumulative Impact Policy – Licensing Act 2003**

Councillor MAF Hubbard declared a pecuniary interest as he was applying for a licence.

Councillor JLV Kenyon declared a Disclosable Pecuniary Interest as a licensee and left the meeting for the duration of this item.

Councillor RL Mayo declared a pecuniary interest as a licence holder.

Councillor P Rone declared a pecuniary interest as a holder of various licences.

**Agenda item 13: The Ross-on-Wye Community Governance Review**

Councillor AM Atkinson declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

Councillor CM Bartrum declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

Councillor PGH Cutter declared a non-pecuniary interest as a member of Ross-on-Wye Town Council and Chairman of the Working Group that undertook the review.

Councillor JA Hyde declared a non-pecuniary interest as member of the Working Group that undertook the review.

Councillor RL Mayo declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

**26. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 18 July 2014 be confirmed as a correct record and signed by the Chairman, subject to the paragraph at the second bullet point of Minute no 19 being amended to clarify that the question related to what assets were included in the book balancing, not only smallholdings.**

**27. CHAIRMAN'S ANNOUNCEMENTS**

Council noted the Chairman's announcements as printed in the agenda papers.

The Chairman added that Herefordshire Council had been presented with a bronze award for payroll giving. This was wonderful recognition for the support provided by employees to UK charities.

**28. THE PLEDGE TO CHILDREN AND YOUNG PEOPLE LOOKED AFTER BY HEREFORDSHIRE COUNCIL**

Council was invited to endorse the Pledge to Children and Young People looked after by the Council.

The Cabinet Member – Young People and Children’s Wellbeing introduced the item which offered council an opportunity to learn more of the work being undertaken with Children and Young People, the work of the Children in Care Council and of Children’s Champions.

Three young people attended the Council meeting to present the film ‘It’s Our Turn’, made by some Herefordshire young people in care with professional film makers, comment on their experiences and answer questions. They explained how young people had been engaged in designing the pledge and the aspiration that every young person had the same opportunities as others and was supported to realise their potential.

Members complimented the young people on their presentation and wished them well for the future.

An assurance was sought that systems were in place to ensure that the pledge was delivered. The Cabinet Support Member Young People and Children’s Wellbeing outlined actions being taken to ensure that the voice of young people was heard including the role of the Children in Care Council. She acknowledged the need for review if there were shortcomings.

The Chairman recorded Council’s thanks to the young people, staff, Cabinet Member and Cabinet Support Member.

**RESOLVED: That the Pledge to Children and Young People Looked After by Herefordshire Council at Appendix 1 to the report be adopted.**

## **29. QUESTIONS FROM MEMBERS OF THE PUBLIC**

A copy of the public questions and written answers together with the supplementary questions asked at the meeting and the answers to them is attached to the Minutes at Appendix 1.

## **30. NOTICES OF MOTION UNDER STANDING ORDERS**

Council considered the three Notices of Motion that had been received.

### **Notice of Motion one – Rail Link to Rotherwas**

The Leader moved an amendment which was seconded by Councillor GJ Powell.

The amendment was as follows:

*“The proposals submitted by the Independent Group, comprising a re-instated rail link to Rotherwas with passenger station and rail freight facility, are not currently supported by a business case.*

*The Council is due to discuss these proposals at a meeting of key stakeholders in October. The key stakeholders invited to this meeting include train operating companies, Network Rail, the Managing Director of the Hereford Enterprise Zone and the scheme promoters.*

*The Council agrees to review the merits of progressing an appraisal of the business case for these proposals following the meeting with the key stakeholders, having regard to the level of support.”*

The Leader stated that his Group did not oppose the development of rail facilities. Public transport proposals that relieved congestion and benefitted the environment were to be welcomed and merited consideration. However, the original motion would involve expending £600k to undertake a feasibility study and the estimated cost of completing the rail facility was at least £10m. There was no business case and it was irresponsible to commit to such expenditure without business support.

A high level feasibility study could be produced for £10k which would show whether further expenditure was justified. The meeting on 7 October with key stakeholders would inform such a study. Council should await the outcome of that meeting and the high level feasibility study, if in the light of the meeting that was considered worthwhile to undertake one, and then consider how it wished to progress.

In debate the following principal points were made:

- It was contended that the estimated costs quoted by the Leader were out of date. The project was deliverable at a fraction of those costs.
- Councillor GJ Powell commented that, when he had been Cabinet Member with responsibility for transport, the proposer and seconder of the original motion had requested him to explore the possibility of a rail link in March 2012. He had been keen to establish whether there was evidence of demand and whether such a proposal would be affordable and sustainable. Because of the cost of a feasibility study a high level business study had been undertaken. The Jacobs report had been produced in 2012. The findings were that the infrastructure costs would be £10.7m, with an annual revenue subsidy of £2.5m equating to £15.78 per passenger. Network Rail Wales had considered the capital estimates to be low. Given the cost of the development plan proposed in the original motion, evidence should be obtained from stakeholders to establish if the position had changed since the 2012 Jacobs report before proceeding.
- The matter had been under discussion since 2012. There should be no further delay.
- It was confirmed that the Enterprise Board had agreed to protect the land at Rotherwas for a rail development if that were proved to be feasible.
- The Local Enterprise Partnership's (LEP) support for the scheme was required if it were to progress. More evidence would need to be obtained before that support could be sought and the LEP could endorse any submission for funding to the Government. The national focus was currently on connectivity with the High Speed Rail project. A strong case would be needed for any other development.
- The infrastructure bids to the LEP should have included a rail facility at Rotherwas as a priority.
- It was disappointing given the emphasis on the need for a business case for this project that Councillors had not been provided with the latest submissions in relation to the draft Core Strategy and had not seen any infrastructure delivery plan.
- A rail link had used to exist to Rotherwas and, with the development of the Enterprise Zone, reconsideration of a rail link proposal was surely merited.
- The original motion did not commit the Council to the project. It sought support not finance. In response to this it was reiterated that a development plan as proposed in the motion would cost £600k.

- The Council needed to demonstrate its commitment to the proposal in principle and to progressing it soon. This would help to generate evidence for the business case.
- The Local Transport Plan identified projects in Leominster and Ross as priorities for which support had been sought through the Local Enterprise Partnership not rail. If rail were now to be prioritised a business case was required.
- London Midland had indicated that it would support a rail facility at Rotherwas because it would generate extra revenue. It would not require extra trains. The Council would not have to provide a subsidy. Network Rail would be responsible for the track. In response to this assertion the view was expressed that the letter from London Midland contained a number of caveats and could not be considered to represent a commitment to support a proposal.
- The local Chamber of Commerce had discussed a rail link some 5-6 years ago and there had not been support for it.
- The nature of the businesses in the Rotherwas Enterprise Zone did not require a rail facility. There had been no requests from businesses located there for a rail link.

In conclusion the Leader stated that the amendment was not opposing a development; it was simply requesting that any decision should await the meeting with stakeholders on 7 October.

The amendment was defeated with 23 votes in favour of it and 26 votes against it.

In debating the original motion the following principal points were made:

- Councillor Matthews proposed the motion. He stated that a business plan could be prepared for £200k. The population of Hereford was due to increase, putting pressure on the highway network. The railway would provide an environmentally sustainable mode of transport and reduce pressure on roads in the City, not least on the two bridges. It would provide a valuable link to the enterprise zone and help economic growth. Businesses and local MPs were supportive. The proposal would be consistent with the LTP key objectives as set out at paragraph 1.1 of the Strategic Overview: reducing congestion in Hereford City and increasing accessibility by less polluting and healthier forms of transport than the private car.

Preparations needed to be made now to cope with the transport demands that would be generated by housing development and the proposed University.

- Councillor Bridges commented that the letter from London Midland had clearly indicated support for the proposal. The development would extend employment opportunities at Rotherwas to people in Worcestershire and Shropshire. It would encourage visitors to the City. It was cost effective and sustainable. Rail development in Pembrokeshire was bringing growth to the local economy. Permitting retail units at Rotherwas would similarly generate revenue. London Midland had found that local rail use was rising 10% year on year and was predicted to rise by 59% in the next 10 years. Network Rail and the operator would meet the running costs.

A motion that the question be now put was carried.

The original motion was carried with 29 votes in favour of it, 18 against it and four abstentions.

**RESOLVED:** That the executive take urgent and positive action, by working with the appropriate rail authorities and other interested bodies, to produce a development plan to deliver these improvements. This plan and an associated funding proposal should be placed before the council at the earliest opportunity so that it can be progressed through the Local Enterprise Partnership and government funding routes with the minimum of delay.

#### **Notice of Motion 2 – Fairer Funding For Schools**

Councillor JW Millar, Cabinet Member Young People and Children’s Wellbeing, proposed the motion. He noted that Council had previously approved a motion in favour of fairer revenue funding. This motion related to the need for fairer capital funding.

**RESOLVED UNANIMOUSLY:** to press government for fairer funding for Herefordshire schools.

#### **Notice of Motion 3 – Hospital Car Parking**

Councillor GJ Powell, Cabinet Member – Health and Wellbeing proposed the motion which was seconded by Councillor KS Guthrie.

It was stated that the contractor was neither taking account of local conditions, nor setting charges that were reasonable for the area. New guidance had been issued that stated that NHS organisations were responsible for the actions of private contractors who ran car parks on their behalf. The local NHS should be urged to apply the new parking principles as quickly as possible.

It was noted that the Health and Social Care Overview and Scrutiny Committee had made representations on the matter.

**RESOLVED UNANIMOUSLY:** That it be requested that the NHS patient, visitor and staff car parking principles as published by the government on 23rd August 2014 be applied in Herefordshire.

### **31. LOCAL TRANSPORT PLAN**

Council was invited to approve extension of the current Local Transport Plan (LTP) until after the Council’s Core Strategy is adopted, or to 31 March 2016, whichever is the earlier.

The Cabinet Member – Infrastructure presented the report. He listed schemes that had been completed to date and future projects.

In response to comments the Cabinet Member acknowledged the importance of consultation with Members. As part of the consultation process he intended to hold a seminar at which consideration could be given to the content of the new LTP alongside the Annual Plan for the Public Realm Services Contract with Balfour Beatty Living Places. He requested that Members informed officers of matters of concern to them in advance of the seminar so these could be taken into account.

**RESOLVED UNANIMOUSLY:** That the current Local Transport Plan (2013/14 – 14/15) time period be extended until after the Core Strategy is adopted, or to 31 March 2016, whichever is the earlier, to enable a refreshed Local Transport Plan to reflect the adopted Core Strategy.

**32. YOUTH JUSTICE PLAN**

Council considered the Youth Justice Plan.

Councillor JW Millar – Cabinet Member Young People and Children’s Wellbeing presented the report.

He agreed to provide a written response on how the new Probation Service fitted into the Youth Justice Plan.

In the light of Council’s decision to endorse a pledge to children and young people looked after by the Council, concern was expressed that of the total case load of the Herefordshire Youth Offending service team 45% were looked after children from Herefordshire and other counties. In response the Cabinet Member stated that work was being undertaken to reduce this figure.

**RESOLVED UNANIMOUSLY: That the Youth Justice Plan attached at appendix A to the report be approved.**

**33. REVIEW OF THE IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003**

Council considered the adoption, for consultation, of the draft licensing policy to be used by Herefordshire Council in carrying out its functions under the Licensing Act 2003 and of a draft special licensing policy for the cumulative impact of premises in the vicinity of Hereford City.

Councillor A Seldon, Chairman of the Regulatory Committee, presented the report.

**RESOLVED: That the draft policies appended to the report, incorporating amendments proposed at paragraph 11 of the report, be approved for consultation.**

**34. A REVISED 'STATEMENT OF PRINCIPLES' POLICY UNDER THE GAMBLING ACT 2005.**

Council was invited to approve the draft Gambling Act Policy Statement of Principles for consultation.

Councillor A Seldon, Chairman of the Regulatory Committee, presented the report.

**RESOLVED: That the draft Gambling Act Policy Statement of Principles, as appended to the report, be approved for consultation.**

**35. ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - REGULATIONS AFFECTING SEX ESTABLISHMENTS AND APPROVAL OF DRAFT SEX ESTABLISHMENT POLICY**

Council was invited to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 and approve a draft sex establishment licensing policy for consultation.

Councillor A Seldon, Chairman of the Regulatory Committee presented the report.

**RESOLVED:**

- That
- (a) **Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 be adopted; and**
  - (b) **the draft sex establishment licensing policy appended to the report, incorporating the amendment proposed at paragraph 18 of the report, be approved for consultation.**

### **36. THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW**

Council was invited to consider the recommendations of the Audit and Governance Committee on 9 September 2014, following the Ross-on-Wye Community Governance Review.

Councillor JG Jarvis, the Chairman of the Audit and Governance Committee, presented the report.

**RESOLVED: That with effect from 1 April 2015 ('the effective date'):**

- (a) **The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;**
- (b) **The new parish shall be known as 'Ross-on-Wye';**
- (c) **The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;**
- (d) **The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;**
- (e) **There shall be a parish council for the new parish of Ross-on-Wye;**
- (f) **The name of that new council shall be 'Ross-on-Wye Parish Council';**
- (g) **The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;**
- (h) **The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;**
- (i) **The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;**
- (j) **The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;**
- (k) **The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;**
- (l) **The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;**
- (m) **All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council;**
- (n) **From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented**



by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council;

- (o) That no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council;
- (p) The Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the Reorganisation Order') (to be substantially in the form set out in Annex 3 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007; and
- (q) The Electoral Registration Officer be requested to commence preparatory electoral administrative work from 15 October 2014 as a consequence of the above changes; and that the Reorganisation Order shall have effect from that date for those purposes.

### **37. REVIEW OF POLLING PLACES, POLLING DISTRICTS, AND POLLING STATIONS**

Council was invited to approve a new scheme of polling places, polling districts and polling stations.

The Assistant Director, Governance presented the report.

A number of members identified minor anomalies that they considered required further consideration. The Assistant Director invited all Members to submit further comments on the proposals if they had concerns. These would be considered and a further report made to Council if necessary.

**RESOLVED: That the polling districts, polling places and polling stations scheme as set out in Appendix B to the report be approved, subject to further review of any details if necessary.**

### **38. LEADER'S REPORT**

The Leader presented his report on the activities of Cabinet since the meeting of council in July.

In discussion the following principal points were made:

- Concern was expressed about ongoing issues with the roll out of the Maas360 IT system. The Cabinet Member – Corporate Services acknowledged shortcomings with the system and that it was intended to implement better arrangements following the election. In the meantime arrangements had been made to provide an opportunity for everyone to sort out issues on an individual basis with IT staff.
- The Leader acknowledged a comment on the brevity of his report.
- It was asked in respect of Hereford United Football Club whether the Council would undertake a schedule of dilapidations so that buildings were kept in the

appropriate condition. The Assistant Director, Governance replied that the leases provided that buildings were maintained in the condition that they had been in at the commencement of the current leases.

- In response to a question, the Cabinet Member Young People and Children's Wellbeing agreed to revisit the recommendations made following a scrutiny review of safeguarding to ensure that the recommendations were being implemented as had been agreed.
- In relation to Hereford Racecourse the Cabinet Member – Contracts and Assets commented that there was no intention to permit house building on the course. The state of dilapidation was being kept under review. It did not currently merit action. It was suggested that careful attention need to be given to the next review of the lease. The Leader commented that he and the Cabinet Member were mindful of the situation and would inform Members if there were any particular issues.

**RESOLVED: That the report be noted.**

**39. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

A copy of the Member questions and written answers together with the supplementary questions asked at the meeting and the answers to them is attached to the Minutes at Appendix 2.

The meeting ended at 1.25 pm

**CHAIRMAN**

## PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Mr M Sandaver, Herefordshire

Question 1

#### Road repairs

*Why are the roads in such an appalling condition and repairs not carried out?*

### Answer from Councillor P Rone Cabinet Member Transport & Roads

Answer to question 1

Whilst severe weather conditions over several winters in recent years have taken their toll on the 2000+ miles of road in Herefordshire it simply isn't the case that repairs are not carried out. The council is investing an additional £20 million from its own funds over this and next financial year to improve the condition of the county's roads. The council has also been very successful in securing additional funding from central government through the Belwin, severe weather and pothole funds which will see investment in road repairs this year total almost £40 million. This is the largest maintenance programme the county has ever seen. Whilst there is still work to be done, repairs are being carried out across the county in order of priority. In the year to end of August almost 50 miles of roads in the county have been fixed and 1689 defects/potholes were repaired.

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### Question from Mr M Watson, Herefordshire

Question 2

#### Hereford United Football Club

*Can Herefordshire Council confirm that the officers and any external agents acting and negotiating on behalf of the Council with Hereford United FC have used their best endeavours to protect the public interest in respect of the assets in the matter of Hereford United FC?*

### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 2

Yes the council is satisfied that every effort is being made to protect the public interest.

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## PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Mr W Morrell, Herefordshire

Question 3

#### Hereford United Football Club

*Can Herefordshire Council confirm that the development agreement covering the Edgar Street football ground and associated facilities entered into by the Council and the Club specifically excludes any party from employing external consultants delivering unnecessary services and incurring unwarranted costs thereby failing to secure best value for the public interest and that the Council have secured the right and obligation to approve or dismiss these imported costs?*

#### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 3

The council has the right to dismiss imported costs.

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### Question from Mr C Morris, Leominster

Question 4

#### Hereford United Football Club

*Can the council comment on the seeming habit of discussing vital community issues such as the freehold of the Edgar Street Leases in un-minuted meetings with out of town businessmen, and will the council commit to minuting all future meetings on these subjects?*

#### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 4

No discussions have taken place regarding the freehold ownership of the Edgar Street football ground site.

All formal meetings of the council comply with the access to information rules within the constitution. Informal meetings, where no decisions are taken, do not require formal minutes to be maintained.

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## PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Mrs E Morawiecka, Breinton

Question 5

#### 5 Year Housing Land Supply

*Herefordshire Council planning officers repeatedly state at Planning Committee meetings that Herefordshire has no 5 year housing land supply, despite the fact Herefordshire Council is looking to submit a sound Core Strategy to the Planning Inspectorate within the next few months, having spent well over £4million on developing this local plan. Since November 2013 the calculations have been promised, with the latest comment by the Director for Economy, Communities and Corporate (General Overview & Scrutiny meeting 6th January 2014) stating that a planning inquiry would inform the position on the 5 year housing land supply in Herefordshire and it was minuted at the time that “a further written response would be given to Dr. Williams (of CPRE), along with the calculations used”. As officers have recently understated one parish council’s planning permissions since 2011 by 400%, would the Cabinet member please provide the 5 year housing land supply calculations as promised to Dr. Williams, including the exact breakdown of planning permissions granted since 2011, by ward?*

#### Answer from Councillor PD Price, Infrastructure

Answer to question 5

A revised 5 year housing land availability assessment was included as part of the package of documents submitted to the Secretary of State on 22 September 2014 on the Herefordshire Local Plan. This document will be made available on the council’s website shortly.

The revised assessment indicates that the county will have a 5 year housing land supply on the adoption of the plan. This assessment includes an appendix listing sites which have extant planning permission.

#### Supplementary Question

Would the Cabinet Member please provide the current 5 year housing land supply calculations as previously promised to Dr Williams of CPRE over 8 months ago, including all planning permissions, by ward, granted since April 2011 to date.

#### Answer from Councillor Price

Supporting evidence for the Core Strategy submission will be put on the website . I will ask the Assistant Director to ensure questions and answers to them are added to the website. I will respond in writing with the 5 year housing land supply calculation.

#### Written response

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## PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

The council's website (<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base> ) has been updated to provide information on the current housing land supply calculations; this information has also been provided to Dr Williams.

The calculation does not require a listing of all permissions granted, by ward, since April 2011. However the council's website has a search facility which enables users to conduct ward based searches for planning applications and view the decision made.

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### **Question from Ms P Mitchell, Hereford**

Question 6

#### **Progressing the Southern Link Road through the Planning System**

*What steps are required for the Council to secure planning permission for the Southern Link Road and what is the projected timetable for taking them?*

#### **Answer from Councillor PD Price, Infrastructure**

Answer to question 6

The council will select a preferred route for the Southern Link Road once consideration has been given to all consultation feedback that has been received during the recent public consultation over the summer. Once a preferred route has been confirmed a planning application, together with appropriate technical and environmental assessments, will be prepared and submitted to the council's planning department. It is anticipated that the submission of a planning application will take place in December this year. Once submitted, the council, as the local planning authority, would carry out statutory consultations and notifications during January and then assess the application before making a recommendation to the Planning Committee. Until the scale and nature of the planning considerations which may be raised during the statutory consultation period are known it is not possible to put a definitive timescale to this assessment period but, in line with planning guidelines and past experience, it is anticipated this would be between nine and thirteen weeks.

#### **Supplementary Question**

What is the relationship between the Southern Link Road and the Western Relief Road?

#### **Answer from Councillor Price**

The Southern Relief Road is a stand alone project that represents value for money in its own right. The Western Relief Road will join it in due course 2018/22. Funding has successfully been secured for the Southern Link Road which forms part of the whole road package.

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## **PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

### **Question from Mrs V Wegg-Prosser, Breinton**

Question 7

#### **South Wye Transport Package**

*Regarding the congestion on roads coming in to Hereford from the South, and South West, if there is evidence to show that the A49 is 'at capacity', (Cabinet Minutes, July 2014), why is there a recommendation in the South Wye Transport Package proposals to ensure that all Heavy Goods Vehicles use this same A49 into Hereford, rather than the A465?*

#### **Answer from Councillor PD Price, Infrastructure**

Answer to question 7

The South Wye transport package proposals have been the subject of public consultation over the summer months and the council is currently considering all feedback received in relation to these draft proposals. Whilst a decision has yet to be taken regarding these proposals, this option was included as a possible approach to improve conditions on the A465 Belmont Road. The rationale for inclusion in the draft proposals for consultation was to seek views on restricting HGV numbers on the A465 by directing them to the strategic network (A49) via the new southern link road. This would be a higher standard of route more suitable for HGVs and could help improve conditions for pedestrians and cyclists on Belmont Road.





## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Councillor RI Matthews

Question 1

#### Smallholdings

A few weeks ago the executive decided to defer a decision in regard to the possible sale of the council smallholdings. There are quite a few tenants with young families and considerable overheads who are on short-term farm business tenancies, some with less than eight months remaining. I understand that verbal offers of extensions to their contracts have been made, but have not been formally confirmed in writing. It goes without saying that this is an intolerable situation, and I am aware that a large number of members are extremely concerned about the unprofessional and unsympathetic manner in which this matter is being handled. Could you please tell the tenants, and members, as a matter of urgency what you are doing to address this unacceptable situation?

#### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 1

A decision on the future of the council's smallholdings is now scheduled for June 2015; this is to enable a business case, assessing the options, to be fully developed to inform that decision. In the meantime the smallholdings estate will continue to be managed in accordance with the current policy. Officers are in communication with tenants to ensure they are kept informed.

#### Supplementary Question

Will officers keep in touch with tenants, some of whom are at the end of the tenancy and have young families to keep and overheads to meet, to address their concerns and provide help?

#### Answer from Councillor Bramer

Officers are dealing with tenants' concerns. Twelve month extensions to tenancies are being offered because of the delay in reaching a decision.

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### Question from Councillor ACR Chappell

Question 2

#### Bath Street

With reference to the recent decision to dispose of the Bath Street site can the Cabinet Member confirm:

- a) Before the decision was taken, what other sites were investigated?

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

- b) With the Cabinet supporting the Southern Relief road, what consideration was given to providing a site, through developers money, for a joint emergency services centre on the line of the Rotherwas access road and Southern Relief road?
- c) With a 1000 homes due to be built up against the access road and increasing development at Rotherwas, and the intention of continuing these roads to form part of the by-pass, why was Bath Street handed to the Fire Authority?
- d) The Bath Street site, the ambulance station site in Ross Road and the present fire station site, provide enough space for 300 homes, thus relieving green field space from development. Will the Cabinet member re-consider his agreement with the Fire Authority?

### **Answer from Councillor H Bramer Cabinet Member Contracts & Assets**

Answer to question 2

The Fire & Rescue Service (FRS), who are the lead on this project, will be able to advise what other sites they investigated; however it is understood that the Bath Street site has been demonstrated to be the best possible site to serve the city from a fire and rescue point of view. This was validated by response modelling and a sequential test of options.

The decision to dispose of the site, taken in April, (report available on the council website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2683> ), was in line with the council's agreed accommodation strategy, having been declared surplus to operational needs. The agreement the council has reached with the FRS provides the opportunity for a land swap deal whereby the FRS develop the existing Bath Street site, demolish the buildings and hand part of it back to the council for business user car parking for children's safeguarding staff. In return the council will receive the existing FRS site levelled to the ground. The council will then be able to dispose of this site at will.

The council will continue to work with developers and other partners to identify suitable sites to meet all the needs of the county whether housing, employment or maintaining essential emergency services.

### **Supplementary Question**

As there is no rush to have a new fire station will the Cabinet Member review his decision as there is a great deal of disquiet in the City with regard to the loss of the Bath Street property? Now we know the link road will be built will he also look at the police sports ground on Widemarsh Street?

### **Answer from Councillor Bramer**

The Fire and Rescue Service made clear that Bath Street is its preferred option and that the current fire station is not fit for purpose. I therefore do not intend to revisit my decision.

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Councillor ACR Chappell

Question 3

#### **‘Pauper’ Burials**

Can the Cabinet Member advise:

- a) How many 'Paupers Funerals' has the Council paid for this year and what is the total cost?
- b) Of these, how many were for Homeless people, and how many were for other people who had been considered vulnerable?
- c) Hereford Hospital Trust also has responsibility for 'Paupers Funerals' for patients who die in their care. Is there an increase in the county of 'Pauper Funerals', and is the Cabinet Member satisfied that there is enough dignity shown in these cases?

### Answer from Councillor P Morgan Cabinet Member Corporate Services

Answer to question 3

- a) The council has paid for five public funerals so far this year, at a cost to the council of £4,012. Although involved in a number of other cases, these were referred either to a family member or the NHS.
- b) Of these five people none were homeless; all could be viewed as vulnerable, for example being older people living on their own or with medical, addiction or social problems.
- c) There has been no identifiable increase in the council referred public funerals; we do not hold information in respect of those for which the NHS has responsibility. I am satisfied that, for those funerals which the council is responsible for, the deceased are treated with respect and dignity. A service is carried out in all cases, and an officer from environmental health attends every funeral.

#### **Supplementary Question**

Will the Cabinet Member look at ways to seek to ensure that those who most need to do so use the service and are not discouraged, for example, by terminology?

#### **Answer from Councillor Morgan**

In my written answer I used the term “public funeral”. It is not an easy issue but we will do the best we can.

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Councillor GA Vaughan Powell

Question 4

#### Waste PFI

The findings of a key parliamentary committee questions the viability of the PFI project deal in respect of the Hereford/ Worcester incinerator plant at Hartlebury, where in their view the technology being used could soon be out of date. Can you assure members and taxpayers that when this plant is operational it will be cost effective and viable for many years to come?

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 4

Yes. A financial and options appraisal was carried out as reported to Cabinet in December 2013. This supported the view that an Energy from Waste (EfW) plant was the most cost effective and viable solution to treat the council's residual waste for the next 25 years.

### Supplementary Question

Councillor Vaughan Powell reserved her right to submit a written supplementary question.

### Question from Councillor AJW Powers

Question 5

#### Core Strategy

I understand that an unchanged Pre-Submission version of the Local Plan Core Strategy (LPCS) was submitted on Monday, but that it was accompanied by a schedule of proposed amendments. I also understand that legal advice, as to whether these amendments should be judged 'minor' or 'major', was sought from London.

You will recall that at the last Full Council meeting in July my Notice of Motion specifically required that any amendments made to the LPCS, over and above such 'minor' amendments as were agreed by Council in July 2013 to be delegated to officers, were to come before Full Council for approval; and that this NoM was passed by a unanimous vote.

Can the Cabinet Member please provide details of the Schedule of Amendments to the LPCS submitted on Monday, and give his assurance that these do indeed amount only to 'minor' amendments according to the July 2013 conditions?

### Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 5

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

The schedule of changes proposed to the plan, available on the council's website at <http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Id=50007571&Opt=0> and included with the submission, originate from comments received during the final round of consultation on the plan (May – July 2014). They are minor and do not affect the substance of the plan as approved at council in July 2013. The council's appointed barrister in this matter has confirmed the changes proposed are both minor and appropriate.

### Supplementary Question

Having now looked at the amendments I can see that but at least is surely more than 'minor' in its strategic and financial implications. That is the inclusion in the Policy HD2 bullet point on education of the words "tertiary facilities", which surely includes the new university project. The officer report states: "the series of minor changes have no direct financial impact".

Was the London barrister who advised on this so-called "minor" amendment specifically made aware of the new university project, with its plans to accommodate up to 5000 students, and thus of what these two words "tertiary facilities" really entail?

Why was it necessary to employ a costly London barrister when, only four days after submission of the Core Strategy, this meeting could and should have been allowed to judge whether any of these amendments were in fact more than 'minor'?

### Answer from Councillor Price

Councillor Price agreed to provide a written answer.

### Written answer

The schedule of proposed minor changes was discussed with the council's appointed barrister as part of his wider role in providing assurance and guidance on the submitted plan and its associated documents.

As part of this role the barrister was aware of the comments in respect of the university and provided his assurance on the minor change on that aspect together with the wider schedule of minor changes.

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### Question from Councillor AJW Powers

Question 6

### Local Transport Plan

Two years ago this Council unanimously resolved "to make a clear commitment to active travel arrangements across the county using the council's public health role to promote

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

and fund sustainable forms of active travel across the county.” At this meeting we are being asked to approve an extension to Local Transport Plan (LTP) 3, but have been given no details on finance or scheme delivery for 2015-16.

Will the Cabinet Member please tell us:

- a) what progress has been made on the 2012 commitment?
- b) how the proposed extension to LTP3 would build on this?
- c) what schemes –whether new or existing - will be advanced through an extended LTP3?
- d) what are the sustainable transport and active travel elements in the Marches LEP-funded Hereford City Transport Package and South Wye Transport Package?
- e) How would these too be advanced during an extended LTP period?

### **Answer from Councillor PD Price Cabinet Member Infrastructure**

Answer to question 6

- a) Great progress has been made with the promotion of sustainable and active travel. Additional funding of £5 million was secured through the Government’s Local Sustainable Transport Fund and together with existing funding has enabled a range of infrastructure improvements and behavioural change initiatives to be implemented. The “Choose How You Move” campaign has supported through promotions, advice and incentives to individuals, communities, schools and businesses to change travel behaviour. New and improved cycling and pedestrian infrastructure has been delivered in many locations including the Greenway (Connect 2) bridge and path from the city centre to the Hereford Enterprise Zone at Rotherwas and the upgrading of Newmarket Street to integrated the Old Market development with the city centre providing a much enhanced pedestrian environment.
- b) The extension of the current local transport plan would provide the policy context to allow us to continue our commitment and enable the delivery of similar schemes to promote sustainable and active travel over the coming year.
- c) It is proposed to continue to deliver the Choose How You Move behavioural change campaign and deliver cycling and pedestrian infrastructure improvements. Specific schemes are included in the annual programme based upon existing prioritisation processes and consultation upon the public realm annual plan which will take place over the coming months prior to the programme being confirmed for 2015/16.
- d) The sustainable transport elements of the Hereford City transport package comprise upgrades to Blueschool Street, Commercial Square and Commercial Road and development of a transport hub at Hereford rail station. The sustainable transport elements of the South Wye transport package have recently been the subject of public consultation and subject to considering this feedback, may comprise pedestrian crossing facilities on the A465, extension to cycle routes and improved access to public transport.

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

- e) The development and design of sustainable transport elements of would be taken forward during the coming year alongside work to take forward the road elements of these packages.

### Supplementary Question

How much will be budgeted for these schemes, how will they be funded and how much of the LEP funding for transport infrastructure go to the sustainable travel elements?

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### Answer from Councillor Price

I will provide a written answer.

### Written Answer

These schemes have not yet been programmed, this will be progressed through development of the Annual Plan for 2015/16 which has been subject to consultation during October 2014.

Indicative funding for the schemes includes: Local Transport Plan Integrated Block Grant - £1.069M indicated for 2015/16 (by Department for Transport), from Local Growth Deal Fund - £5.4M allocated to the City Link Road Package, from pre-committed devolved major transport scheme funding of £800K. The details are yet to be programmed but funding via the LEP includes the £5.4M local growth deal and £800K from pre-committed funds. These contributions will be used to progress the Hereford City Link Road Package which will include further development of the package elements comprising upgrades to Newmarket Street and Commercial Road and development of a transport hub at Hereford Rail Station.

### Question from Councillor AJW Powers

Question 7

### Marches Local Enterprise Partnership

The Marches Growth Deal refers to requirements that, as part of this deal, the Local Enterprise Partnership strengthens its governance, agrees monitoring and reporting arrangements, and produces “an assurance framework with the Government by September 2014” on processes that will guide local decision-making and ensure value for money.

As the local authority designated to lead the LEP on governance matters what progress has Herefordshire Council made on these requirements?

### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

Answer to question 7

The decision taken at Cabinet on 31 July (available on the council's website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2756> ) authorised the establishment of a joint executive committee in respect of the Marches Local Enterprise Partnership (LEP). This decision has been mirrored by our LEP partners Shropshire and Telford & Wrekin Councils. The first meeting of this body is in the process of being convened.

### Supplementary Question

The formation of a joint executive committee does not in itself amount to the “assurance framework” on the use and accountability of tax-payers’ money that the Government is requiring. Why, for example, have no minutes of LEP Board Meetings been published on the LEP website since 2011 - or has the Board not met since then? Haven't we been here before with Hereford Futures and ought we not to be learning lessons from that experience?

### Answer from Councillor Johnson

I will provide a written answer.

### Written Answer

Herefordshire Council is the governance lead in respect of the Marches LEP joint executive committee; Shropshire Council remains the accountable body for the Marches LEP.

The Marches LEP is developing an accountability and assurance framework in accordance with the government guidelines (which are themselves in draft form currently). This framework will be formally approved by the Marches LEP joint executive committee before the end of the financial year. The Marches LEP website is currently being reviewed and it is intended that board agenda's and decisions will be made available on that website.

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### Question from Councillor WLS Bowen

Question 8

### Accommodation Strategy

Can the Cabinet Member please confirm:

- a) What is the total cost of refurbishing the Shire Hall for the use of Herefordshire Council?
- b) What will be the total cost of refurbishing the Plough Lane site?
- c) What is the expected receipt from the sale of Brockington?
- d) How much has been spent on Hereford Town Hall?



## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

- e) If the Shire Hall received a new, energy efficient heating system.

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 8

- a) The works are not fully complete, current forecast total scheme spend is to budget being £2.8m
  - b) The works are not fully complete, current forecast total scheme spend is to budget being £4m
  - c) £1.5m. It should also be noted that there will be significant revenue savings generated by moving operations from this building.
  - d) The Town Hall is not scheduled for refurbishment within the current accommodation strategy.
  - e) The refurbished area is now served by two new highly efficient condensing boilers. The rest of the Shire Hall remains serviced by existing boilers which will be upgraded in future phases.
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### Supplementary Question

Please could you inform us as to the costs of the Union St building containing legal services and the costs and timing of the renewal of the car parks surrounding the Shire Hall. How much will be saved by the disposal of Brockington and do you really think it is good value for money?

### Answer from Councillor Bramer

I will provide a written answer.

### Written Answer

The costs of the civic hub phase 1 (which included 33/35 Union St and its annexe) were £1.61m. This figure was included in the £2.8m figure given in response to question a) above.

The works to the car park at Shire Hall are estimated to be £52,000. Work will start once agreement has been reached with other parties who have rights of use at this car park; agreement is expected to be reached before the end of the calendar year.

The disposal of Brockington, in accordance with the council's agreed accommodation strategy, represents value for money. The site was surplus to the council's operational requirement and offered an opportunity for further rationalisation of the retained estate. The council has a significantly reduced need for corporate accommodation having reduced its headcount by over 40% in the last four years and adopted space standards of ten employees to every six workstations. The disposal of Brockington was approved in 2009, reconfirmed in 2011 and 2012, and a budgeted capital receipt and revenue saving built into the medium term financial strategy. The annual revenue costs of the Brockington premises were in the region of £170k. As over 50% of the premises expenses of the Shire Hall are met by third party income that is secure in the long term and a revenue budget was already in place, the operational savings from the disposal of Brockington are

## MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

realisable in full. The disposal represents a significant capital receipt to the council with the council further benefitting from additional council tax receipts from the residential development proposed for the site.

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### Question from Councillor EPJ Harvey

Question 9

#### Waste PFI

At the budget-setting council meeting back in February I asked: “How is this council to have confidence today that the capital borrowing proposed for the Energy from Waste Incinerator at Hartlebury in Worcestershire is delivering the best value solution for Herefordshire’s waste disposal needs for the next 25 years ...?”

Cllr Bramer responded: “The council can be confident that the capital borrowing represents the best value option for the county because the analysis and appraisal of options in both the Joint Municipal Waste Management Strategy and cabinet report has been completed in accordance with relevant government guidance.”

On 3rd September the Public Accounts Committee of the House of Commons published their report into DEFRA oversight of 3 PFI waste contracts (including that of Herefordshire & Worcestershire). In conclusion, this report stated that:

- a) DEFRA’s “support of PFI to build waste management infrastructure may result in long term contracts that are too inflexible for a sector where technology is continually evolving and the amount of waste produced can be hard to predict.” And suggested that DEFRA “should consider including other forms of support to help local authorities to manage their waste in ways that are flexible enough to deal with changes in technology and waste levels to ensure local authorities are not locked into projects that provide more capacity than is required and are very expensive.”
- b) “Local authorities need better advice on negotiating PFI contracts, particularly on technical aspects such as when to secure finance, and compensation arrangements.” and suggested that “The Department should make better use of its position and expertise to support local authorities in negotiating PFI contracts and achieve value for money for local taxpayers.”
- c) DEFRA “has made decisions on this programme focused entirely on the need to meet the EU target without due regard to the impact of its decisions on local authorities.” and suggested that “The Department needs to balance the need to meet the EU target at minimum cost, with making sure that its decisions serve taxpayers’ interests as a whole and do not result in additional costs for local authorities. The Department should place more weight in its decision-making on the cost to the public in the round when it considers withdrawing its support to individual projects.”

Would the Leader please indicate where, if at all, this council disagrees with any of the Select Committee's findings quoted above.

## **MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

### **Answer from Councillor H Bramer Cabinet Member Contracts & Assets**

Answer to question 9

The council does not disagree with the findings quoted.

Members should however note that the National Audit Office (NAO) report and subsequent Parliamentary Select Committee findings are focused on Defra's oversight of PFI contracts.

Herefordshire Council and Worcestershire County Council were pleased to help the NAO with their study, met with them in November/December 2013, and were then in regular contact throughout the period of the study and production of the report.

It is a matter for Defra to respond to the findings of the Parliamentary Select Committee report, rather than the two councils.

### **Supplementary Question**

Will the Leader, on behalf of his whole cabinet, assure this council that the Energy from Waste incinerator, without any early prospect of combined heat and power capacity, satisfies the statutory definition of being the BEST VALUE SOLUTION for HEREFORDSHIRE's (I stress Herefordshire) waste disposal needs for the next 40 years.

### **Answer from Councillor Johnson**

I will provide a written response.

I am satisfied that the energy from waste project was demonstrated as the best value option for Herefordshire, as reported to Cabinet in December 2013. This was supplemented by the variation business case reported to the Audit and Governance Committee on 29th September 2014 which included an updated financial assessment by Deloitte.

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### **Question from Councillor MD Lloyd-Hayes**

Question 10

### **Memorial Trees**

Recently in my ward two trees were felled during building development. They were dedicated to two young students who had tragically lost their lives. What mechanism does the council have to prevent the felling of such trees which enable family and friends to visit and remember their lost ones?

## **MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

### **Answer from Councillor PD Price Cabinet Member Infrastructure**

Answer to question 10

I understand that the basis of this question relates to the removal of two memorial trees in the grounds of a school to accommodate a series of access improvements. I also understand that the situation is being remedied in a sensitive way following discussions between the school, the ward member and the families concerned.

In its discharge of its planning functions the council can control works to trees in conservation areas and to other trees covered by tree preservation orders. It has no direct powers to control works to non-protected trees and which have been planted as memorials. However applicants and agents can be invited to submit information on planning applications with regard to memorial trees so that the ward members, the planning officer and where appropriate the Planning Committee can be aware of their presence within a planning application site.

### **Supplementary Question**

Will applicants and agents be invited to submit information on planning applications with regard to memorial trees as a matter of course?

### **Answer by Councillor Price**

I will suggest to the Planning Service that this as part of the planning application.

## Chairman's Announcements – 12 December 2014

*(Prepared by the Vice-Chairman of Council)*

**Major-General Peter Williams gave a talk on Russia and the Russians – 3 October** on behalf of The Chairman of Herefordshire Council and the High Sheriff at the Town Hall. The event raised in excess of £5,000 for St Michael's Hospice and the Hereford Cathedral Perpetual Trust. Around 200 guests were enthralled by General Williams' talk which was derived from his extensive experience working with the Russians both in the Cold War and subsequently.

### **High Sheriff's Shrievalty Service, Hereford Cathedral – 5 October**

The Chairman and the Vice-Chairman attended, and it was the Chairman's last public engagement. I know that the Chairman thoroughly enjoyed the occasion.

### **Poppy Launch, Maylords Orchard, Hereford – 25 October**

The Vice-Chairman attended the Poppy launch at Maylords Orchard and at the Old Market, Hereford and it was a pleasure to see so many college students taking part.

### **RNC Celebration of Achievement Ceremony – 7 November**

We look forward to the 10th IBSA (International Blind Sports Federation) European blind football championships in Hereford starting 22 August 2015.

### **Installation of the new Bishop of Hereford, Hereford Cathedral – 22 November**

It was a very impressive and memorable occasion.

### **Chairman's Christmas Fayre, Shire Hall – 22 November**

It was a pleasure to see so many stalls, and attend this well supported and popular event. I am told the event raised an estimated £3,700.

### **An evening at the newly built Herefordshire Archive and Record Centre (HARC) – 27 November**

The evening presented the first opportunity for families in Herefordshire to see Herefordshire's fantastic new archive provision and to celebrate Herefordshire Council's investment in the County's archival heritage.

### **Visit to Royal Mail Sorting Office, Hereford – 3 December**

This was a good opportunity to thank postal staff for all their hard work in the run up to Christmas.

### **Other engagements in Oct and Nov included:**

**World Mental Health Day with 2Gether – 10 October** – Councillor J Stone

**Military Charities Concert 18 October** - Councillor Brigadier P Jones CBE

**St Michael's Hospice Thanksgiving Service – 19 October** – Councillor J Stone

**Military Covenant Signatories Event – 21 October** – Councillor J Stone

**Sports Awards 2014, Sixways, Worcester – 4 November** – Councillor J Stone

**HVOSS Annual General Meeting – 5 November – Councillor J Stone**

**'Dinedor and Rotherwas Explored' Public Book Launch – 8 November - Councillor R Preece**

**Celebration of HOPE, Ross on Wye – 13 November - Councillor J Hyde**

**A Service for Road Victims, Hereford Cathedral – 16 November – Councillor J Stone**

**Hereford & Worcester Fire & Rescue Medal & Awards Ceremony – 21 November – Councillor J Stone**

Finally I would like to express what a pleasure it was to serve as Vice-Chairman to Olwyn Barnett from May until November. She was always determined not to let anyone down and between us we managed to cover all the engagements and appreciated the help of several colleagues. Olwyn Barnett was tireless in her dedication to Herefordshire and she has done much to enhance the role of Chairman of the Council over the last 3 years. Her fundraising campaign for St Michael's Hospice and her initiation of the Diamond County Awards make her period as Chairman especially memorable and she so wanted to complete her term of office. I very much enjoyed working with her as Vice-Chairman and she will be greatly missed in her ward, Herefordshire Council and in public life throughout Herefordshire.



<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Questions From Members Of The Public</b>
<b>REPORT BY:</b>	<b>Governance Manager</b>

## 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 3.5 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.

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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 Three questions have been received and accepted by the deadline and are attached at Appendix 1.

### **Background Papers**

- None



## Public questions to Council – 12 December 2014

### Question from Mr M Sandaver, Herefordshire

Question 1

#### Council Contractors

Why are outside contractors used, instead of the council taking responsibility for employing their own staff to carry out these tasks?

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### Question from Mr P McKay, Leominster

Question 2

#### Determination of highway status

At January 2014 Council meeting I was advised that *“Herefordshire Council is currently finalising a draft protocol for processing requests for Determination of Highway Status and it is anticipated that the draft will be available for consultation in March 2014. Mr McKay and other interested individuals and organisations will be able to comment on it at that time. Once adopted following consultation the protocol will be published on the Council’s website.”* The October LAF minutes advise that *“The Highways Draft Protocol needs some minor tweaks, and the Cabinet Member report needs to be written. This report will be submitted by the end of the year.”*

Could you confirm that this is progressing and anticipated date by which this will be published on the council's website?

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### Question from Mrs V Wegg-Prosser, Breinton

Question 3

#### The Local Plan Core Strategy Costs

Could the cabinet member responsible for the core strategy please provide the cost to date of the entire local plan process, dating from the finance year 2007/8 to the year 2013/14, broken down by year, and with spend to date for the year 2014/15, and an estimate of costs to this year end, March 2015





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Notices Of Motion Under Standing Orders</b>
<b>REPORT BY:</b>	<b>Governance Manager</b>

## Wards Affected

County-wide

## Purpose

To consider Notices of Motion.

## Introduction and Background

- 1 The Constitution provides that Members of Council can submit written notice of motions for debate at Council. A motion must be signed by at least one Member and submitted not later than midday on the seventh working day before the date of the Meeting.
- 2 Motions must be about matters for which the Council has a responsibility or which affect the area.
- 3 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of three, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. Motions exceeding three are not listed on the Agenda and will be held over for listing on the Agenda for the next meeting in the order they were received.
- 4 A maximum of 1 ½ hours will be allocated for dealing with notices of motion but that time may be extended at the discretion of the Chairman.
- 5 Where a critical local situation arises a motion signed by two Members may be permitted in addition to the maximum of three if accepted by the Chairman in consultation with the Monitoring Officer.
- 6 Three notices of motion have been received together with a fourth motion which has been accepted by the Chairman in consultation with the Monitoring Officer on the basis that it relates to a critical local situation. These are set out below.

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Further information on the subject of this report is available from  
Governance Services on Tel (01432) 260239

### **NOTICE OF MOTION ONE –Support for City of Culture Bid**

(Submitted by Councillor NP Nenadich seconded by Councillor P Sinclair-Knipe)

**This council resolves to ask the executive to explore ways of supporting a bid by the courtyard theatre and its partners for Hereford to be made a city of culture.**

### **NOTICE OF MOTION TWO – Governance Arrangements**

(Submitted by Councillor TM James seconded by Councillor RI Mathews)

**We ask that this Council take note of the public disillusionment with the current arrangements of Herefordshire Council. Their arrangements failing to include the majority of elected Councillors in the decision making process and the highly secretive manner in which the Council operates.**

**We instruct the officers to produce a report on the alternative governance arrangement to include a streamlined committee system. We also ask for the setting up of an all party working group to oversee this alternative arrangement.**

### **NOTICE OF MOTION THREE – The Living Wage**

(Submitted by Councillor FM Norman seconded by Councillor JM Bartlett)

There is increasing evidence that countries such as Britain, with high levels of inequality, also have high levels of crime, illness, drugs, obesity, illiteracy and other social problems.

It is also clear that the cuts, unemployment and low wages are causing increasing social distress, as evidenced by growing demand on food banks, and households unable to pay increasing fuel bills. Herefordshire remains a low income county.

Taking the steps proposed in this motion would set a good example to the rest of the county's employers, and encourage them to follow our example.

#### **Motion**

**This Council resolves that the chief executive, as head of paid services, be requested to report to the Employment Panel and Council how to achieve the following outcomes:**

- 1. Introduce the living wage (£7.85/hr) into our pay policy in place of the inadequate minimum wage.**
- 2. Establish a 1:10 differential between our highest (chief executive) and lowest paid employees.**
- 3. Once we are setting a good example to the rest of the county, encourage other employers to follow our example with these measures, especially those who are under contract to Herefordshire Council.**

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Further information on the subject of this report is available from  
Governance Services on Tel (01432) 260239

## **NOTICE OF MOTION FOUR – Wellington Level Crossing, Haywood Lane, near Marden**

(Submitted by Councillor KS Guthrie seconded by Councillor ANBridges)

This Council recognises the very hazardous situation (currently potentially putting many lives at risk) of HGVs backing up over the Level Crossing at Wellington and vehicles breaking down on the Level Crossing frequently, when the road is flooded.

Road Closure signs are repeatedly being ignored and a constant stream of traffic attempts unsuccessfully to get through the floods.

This Council recognises the fact that £6000, equally divided between Network Rail and the Council, has already been invested on barriers to gate the road as the only solution to this serious problem.

Over a year ago, the barriers were installed in the wrong place and the wrong way round. Since then, a number of meetings have been held between Herefordshire Council Highways, Network Rail, Balfour Beatty, Parish Councils and local residents. Balfour Beatty has undertaken a comprehensive Report which concludes that gating the road by using the barriers and positioning them correctly is the ONLY way to resolve this serious safety concern.

All Parish Councils and affected parties agreed with the Report. Balfour Beatty advised the local communities (Marden and Wellington) that the works to reposition the barriers would commence and be finished before the flood season.

Contrary to the previous recommendations Balfour Beatty are now stating that the gates are not needed and want to remove them. (This is contrary to Network Rails understanding).

Until recently, Network Rail were under the impression that everything had been resolved and that the gates were being used, but this is not the case and the serious risk to the safe operation of the railway which they initially identified still remains unresolved today.

**To prevent a major incident with resultant loss of life at the Level Crossing and to ensure the safety of all road users, rail passengers and nearby residents, this Council resolves to request the executive to expedite the repositioning and locking of the gates as recommended in Balfour Beatty's report.**

## **Background Papers**

- None





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Leader's report</b>
<b>REPORT BY:</b>	<b>Leader of the council</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Countywide

## Purpose

To receive a report from the Leader on the activities of Cabinet since the meeting of Council in September.

## Recommendations

**THAT:** the report be noted.

## Alternative Options

1 There are no alternative options; it is a requirement of the council's constitution.

## Reasons for Recommendations

2 To ensure Members are aware of the activities of Cabinet.

## Key Considerations

3 A list of the decisions taken by the executive since the last report to Council on 26 September is provided at appendix A; one was taken under the general exception

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Further information on the subject of this report is available from  
Councillor AW Johnson, Leader of the council on Tel (01432) 260494

provision (less than twenty-eight but more than five days' notice), none were taken under the urgency provision (less than five days' notice). One decision (South Wye Transport Package) has been subject to call-in by overview and scrutiny. Over the course of five hours the decision was thoroughly scrutinised and all questioned responded to. The committee recommended that two elements be referred to the Cabinet and these will be considered on 18 December.

### **Budget**

- 4 The projected overspend in adult wellbeing has stopped rising over the last couple of months. Additional savings delivered in other areas, notably economy, communities and corporate, are welcomed and effectively offset the social care overspend so that we are currently forecasting ending this financial year within budget. Early indications are that next year's targets will be tight but achievable; 2015/16 will require another £9m of savings over and above this year's savings to ensure we stay in budget.
- 5 The Chancellor's autumn statement signals further significant cuts to public spending. Estimates vary between £25bn and £40bn over the life of the next parliament. With health and education ring-fenced, we may expect the main cuts to fall on local authorities and the services they provide.
- 6 Following the recent budget consultation we have decided not to reduce council tax support in 2015/16. Hard work by officers, the finance team and Cabinet has made this possible but of course there can be no guarantee of maintaining this position in subsequent years.

### **Hereford United Football Club**

- 7 The courts have allowed another extension to the club in respect of the winding up order being sought by creditors through the High Court. The club has been given until 15 December to pay the creditors; we await the outcome with interest.

### **Marches Local Enterprise Partnership (LEP)**

- 8 Government announced a further sum of 'growth deal' funding to be made available to LEPs for the financial period 2016/21; bids were required by 5 December. With our Marches LEP partners, and in line with the agreed Marches strategic economic plan, we have submitted a bid for money to support delivery of broadband, infrastructure, and the new university.

### **Waste disposal**

- 9 With the Leader of Worcestershire County Council I recently visited the site of the new energy from waste plant. The site is truly impressive with basic groundworks including a massive 17metre deep hole which looks larger than a soccer pitch. A meeting of the waste advisory board in early December reported an upward revision of projected savings over the life of the plant to £160m over the 'do nothing' option. Whilst we continue to get objections from opponents of the scheme, there were no alternatives that withstood the necessary scrutiny.

### **Old Market, Hereford**

- 10 I was delighted to see that the Old Market development in Hereford has secured a gold award at the British Council of Shopping Centres annual awards ceremony, winning the 'new centre of the year' category. This is fantastic recognition for the development and the city, and I congratulate all concerned.

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Further information on the subject of this report is available from  
Councillor AW Johnson, Leader of the council on Tel (01432) 260494



- 11 Finally I would like to add my own voice to the many tributes paid to Councillor Barnett who sadly passed away at the beginning of November. Olwyn had given over 30 years' service to the community as a councillor. During that time she took on a number of roles including committee chairman, scrutiny member, cabinet member and, most recently, chairman of council; she remained focussed throughout on her role as a ward councillor. She was a formidable advocate for the communities in Mortimer ward, and unwavering in her passion for improving the wellbeing of the more vulnerable in the county.

## **Community Impact**

- 12 The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Equality and Human Rights**

- 13 Cabinet and cabinet members have paid due regard to the public sector equality duty in their decision-making, as set out in the relevant decision reports.

## **Financial Implications**

- 14 The financial implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Legal Implications**

- 15 The legal implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Risk Management**

- 16 The risks associated with any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Consultees**

- 17 None.

## **Appendices**

- Appendix A – Executive Decisions

## **Background Papers**

- None identified.

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Further information on the subject of this report is available from  
Councillor AW Johnson, Leader of the council on Tel (01432) 260494



<b>Decision</b>	<b>Date</b>	<b>Taken By</b>
<i>Devolved services</i> – following negotiations with the relevant town councils, the transfer of specific services and assets in Kington, Leominster and Ross-on-Wye were approved.	18/09/14	Cabinet Member Contracts & Assets
<i>Schools capital</i> - the proposed expenditure of grants supporting the school building and maintenance work was approved, noting that a draft longer term schools estates strategy would be brought to Cabinet later in the year.	25/09/14	Cabinet Member Young People & Children's Wellbeing
<i>Public health contracts</i> – approval was given to commence procurement of a range of public health contracts covering drugs and alcohol, sexual health and healthy living services.	25/09/14	Cabinet Member Health & Wellbeing
<i>Budget Monitoring</i> – the budget monitoring report for the period to end August was noted and a number of budget virements agreed.	09/10/14	Cabinet
<i>Children's safeguarding</i> – Cabinet noted Herefordshire Safeguarding Children's Board (HSCB) assessment of safeguarding in Herefordshire and of its own effectiveness within the HSCB's annual report 2013-2014 and the finalised HSCB business plan 2014-2015.	09/10/14	Cabinet
<i>Adult social care</i> – the outcome of a peer review was considered and an action plan responding to the issues identified was agreed.	09/10/14	Cabinet
<i>Tobacco control</i> – the local government declaration on tobacco control was endorsed and an action plan developed to ensure implementation was noted.	10/10/14	Cabinet Member Health & Wellbeing
<i>Enterprise zone</i> – the use of a "construction management" approach to the construction of new business units on plot C21 of the Hereford enterprise zone was agreed, and HCT Construction Consultants Ltd appointed to manage the construction process.	15/10/14	Cabinet Member Corporate Strategy & Finance
<i>Ledbury rugby club</i> – the community asset transfer of Ledbury Rugby Club and Ross Road Playing Fields, Ledbury to Ledbury Rugby Club was approved	15/10/14	Cabinet Member Contracts & Assets
<i>Armed forces corporate covenant</i> – the armed forces corporate covenant, recognising and valuing the support that employers provide to the armed forces community, was approved.	20/10/14	Cabinet Member Corporate Services
<i>Sufficiency strategy</i> – The looked after children and complex needs placements commissioning and sufficiency strategy 2014-2019 was approved.	28/10/14	Cabinet Member Young People & Children's Wellbeing
<i>West Mercia Energy</i> - the existing joint agreement (including delegation of relevant executive functions to the joint committee) held between Herefordshire Council, Shropshire	13/11/14	Cabinet Member Corporate Strategy

<b>Decision</b>	<b>Date</b>	<b>Taken By</b>
Council, Worcestershire County Council and Telford and Wrekin Council was extended by four years to 31 March 2020.		& Finance
<i>Performance</i> – the quarterly corporate performance report was received.	13/11/14	Cabinet
<i>Education</i> – the strategic plan for education was approved.	13/11/14	Cabinet
<i>Three Elms trading estate</i> - the council's purchase of the Three Elms trading estate was approved, enabling the council to release value from its adjoining land	13/11/14	Cabinet
<i>Local account</i> –the local account of adult social care and support 2013/14 was approved for publication.	13/11/14	Cabinet
<i>South Wye Transport Package</i> – Cabinet considered a report recommending the selection of a preferred route prior to progressing to planning application stage. This decision has been called in by the General Overview & Scrutiny Committee	13/11/14	Cabinet
<i>Local council tax support scheme</i> – Cabinet considered proposals to passport this specific grant to parish councils; a recommendation to Council appears elsewhere on the agenda.	13/11/14	Cabinet
<i>Aylestone &amp; Broadlands schools</i> – a capital scheme to support the federation of Aylestone Business and Enterprise College and Broadlands primary school including co-location onto one site thus releasing a council asset for future disposal was approved and a recommendation made to Council that provision be made in the capital programme to support this scheme.	13/11/14	Cabinet
<i>Capital programme 2015/16</i> – Cabinet considered proposals for inclusion in the 2015/16 capital programme; a recommendation to Council appears elsewhere on the agenda.	13/11/14	Cabinet



<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Local council tax support scheme – 2015/16 effect on parish precepts</b>
<b>REPORT BY:</b>	<b>Chief financial officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

County-wide

## Purpose

To note the recommended approach to the funding changes as a result of the abolition of the council tax benefit scheme and the introduction of the council tax reduction scheme and to approve the recommended funding allocation to parish councils.

## Recommendation(s)

**THAT: Council tax reduction support scheme grant funding estimated at £289k is passed onto parishes in 2015/16 (as it was in 2014/15).**

## Alternative Options

- 1 Alternatively the £289k central government funding could be retained by the council as a contribution to its savings targets meaning parishes would either have to reduce their budgets or increase their precept by an average of 10% (see appendix A).
- 2 Some authorities have taken this course of action but it is being challenged by parishes so may be overturned. Changing the approach would cause problems for parishes at a time when the council wants them to take on more services.

- 3 Reduce the funding by an equivalent level to central grant reductions. Currently the revenue support grant that the council tax reduction scheme forms part of is being reduced by between 5% and 7% per annum.
- 4 Reducing the grant by an amount to reflect this reduction, say 10% makes very little difference (£29k).

## **Reasons for Recommendations**

- 5 It is recommended that the government's Council Tax Support Scheme grant is allocated to parish and town councils as intended by the funding allocation.

## **Key Considerations**

- 6 The government's council tax benefit scheme was abolished from 1 April 2013 and replaced by the locally controlled (Herefordshire) council tax reduction scheme. The result of this was a reduction in the council tax base on which Band D council tax is calculated and collected.
- 7 The reduction in the tax base has therefore caused a fall in council tax receipts. This is largely, but not entirely, funded through the Rates Retention Scheme through which councils receive central government support. The funding received is about 10% less than would have been received under the old council tax benefit system.
- 8 For 2013/14 the government estimated £289k of the additional funding included in the Rates Retention Scheme for 2013/14 related to town and parish councils. Whilst there is no legislative duty to pass on this funding, the council passed the grant to parishes. The basis of calculation to individual parishes was the number of dwellings in the parish that were previously in receipt of council tax benefit.
- 9 For 2014/15, the council will not be told how much council tax reduction grant is included in its financial settlement.
- 10 The impact on individual parish and town councils is attached as Appendix 1. This highlights: the impact on each parish of the grant, how the amount of grant varies by parish as a percentage of its total precept; from 1% in Hampton Bishop and Mathon to 19% in Kington and what effect the loss of grant would mean for each parish if it had to increase its precept to compensate for the loss. The average is 10% of the overall precept collected by parish and town councils of £2.9m PA.
- 11 In monetary terms the biggest loser if the grant was not passed on would be Hereford City Council with the equivalent of 15,273 Band D properties, 23% of the number in the county that receives £93k PA, 13% of its precept.

## **Community Impact**

- 12 The grant funding is intended to replace the lost receipts from the introduction of the new council tax reduction scheme. This funding therefore reduces the community impact of an increased precept if the grant funding is not allocated as recommended.

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Further information on the subject of this report is available from  
Josie Rushgrove, head of technical finance on Tel (01432) 261867

## Equality and Human Rights

- 13 This government funding supports individuals affected by the council tax reduction scheme.

## Financial Implications

- 14 The council currently budgets to pass on the proportion of grant that relates to the council tax reduction scheme. If it changed its policy it would retain £289k PA of funding for use on other purposes.

## Legal Implications

- 15 Since 1 April 2013 local authorities in England have been responsible for administering their own Council Tax Reduction Schemes, subject to the *Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012*

*The funding for council tax support schemes provided to billing authorities for 2013-14 included a sum in respect of the funding that would be lost to parish councils as a result of this decision. However, the Government did not oblige billing authorities to pass this sum on to parish and town councils.*

*From 2014-15, funding for council tax support schemes – and the sums intended for parish and town councils – will be rolled into the general local authority grant. It is therefore not now possible to identify a specific amount which is intended for use for council tax support schemes.*

## Risk Management

- 16 There is minimum risk identified; the funding is a set pass through from central government to parishes.

## Consultees

- 17 All parishes have been consulted with and advised of the funding approach recommended. The leader has consulted with other group leaders.

## Appendices

Appendix One - Parish precepts for 2014/15

## Background Papers

- None identified.





## Parish Precepts 2014-15

## Appendix One

Parish Council	Band D equilivant properties	Band D Precept £	Precept £	Govt Grant £	% of precept
Malvern Hills Conservators (Mathon)	156	29.29	4,558	32	1%
Mathon Parish Council	156	41.74	6,496	46	1%
Hampton Bishop Parish Council	192	87.74	16,827	174	1%
Hope Mansell Parish Council	135	12.39	1,669	31	2%
Linton Parish Council	449	13.10	5,877	124	2%
Aston Ingham Parish Council	202	17.90	3,623	77	2%
Richard's Castle (Herefordshire) Parish Council	124	28.74	3,572	77	2%
Little Birch Parish Council	95	27.72	2,642	58	2%
Allensmore Parish Council	247	13.83	3,419	80	2%
Longtown Group Parish Council	411	13.13	5,399	130	2%
Hatfield and District Group Parish Council	212	19.31	4,090	110	3%
Humber, Ford & Stoke Prior Group Parish Council	286	21.78	6,231	168	3%
Stretton Grandison Group Parish Council	214	9.11	1,946	54	3%
How Caple, Sollershope & Yatton Group Parish Council	156	37.43	5,836	164	3%
Pipe and Lyde Parish Council	142	15.92	2,265	64	3%
Llangarron Parish Council	464	11.52	5,344	158	3%
Wellington Heath Parish Council	220	32.65	7,183	216	3%
Acton Beauchamp Group Parish Council	172	16.92	2,910	90	3%
Ballingham, Bolstone & Hentland Group Parish Council	281	13.81	3,875	124	3%
Bartestree & Lugwardine Group Parish Council	815	28.52	23,236	763	3%
Bodenham Parish Council	442	31.10	13,733	461	3%
Avenbury Parish Council	110	35.19	3,867	133	3%
Titley and District Group Parish Council	224	19.09	4,271	147	3%
North Bromyard Group Parish Council	312	13.02	4,059	141	3%
Eaton Bishop Parish Council	175	33.09	5,796	204	4%
Eastnor & Donnington Parish Council	141	24.72	3,477	123	4%
Peterstow Parish Council	186	19.24	3,572	129	4%
Pyons Group Parish Council	343	20.80	7,135	264	4%
Breinton Parish Council	392	20.43	8,002	298	4%
Whitchurch & Ganarew Group Parish Council	480	50.25	24,098	901	4%
Yarpole Group Parish Council	326	41.40	13,490	511	4%
Lyonshall Parish Council	272	53.13	14,451	549	4%
Holmer & Shelwick Parish Council	660	11.68	7,713	294	4%
Weston-under-Penyard Parish Council	465	20.72	9,633	368	4%
Weston Beggard Parish Council	82	11.67	962	38	4%
Ashperton Parish Council	116	26.09	3,029	121	4%
Welsh Newton & Llanrothal Group Parish Council	141	44.61	6,279	251	4%
Huntington Parish Council	45	14.94	673	27	4%
Dorstone Parish Council	170	18.08	3,076	124	4%
Brilley Parish Council	116	54.03	6,243	257	4%
Monkland and Stretford Parish Council	80	49.37	3,937	163	4%
Garway Parish Council	168	60.40	10,152	422	4%
Brampton Abbots & Foy Group Parish Council	215	8.91	1,920	80	4%
Wellington Parish Council	403	51.14	20,621	877	4%
Clifford Parish Council	254	15.10	3,830	169	4%
Dinedor Parish Council	126	47.92	6,027	272	5%
Dormington & Mordiford Group Parish Council	304	46.95	14,279	645	5%
Luston Group Parish Council	358	34.71	12,431	567	5%
Yarkhill Parish Council	133	32.33	4,303	197	5%
Burghill Parish Council	679	20.90	14,184	655	5%
Cradley Parish Council	764	31.26	23,895	1,105	5%
Middleton-on-the-Hill and Leysters Group Parish Council	168	19.86	3,344	156	5%
Sellack Parish Council	119	16.10	1,909	91	5%
Walford Parish Council	628	25.08	15,745	755	5%
St. Weonards Parish Council	146	23.72	3,460	171	5%
Abbeydore & Bacton Group Parish Council	155	44.24	6,861	340	5%
Marstow Parish Council	159	42.03	6,666	335	5%
Woolhope Parish Council	208	25.21	5,237	264	5%
Upton Bishop Parish Council	257	32.84	8,432	431	5%
Stapleton Group Parish Council	141	33.61	4,752	247	5%
Godrich & Welsh Bicknor Group Parish Council	256	20.79	5,320	279	5%
Orleton Parish Council	337	43.15	14,532	768	5%
Much Marcle Parish Council	291	16.06	4,671	248	5%
Kinnersley and District Group Parish Council	237	14.01	3,321	179	5%
Eardisland Parish Council	220	67.83	14,939	811	5%
Pencombe Group Parish Council	191	42.14	8,053	448	6%
Callow & Haywood Group Parish Council	202	25.79	5,206	293	6%
Much Cowarne Group Parish Council	203	15.37	3,124	176	6%
Aymestrey Parish Council	153	22.64	3,462	198	6%
Dilwyn Parish Council	287	45.43	13,019	748	6%
Pixley & District Parish Council	220	24.73	5,434	315	6%
Colwall Parish Council	1,122	63.05	70,712	4,170	6%
Llanwarne & District Group Parish Council	260	7.27	1,888	113	6%
Birley with Upper Hill Parish Council	128	14.74	1,887	113	6%
Bishopstone Group Parish Council	179	22.56	4,038	245	6%
Whitbourne Parish Council	315	28.45	8,949	550	6%
Ocle Pychard Parish Council	255	10.53	2,684	166	6%
Much Dewchurch Parish Council	248	13.31	3,296	204	6%
Aconbury Parish Meeting	36	3.16	113	7	6%

Cusop Parish Council	169	47.30	8,003	498	6%
Ewyas Harold Group Parish Council	424	44.37	18,822	1,177	6%
Sutton Parish Council	371	48.75	18,097	1,151	6%
Bridstow Parish Council	380	12.93	4,913	313	6%
Brimfield and Little Hereford Group Parish Council	484	18.46	8,931	571	6%
Thornbury Group Parish Council	170	18.78	3,193	208	7%
Eardisley Group Parish Council	480	17.01	8,163	535	7%
Much Birch Parish Council	383	15.64	5,994	395	7%
Border Group Parish Council	293	24.78	7,269	481	7%
Madley Parish Council	397	33.05	13,123	879	7%
Kingsland Parish Council	448	20.93	9,369	633	7%
Wyeside Group Parish Council	298	20.41	6,083	417	7%
Marden Parish Council	520	31.50	16,375	1,124	7%
Vowchurch & District Group Parish Council	306	18.32	5,613	386	7%
Bredenbury & District Group Parish Council	156	32.04	5,012	348	7%
Kimbolton Parish Council	197	30.84	6,073	428	7%
Moreton on Lugg Parish Council	280	46.68	13,067	934	7%
Belmont Rural Parish Council	1,334	34.97	46,648	3,351	7%
Pembridge Parish Council	440	38.17	16,792	1,207	7%
Kilpeck Group Parish Council	196	51.18	10,025	724	7%
Fownhope Parish Council	408	45.72	18,649	1,353	7%
Withington Group Parish Council	587	25.39	14,898	1,101	7%
Stoke Lacy Parish Council	144	32.24	4,655	345	7%
Malvern Hills Conservators (Colwall Parish Council)	1,122	28.55	32,020	2,427	8%
Orcop Parish Council	165	39.51	6,507	494	8%
Kings Caple Parish Council	139	44.54	6,205	474	8%
Leintwardine Group Parish Council	431	34.49	14,858	1,141	8%
Kington Rural and Lower Harpton Group Parish Council	223	19.97	4,458	343	8%
Foxley Group Parish Council	162	10.01	1,622	128	8%
Brockhampton with Much Fawley Parish Council	89	37.47	3,336	264	8%
Holme Lacy Parish Council	183	75.81	13,886	1,114	8%
Bishop's Frome Parish Council	306	69.60	21,263	1,736	8%
Almeley Parish Council	246	27.21	6,687	562	8%
Bosbury and Coddington Parish Council	353	26.08	9,217	782	8%
Ross Rural Parish Council	408	6.77	2,761	238	9%
Creddenhill Parish Council	622	25.56	15,906	1,395	9%
Brockhampton Group Parish Council	312	20.61	6,432	568	9%
Shobdon Parish Council	318	41.80	13,274	1,186	9%
Ross on Wye Town Council	3,213	75.58	242,866	21,783	9%
Wigmore Group Parish Council	336	39.61	13,305	1,194	9%
Lower Bullingham Parish Council	589	27.54	16,221	1,516	9%
Staunton-on-Wye and District Group Parish Council	190	12.87	2,442	233	10%
Little Dewchurch Parish Council	176	38.78	6,844	656	10%
Cleghonger Parish Council	466	25.53	11,909	1,192	10%
Peterchurch Parish Council	382	34.60	13,231	1,331	10%
Ledbury Town Council	3,316	74.32	246,444	25,474	10%
Tarrington Parish Council	213	48.87	10,385	1,115	11%
Weobley Parish Council	430	29.05	12,495	1,469	12%
Putley Parish Council	100	44.67	4,458	542	12%
Hereford City Council	15,273	47.32	722,695	92,977	13%
Stretton Sugwas Parish Council	142	26.96	3,822	528	14%
Kingstone & Thruxton Group Parish Council	379	20.79	7,875	1,126	14%
Kentchurch Parish Council	100	56.61	5,634	866	15%
Lea Parish Council	224	39.99	8,965	1,385	15%
Hope under Dinmore Group Parish Council	138	23.22	3,203	496	15%
Leominster Town Council	3,439	72.65	249,862	40,361	16%
Bromyard & Winslow Town Council	1,317	122.10	160,802	26,153	16%
Kington Town Council	855	68.81	58,862	11,139	19%
Dinmore Parish Meeting	9	-	-	-	
Hampton Charles Parish Meeting	20	0.00	-	-	
Stoke Edith Parish Meeting (Chairman)	43	-	-	-	
<b>Total</b>	<b>66,219</b>		<b>2,833,151</b>	<b>288,969</b>	<b>10%</b>



<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Proposed capital programme 2015/16 to 2017/18</b>
<b>REPORT BY:</b>	<b>Chief financial officer</b>

## Classification

Open

## Key Decision

This is a not an executive decision.

## Wards Affected

Countywide

## Purpose

To recommend to Council for approval the additional capital investment programme for 2015/16 to 2017/18 inclusive, as proposed by Cabinet on 13 November 2014.

## Recommendation(s)

**THAT: Council approves the additional capital schemes as detailed in appendix 1 of this report for inclusion in the 2015/16 to 2017/18 capital programme.**

## Alternative Options

- 1 The capital schemes detailed below are either self-funded or address critical needs and there are no alternative options that do not radically effect the provision of services.

## Reasons for Recommendations

- 2 The schemes summarised in this report, and detailed in appendix 1, are recommended for approval in order to support council priorities, the realisation of savings or the mitigation of corporate risk.

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Further information on the subject of this report is available from  
Josie Rushgrove, head of technical finance on Tel (01432) 261867

## Key Considerations

- 3 The current capital programme approved by Council in February 2014 is as summarised below.

Total three year budget 2014/15 to 2016/17						
Scheme	Spend in prior years £'000	14/15 Budget £'000	15/16 Budget £'000	16/17 Budget £'000	Sub total £'000	Total budget £'000
Fastershire Broadband	4,000	7,600	6,200	2,400	16,200	20,200
Local Transport Plan	n/a	10,645	-	-	10,645	10,645
Corporate accommodation	9,673	6,211	976	-	7,187	16,860
Link Road	9,064	10,708	7,228	-	17,936	27,000
Leominster Primary School	4,451	5,729	437	-	6,166	10,617
LED street lighting	-	5,655	-	-	5,655	5,655
Hereford Enterprise Zone	n/a	1,967	1,467	-	3,434	3,434
Others	n/a	2,090	667	-	2,757	2,757
Schools Basic Need	n/a	1,008	634	666	2,308	2,308
Solar photovoltaic panels	293	1,841	-	-	1,841	2,134
Destination Hereford	2,207	1,054	-	-	1,054	3,261
Master's House, Ledbury	3,419	606	-	-	606	4,025
Hereford city surface car parking	434	566	-	-	566	1,000
Community Capacity Grant	n/a	483	-	-	483	483
Disabled Facilities Grant	n/a	462	-	-	462	462
Yazor Brook flood alleviation	4,426	450	-	-	450	4,876
Energy from waste plant	-	11,000	14,000	15,000	40,000	40,000
Road infrastructure	-	15,000	5,000	-	20,000	20,000
Leisure centres	330	2,000	3,300	3,370	8,670	9,000
Disabled Facilities Grant	-	200	-	-	200	200
Closed landfill sites	-	76	-	-	76	76
<b>Total</b>		<b>85,351</b>	<b>39,909</b>	<b>21,436</b>	<b>146,696</b>	

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<i>Financed by;-</i>					
<i>Prudential borrowing</i>		57,237	37,371	20,770	115,378
<i>Local Transport Plan Grant</i>		10,645	-	-	10,645
<i>Fastershire BDUK Grant</i>		6,100	-	-	6,100
<i>Standards Fund Grant</i>		5,205	-	-	5,205
<i>Destination Hereford Grant</i>		1,054	-	-	1,054
<i>Schools Basic Need Grant</i>		1,008	634	666	2,308
<i>Community Capacity Grant</i>		483	-	-	483
<i>Other capital grants</i>		410	-	-	410
<i>Capital Receipts Reserve</i>		3,209	1,904	-	5,113
<b>Total</b>		<b>85,351</b>	<b>39,909</b>	<b>21,436</b>	<b>146,696</b>

- 4 Proposed additions to this capital programme are summarised below and detailed in appendix 1. The bulk of schemes represent investment to improve infrastructure, support the local economy, housing development and the creation of job opportunities.

Cost £000	Funding £000	Net cost £000
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#### **Self-financing schemes**

##### **(From grants, business rates and other external income)**

##### Economic Investment:

- South Wye Transport Package	27,000	(27,000)	-
- Hereford Enterprise Zone	16,000	(16,000)	-
- Three Elms Trading Estate	2,600	(2,600)	-

Schools	1,280	(1,280)	-
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<b>Total</b>	<b>46,880</b>	<b>(46,880)</b>	<b>-</b>
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#### **Essential works wholly or partly financed by the council**

##### Financed centrally:

Schools	7,630	(352)	7,278
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Other properties	910	-	910
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Cemeteries	100	-	100
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##### Financed by service areas:

Equipment	268	-	268
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<b>Total</b>	<b>8,908</b>	<b>(352)</b>	<b>8,556</b>
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#### **Investment to support cost savings**

##### Financed centrally:

Schools	500	(160)	340
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Other properties	78	-	78
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##### Financed by service areas:

Gritters	500	-	500
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<b>Total</b>	<b>1,078</b>	<b>(160)</b>	<b>918</b>
Contingency (1% of programme)	1,467	-	1,467
<b>Total additional expenditure</b>	<b>58,333</b>	<b>(47,392)</b>	<b>10,941</b>

- 5 In addition to the proposed capital programme additional investment will be required to expand the Fastershire broadband coverage throughout the County in 2016/17 as outlined in the Fastershire Broadband Strategy 2014-2018. The Council is committed to reach rural premises in the county with Next Generation Access broadband of 30Mbps by 2016. Additional investment is required to provide further broadband coverage to properties predominately in the more rural areas which are more expensive to reach. BDUK has indicated a grant funding allocation of £5.5m to support this from 2016/17 – 2018/19. This grant funding allocation will require match funding. The council is therefore currently seeking additional external funding to achieve this, minimising any contribution required from its own resources. The outcome of securing this match funding is expected over the coming months, following this a report will be produced for Cabinet and council funding proposals included in the future years capital programme.
- 6 Additional capital expenditure of approximately £10m per annum on road infrastructure funded by the Local Transport Plan grant will be included in future years' capital programmes following confirmation of the grant funding allocation from Department for Transport, expected in December 2014.
- 7 Including the contingency, additions to the capital programme will total £58.3m of which £47.4m is funded by capital grants, business rates or revenue savings already identified. This leaves a balance of £10.9m to be financed by prudential borrowing. This will be added to borrowing levels within the Treasury Management Strategy. The revenue implications are detailed in the financial implications section of this report and are indicated as pressures in the current future years' budget proposals.
- 8 Of the £10.9m additional corporate investment needed, £6.5m relates to Colwall Primary School and covers the estimated cost of a new school should it not be possible to rectify the school's damp problems. Grant funding will be sought and, if successful, will reduce this borrowing.
- Overall borrowing implications*
- 9 The inclusion of the additional borrowing requirement is in accordance with the current Treasury Management Strategy which will be updated following approval of this report to include the additional schemes.
- 10 Total gross outstanding debt was £168m as at 31 March 2014. This is being repaid at approximately £10m per annum.
- 11 Additional investment has already been approved in respect of the energy from waste plant, leisure centre improvements, road investment and Hereford link road which are all self-financing schemes.

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- 12 Assuming the new investment need is approved and including all other capital investment approved to date, this would see an increase in the debt requirement from £168m as at 31 March 2014 to £197m as at 31 March 2018.
- 13 Herefordshire has a long term debt to asset ratio of 26%. This means a quarter of Herefordshire's assets are financed by long term debt. This is the average position when compared to all unitary authorities. Herefordshire is in the lower (better) half of the comparative authority debt positions when comparing long term debt balance and the cost of borrowing compared to net revenue budget.
- 14 The council's Net Book Value (NBV) of fixed assets compared to the level of its net borrowing is estimated to be as follows:

	<b>31 March 2014</b>	<b>31 March 2015</b>	<b>31 March 2016</b>	<b>31 March 2017</b>	<b>31 March 2018</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
NBV of fixed assets	465	534	577	600	601
Level of debt	147	203	229	232	197
Total net debt to asset percentage	31.6%	38.0%	39.7%	38.7%	32.8%

The Net Book Value of fixed assets (as shown in the council's balance sheet) has been calculated assuming approval of the capital programme and including expected capital receipts.

Operational property and investments are revalued but all other assets are valued at their depreciated historic cost which may not reflect current value. For example, community assets often do not have a recorded historic cost and are valued at a nominal value in the council's balance sheet (total value £1.9m at 31 March 2014). Roads and infrastructure were valued at an historic cost value of £158.8m at 31 March 2014. Whereas road and infrastructure value based on a depreciated replacement cost basis is estimated to be in excess of £2,500m. This road and infrastructure valuation method will be used from 2015/16 so will reduce the debt to asset ratio shown above from 2015/16.

The table shows the council's debt to asset ratio on the current valuation methods increasing over the next few years before reducing in 2017/18.

## Community Impact

- 15 The capital investment need supports the overall corporate plan and service delivery strategies in place. The overall aim of capital expenditure is to benefit the community through improved facilities and by promoting economic growth.

## Equality and Human Rights

- 16 A full community impact assessment will be carried out prior to any scheme commencing. Current budget proposals are undergoing an Equality Impact Assessment.

## Financial Implications

- 17 Most investment will be made on a self financing basis as detailed on appendix 1. A separate Cabinet report on the business case for new individual projects will also be approved before investment begins.
- 18 It is estimated that the phasing and cost of the £10.9m of prudential borrowing requirement will be as follows:

	Capital cost £m	Cost of borrowing £m
2015/16	4.6	0.1
2016/17	5.7	0.4
2017/18	0.5	0.6
Total for future years	0.1	15.2
	<u>10.9</u>	<u>16.3</u>

- 19 The additional borrowing costs will continue for 25 future years. These figures comprise both interest and debt repayment and have been included in the revenue budget proposals for 2015/16 to 2017/18 as a new budget pressure.

## Legal Implications

- 20 The council is under a legal duty to sensibly manage their own capital finance. The council is able to borrow subject to limits set by the council and any nationally imposed limits and it must do so in accordance with the Prudential code on borrowing.
- 21 The Local Government Act 2003 allows the council to borrow for any purpose relevant to its functions under any enactment and for the purposes of the prudent management of its financial affairs. Before approval of any individual scheme it will be necessary to ensure that the need for the scheme arises out of a legal obligation on the council for its provision.
- 22 Further any scheme will need to be procured in accordance with the Procurement Regulations and the council’s own contract procedure rules and appropriate contractual documentation put in place to protect the council’s interests.

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## **Risk Management**

- 23 Monthly budget control meetings are chaired by the chief financial officer to give assurance on the robustness of budget control and monitoring, to highlight key risks and to identify any mitigation to reduce the impact of pressures on the council's overall position.

## **Consultees**

- 24 Cabinet considered the proposals on 13 November following a General Overview and Scrutiny Committee review on 4 November. General Overview & Scrutiny Committee made a number of suggestions regarding presentational elements of the information; these have been reflected in the report. No recommendations were made regarding the proposals themselves.

## **Appendices**

Appendix 1 – Proposed additions to the capital programme 2015/16 to 2017/18.

## **Background Papers**

None identified.



<b>SUMMARY OF CAPITAL SCHEMES 2015/16 - 2017/18</b>										
Scheme Description	Capital Cost of Project			Future Years	Total Cost £'000	Total Funding £'000	Net Cost £'000	Comments		
	15/16 £'000	16/17 £'000	17/18 £'000							
<b>SELF-FINANCING SCHEMES:</b>										
<b>Economy - supporting economic growth and connectivity</b>										
South Wye Transport Package - including new link road A49-A465	1,000	1,000	12,300	12,700	27,000	(27,000)	-	Ensure scheme delivery remains on programme. There will be a cashflow funding implication during the obtaining of planning permission following which grant funding drawn post spend will commence.		
Hereford Enterprise Zone - intervention works to progress EZ	4,900	7,100	4,000	-	16,000	(16,000)	-	Failure to invest will stall the EZ expansion calling into question the EZ status. The assurance of self financing will be secured before investment is committed to.		
Three Elms Trading Estate - purchase from HCA & site improvement works	1,850	400	350	-	2,600	(2,600)	-	Purchase will enable Council to release value from its adjoining land. Rental income to fund cost of borrowing		
	<b>7,750</b>	<b>8,500</b>	<b>16,650</b>	<b>12,700</b>	<b>45,600</b>	<b>(45,600)</b>	-			
<b>People - improving outcomes for children and young people</b>										
Westfield Special school - extend to provide nursery education	120	-	-	-	120	(120)	-	If not funded school would fail in statutory duty to commission sufficient school places for special education needs. The be funded by 2 year old capital grant funding.		
Staunton primary School - additional enclosed teaching/outdoor activities resource	80	-	-	-	80	(80)	-	Funding from Basic Need Funding 14/15.		
Mordford Primary School - 2 mobile classrooms	80	-	-	-	80	(80)	-	Basic Need Funding. Partial contribution by school yet TBC.		
Marlbrook Primary School - additional reception class space and toilets	80	-	-	-	80	(80)	-	Basic Need Funding. Partial contribution by school yet TBC.		
Relocation of Broadlands School - release current buildings and grounds, modify & adapt Aylestone school building to house extra pupils	800	120	-	-	920	(920)	-	Broadlands site will need ongoing and extensive maintenance work in the next 3 years costing over £370,000. Fund from: LA maintenance programme and £2.2m from release of Broadlands school, which exceeds investment cost.		
	<b>1,160</b>	<b>120</b>	-	-	<b>1,280</b>	<b>(1,280)</b>	-			
<b>TOTAL OF SELF-FINANCING SCHEMES</b>	<b>8,910</b>	<b>8,620</b>	<b>16,650</b>	<b>12,700</b>	<b>46,880</b>	<b>(46,880)</b>	-			
<b>ESSENTIAL WORKS:</b>										
<b>People - improving outcomes for children and young people</b>										
Peterchurch Primary School - replace leaking roof & internal remodelling	1,000	-	-	-	1,000	(300)	700	Hall will be unusable for school lunches and PE, therefore not meeting statutory duty. Part funded from capital maintenance programme.		
Colwall Primary School - build new school (due to water damage)	1,600	4,800	100	-	6,500	-	6,500	Estimated cost of a replacement school cost, grant funding is being sought. Council insurer's will no longer insure hall. Unplanned closure, loss of income to leisure operator. Lady Hawkins Academy to meet 40% of cost.		
Lady Hawkins Sports Hall - roof replacement	130	-	-	-	130	(52)	78			
	<b>2,730</b>	<b>4,800</b>	<b>100</b>	-	<b>7,630</b>	<b>(352)</b>	<b>7,278</b>			
<b>Resources - making the best use of resources available to us in order to meet the councils priorities</b>										
Town hall roof replacement - phases 1 & 2 lead work, joinery & gutters	365	-	-	-	365	-	365	Closure of building if roof fails. Key services impacted being difficult and costly to relocate. Loss of income from room hire.		

Scheme Description	Capital Cost of Project						Total Funding £'000	Net Cost £'000	Comments
	15/16	16/17	17/18	Future	Total Cost	Total			
	£'000	£'000	£'000	Years £'000	£'000	£'000			
Lease dilapidations	430	-	-	-	430	-	430	Repairs to satisfy safety and legislative requirements.	
Courtyard Theatre - replacement of unstable lift shaft Replacement of mechanical and electrical services to Shirehall - replacement to court and public areas	85	-	-	-	85	-	85	Inaccessible to public, income loss and alternative premises have had to be hired.	
Hereford, Kington and Leominster Cemeteries - review current ground water levels and impact on burial areas	30	-	-	-	30	-	30	Essential works to reduce risk of fire and potential damage to building.	
Pay and Display Machines - replace entire stock of 60 machines (10 per annum over 6 years), implement pay on exit & accommodate the changes to coins	100	-	-	-	100	-	100	Risk of closure and income of new burials. Subsidence and collapse risk to both public and contractors. These does not impact on the pricing policy which is to inflate current charges by inflation only to continue providing a cost neutral service.	
	40	41	43	144	268	-	268	Loss of income due to downtime on old machines around £30k pa. Risk of machine suppliers not providing cover as current machines are no longer manufactured.	
	1,050	41	43	144	1,278	-	1,278		
<b>TOTAL OF ESSENTIAL WORKS</b>	<b>3,780</b>	<b>4,841</b>	<b>143</b>	<b>144</b>	<b>8,908</b>	<b>(352)</b>	<b>8,556</b>		
<b>INVESTMENT TO SUPPORT COST SAVINGS:</b>									
<i>People - improving outcomes for children and young people</i>									
Improvement to provision for Social, Emotional and Mental Wellbeing (Brookfield) - extend and improve buildings	200	300	-	-	500	(160)	340	Part funded from Basic Need Grant. Risk that children would be placed in more expensive out of county places.	
<i>People - people are able to take more responsibility for themselves</i>									
Kington Wellbeing Centre - create a rural Hub to accommodate variety of services	78	-	-	-	78	-	78	This rural hub will accommodate a variety of joined up services to prevent and delay needs ahead of crisis point in support of the Care Act	
<i>Resources - making the best use of resources available to us in order to meet the councils priorities</i>									
Purchase of gritters	250	125	125	-	500	-	500	Borrowing cost to be funded by winter service budget (C07215)	
<b>TOTAL OF SCHEMES REQUIRING FINANCE</b>	<b>4,308</b>	<b>5,266</b>	<b>268</b>	<b>144</b>	<b>9,986</b>	<b>(512)</b>	<b>9,474</b>		
Contingency for unforeseens - 1% of capital programme	854	399	214	-	1,467	-	1,467	As approved in the councils capital strategy	
<b>TOTAL CAPITAL SCHEMES</b>	<b>14,072</b>	<b>14,285</b>	<b>17,132</b>	<b>12,844</b>	<b>58,333</b>	<b>(47,392)</b>	<b>10,941</b>		



<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>12 December 2014</b>
<b>TITLE OF REPORT:</b>	<b>Health &amp; wellbeing board: terms of reference</b>
<b>REPORT BY:</b>	<b>Health &amp; wellbeing board</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

County-wide

## Purpose

To recommend to Council amended terms of reference for the Board.

## Recommendation(s)

**THAT: the revised terms of reference at appendix 2, including amendments to membership, be agreed.**

## Alternative options

- 1 Terms of reference could remain unchanged; this option would not assist in providing the board with a clear focus.
- 2 Alternative terms of reference/membership could be adopted; the terms of reference and membership proposed take account of the learning gained from developing health and wellbeing boards.

## Reasons for recommendations

- 3 To ensure that governance arrangements for the board remain fit for purpose.

## Key considerations

- 4 Following the requirements of the Health & Social Care Act 2012, the current terms of

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Further information on the subject of this report is available from  
Annie Brookes, Governance Manager on Tel (01432) 260605

reference, including membership, for the board were agreed by Council in March 2013; these are attached at appendix 1 for information.

- 5 These terms of reference have a broad focus, with membership framed around inclusivity rather than purpose. This has inadvertently led to dilution of board priorities, and lack of clarity about the representative role of a number of members.
- 6 Since March 2013, expectations nationally about the role of health and wellbeing boards in relation to the Better Care Fund have developed. Additionally, local governance structures have evolved to provide a framework for the transformation of health and social care within the county. It is therefore timely to review the terms of reference to ensure that they remain fit for purpose and provide clarity about accountabilities.
- 7 The Local Government Association (LGA) has led a number of peer challenges looking at the effectiveness of health and wellbeing boards across England; these have highlighted a number of factors which support effective operation which include:
  - Integration being core to activity rather than add-on;
  - Clear intended outcomes being used to inform commissioning decisions;
  - Effective relationships;
  - A collective understanding of affordability within the health and social care system – and what needs to change to achieve it;
  - A small number of priorities for board focus;
  - Health and wellbeing strategy firmly linked to the joint strategic needs assessment and focussed on a small number of priorities; and
  - Clear mechanisms/forums for engaging with providers, voluntary sector, carers/service users etc (these being not routinely through board membership).
- 8 Taking account of these factors, and the governance relationships already existing, the board has reviewed its terms of reference and a revised draft is attached at appendix 2.
- 9 To ensure that the board is not simply 'listening to itself', but is able to fulfil its role informed by the views and experience of service users, providers, carers and other partners it has commissioned further work to provide clarification of the mechanisms to be used to ensure effective communication and engagement with stakeholders.

## **Community impact**

- 10 The Health and Wellbeing Board is responsible for delivery of the joint strategic needs assessment (locally included within *Understanding Herefordshire*) and must produce a health and wellbeing strategy for the county. Together these guide future commissioning decisions.

## **Equality and human rights**

- 11 In fulfilling its responsibilities the board must have regard to the general public sector equality duty placed on public authorities as set out below:

"A public authority must, in the exercise of its functions, have due regard to the need to -

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Further information on the subject of this report is available from  
Annie Brookes, Governance Manager on Tel (01432) 260605

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

## **Financial implications**

12 There are no direct financial implications arising from this report.

## **Legal implications**

13 The council has a statutory duty to have established a health and wellbeing board pursuant to the Health and Social Care Act 2012. The core membership of that board is prescribed by the act. There are duties incumbent on the board as to the joint strategic needs assessment and joint health and wellbeing strategy. It is assumed that the proposed changes are designed to improve the effective carrying out of those duties and ensure the promotion of integrated working. That being the case and provided the core prescribed membership is unaffected then there are no adverse legal implications from the proposals.

## **Risk management**

14 If the board's terms of reference are not refreshed to provide appropriate focus and reflect current responsibilities accountabilities and priorities may not be sufficiently clear raising the risk that key actions are not identified or progressed impacting adversely on the ability to improve health & wellbeing outcomes for residents in the county. Periodic reviews of terms of reference mitigate this risk.

## **Consultees**

15 The LGA's programme manager for local government support has provided advice in the development of the refreshed terms of reference.

16 During its first year of formal operation, and throughout the preceding shadow period, board members have held informal discussions on future focus and priorities for the board. The proposals within this report, which build on those informal discussions, were agreed for recommendation to Council by the board at its meeting on 18 November.

## **Appendices**

Appendix 1 – Current terms of reference

Appendix 2 – Proposed terms of reference

## **Background papers**

- None identified.





## Terms of Reference

### Herefordshire Health and Wellbeing Board

#### Introduction

Herefordshire Health and Wellbeing Board (HHWB) is established by virtue of S194 of the Health and Social Care Act 2012 ( the 2012 Act). It is taken to be a Committee appointed by Herefordshire Council under S102 of the Local Government Act 1972 by virtue of the 2012 Act.

Its duties are as follows:-

- To encourage those who arrange the provision of any Health or Social Care Services in Herefordshire, to work in an integrated manner for the purpose of advancing the health and wellbeing of the people of Herefordshire.
- To provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of prescribed arrangements under S 75 National Health Service Act 2006.
- To encourage those who arrange for the provision of any health related services in Herefordshire to work closely with HHWB.
- To encourage the close working of those providing health or social care services with those who arrange for the provision of health related services in Herefordshire.
- To prepare a Health and Social Care Joint Strategic Needs Assessment for the County.
- To prepare a Health and Wellbeing Strategy to meet those needs.
- To exercise any functions that are exercised by Herefordshire Council by arrangement, barring overview and scrutiny functions.
- To give HHWB's opinion, as appropriate, to Herefordshire Council as to whether the Council is discharging its duty to have regard to any assessment of relevant needs prepared by the Council or the Clinical Commissioning Group in the exercise of its functions .

- To prepare and publish a local Pharmaceutical Needs Assessment under S206 of the 2012 Act.

## **Principles**

HHWB will actively pursue:-

- Providing the strongest local leadership for the improvement of the health and wellbeing of the people of Herefordshire.
- Monitoring and supporting relevant bodies to achieve any health and wellbeing targets.
- Promoting and committing to joint working and integration wherever possible between partner organisations.
- encouraging a shared commitment towards health and wellbeing between the partner organisations including respect for each other's working culture
- Fostering effective working relations based on mutual trust.
- Ensuring that commissioning decisions for health and wellbeing are consistent with the Herefordshire Health and Wellbeing Strategy and take full account of the joint strategic needs assessment for Herefordshire.
- Acting with collective responsibility

## **Membership**

The core membership of the HHWB is as follows:-

Two Herefordshire Councillors  
nominated by the Council's Leader.

Herefordshire Council's Director of Adult Social Services.

Herefordshire Council's Director of Children's Services.

Herefordshire Council's Director of Public Health.

A representative of Herefordshire Healthwatch.

A representative of the Clinical Commissioning Group.

Such other persons as the Council thinks appropriate

## **Additional Members Comprise:-**

Such other persons as HHWB may consider appropriate

A temporary representative from the National Health Service Commissioning Board, for the purpose of preparing the Joint Strategic Needs Assessment or Health and Wellbeing Strategy

A temporary representative of the NHS commissioning Board where HHWB is considering a matter that relates to the exercise or proposed exercise of the NHS Board's commissioning functions.

[Note :The NHS Commissioning Board representative need not be a member of the board however.]

## **Chairman and Vice Chairman**

HHWB will be headed by a Chairman who is the Herefordshire Council Cabinet member whose current areas of responsibility are encompassed by the powers and duties of HHWB nominated as such by the Leader of the Council. A Vice Chairman shall be appointed annually by the Board . The term of office for the Chairman will coincide with their holding of the relevant portfolio .

## **Working Groups and Sub-Committees**

The HHWB may establish such Working Groups, Officer Groups and Sub-Committees as necessary to achieve its objectives and will employ the maximum flexibility with regards to membership, utilising temporary and co-opted members as appropriate.

## **Status**

By virtue of its status as a Council appointed Committee under S102 of the Local Government Act 1972, the Governance rules which bind the Council through its Constitution also bind HHWB.

In particular however

1. The Access to Information provisions contained in the Local Government Act 1972 apply to HHWB in respect of giving appropriate notice to the public of meetings and making available background papers .
2. The rules on political proportionality of Membership of HHWB or its Sub- Committees or Working Groups are disapplied.
3. The Council's Code of Conduct for Members is applicable to HHWB. In respect of the declaration of interests, Members of HHWB personally have to determine whether it

is appropriate to make any declaration or not including declarations of discloseable pecuniary interest on the appropriate register.

4. HHWB Core Members only will have voting rights.

### **Accountability**

Whilst HHWB has accountability to the Council by means of an annual report, there is an expectation of an effective working relationship with Herefordshire Council's Overview and Scrutiny Committees, in particular Health and Social Care Overview and Scrutiny Committee. Individual Members of the Board may be held to account by the organisations they represent.

### **Transparency**

Formal meetings of HHWB or any Sub-Committee of it are held in Public and the question of any Confidential items are dealt with in accordance with the Access to Information Rules . These rules do not apply to Officer Groups or Task and Finish Groups that the Board or its Sub-Committees may appoint.

Questions from the Public will be accepted in writing not less than eight clear working days prior to a meeting of the HHWB and one supplementary question is allowed.

### Herefordshire Health & Wellbeing Board Terms of Reference

#### Purpose

Herefordshire Health & Wellbeing Board (the board) works together to improve the health and wellbeing of the people of Herefordshire by working collaboratively with partners to join up commissioning and provision (where it is appropriate to do so) across the NHS, social care, public health and other areas related to health and wellbeing.

#### Roles and Responsibilities

The board is responsible for:

- a) Developing a joint strategic needs assessment (Understanding Herefordshire)
- b) Preparing a joint health & wellbeing strategy
- c) Reviewing whether the commissioning plans and arrangements for the NHS, public health and social care (including Better Care Fund submissions) are in line with and have given due regard to the health and wellbeing strategy
- d) Reporting formally to the council's executive, the Herefordshire Clinical Commissioning Group and the NHS Commissioning Board if commissioning plans affecting Herefordshire have not had adequate regard to the health & wellbeing strategy
- e) Formally signing-off required submissions and direct the use of any performance related funding received on achievement of targets.

The board will seek to:

- f) Promote joint working and integration, including the use of NHS Act 2006 flexibilities, to increase joint commissioning, pooled and aligned budgets to support effective delivery of the health and wellbeing strategy
- g) Influence the strategic planning and service delivery of the council and the NHS in Herefordshire through promotion of Understanding Herefordshire and the health & wellbeing strategy
- h) Influence the planning and delivery of economic development, planning, transport, housing, community safety, environment and community services in order to address the wider determinants of health & wellbeing
- i) Strategically performance manage key activity against the key priorities of the health & wellbeing strategy
- j) Provide leadership across the whole health and wellbeing system in Herefordshire to enable improved health and wellbeing outcomes.

Responsibility for the scrutiny of health and wellbeing in Herefordshire remains the responsibility of the Health & Social Care Overview and Scrutiny Committee.

## **Accountability**

Accountability for the discharge of statutory responsibilities remains with the council, CCG and Herefordshire Healthwatch

Accountability for safeguarding lies with the Herefordshire Safeguarding Children Board and Herefordshire Safeguarding Adults Board both of which will report to the board on relevant performance outcomes against the health & wellbeing strategy's priorities through a regular performance reporting process.

The Board will work with the Community Safety Partnership and the Children & Young People's Partnership to deliver strategic commitments and outcomes in line with the health & wellbeing strategy and the two partnerships will report to the board on relevant performance outcomes against the health & wellbeing strategy's priorities through a regular performance reporting process.

The board will provide an annual report to Council.

## **Membership**

Membership of the board is:

- Herefordshire Council x 5 one of the cabinet members taking the chair (Cabinet Member Health & Wellbeing, Cabinet Member Young People and Children's Wellbeing, Director for Adults & Wellbeing, Director for Children's Wellbeing, Director of Public Health)
- Herefordshire CCG x 3 one of which to take on role of vice chair (one to be a lay member)
- Herefordshire Healthwatch x 2
- Local Area Team x1 (non-voting member)

The Council, at its annual meeting, appoints the chairman.

The quorum for the meeting shall be four, to include one member from each of the council, CCG and Healthwatch.

Board members may nominate a named substitute from their organisation.

## **Wider Engagement**

The Board will seek to engage all stakeholders in the development of the health & wellbeing strategy and commissioning plans and will invite representatives from relevant stakeholder bodies to attend board meetings as relevant to the agenda.

The Board will ensure that effective communication and engagement mechanisms are in place to enable good public, patient, service user and stakeholder engagement.

By working together the board will proactively seek to embed good partner, public and patient engagement within the day to day business of the board through adherence to the following principles:

- Being clear of purpose
- Taking responsibility for good public engagement including feedback of engagement results
- Committing to culture change
- Providing access to information
- Fostering effective working relations based on mutual trust
- Acting with collective responsibility
- Developing an understanding of the working cultures operating within Herefordshire's health and wellbeing system.

### **Business Management**

The board is a statutory committee of the council and will be treated as if it were a committee appointed by the council under s102 of the Local Government Act 1972; it is exempt from the rules on political proportionality.

The board will act in accordance with the council's committee procedure rules and access to information rules.

The board will develop an operating model and work programme to support delivery of the health & wellbeing strategy.

The board will produce an annual report.

The board will meet not less than 4 times a year and at other times by arrangement in accordance with the committee procedure rules.

The board may establish working groups to lead on specific issues and may co-opt additional (non-voting) representatives to those working groups.







<b>MEETING:</b>	<b>COUNCIL</b>
<b>MEETING DATE:</b>	<b>12 DECEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<b>THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR, GOVERNANCE</b>

## Classification

Open

## Key Decision

This is not an Executive Decision

## Wards Affected

Ross-on-Wye East and Ross-on-Wye West

## Purpose

To make further recommendations, as agreed by the Audit and Governance Committee on 26 November 2014, regarding the Ross-on-Wye Community Governance Review as the changes proposed by that review required the consent of the Local Government Boundary Commission for England and that consent has now been obtained.

## Recommendations

**THAT:**

- (a) the County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 be revoked with immediate effect; and**
- (b) the Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) (No. 2) Order 2014 (to be substantially in the form set out in Appendix 2 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007.**

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Further information on the subject of this report is available from Bill Norman, Assistant Director, Governance (tel: (01432) 260200).

## Alternative Option

1. Retain both Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council as two separate authorities. The advantage of this option is that governance would continue unchanged. However, this option is not recommended as the Ross-on-Wye Community Governance Working Group accepted the view of Ross-on-Wye Town Council that the current arrangements were inappropriate. This was particularly in view of the proposed expansion of the Ross-on-Wye area outlined in the Herefordshire Local Development Framework. The total population is approximately 10,600, with about 9,600 living in the town and 1,000 living in the rural area. There are nearly 8,000 electors in the combined area. The rural parish area currently has one councillor for every 105 electors, while the town council has one councillor for every 591. Because the Ross-on-Wye Rural area is geographically spread around the town, it does not form one community and is, in effect, the outer edges of the town.

## Reasons for Recommendations

2. On 26 September 2014 Council endorsed the recommendations made by Audit and Governance Committee on 9 September 2014 and authorised the making of the County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the First Reorganisation Order') to implement the recommendations of the Ross-on-Wye Community Governance Review.
3. Subsequently, the Local Government Boundary Commission for England ('the Boundary Commission') pointed out that their consent is required to any parish level governance changes in Ross-on-Wye. This is because the Herefordshire (Electoral Changes) Order 2014 included provisions relating to Ross Town Council and Ross Rural Parish Council. Consequently those arrangements are 'protected' for five years and the consent of the Boundary Commission must be obtained before those provisions may be changed. The Boundary Commission's written consent to the proposed parish level changes for Ross-on-Wye has now been obtained. A copy of the Boundary Commission's Chief Executive's letter dated 6 November 2014 is attached at Appendix 1.
4. Having obtained the Boundary Commission's consent, it is necessary to recommend to Council that it revokes the First Reorganisation Order and replaces it with a new order in very similar form. This is because Council's approval of the proposed changes can only be legally effective **after** the Boundary Commission has given its consent to those proposals. The recommended new order is attached at Appendix 2.

## Key Considerations

5. These are set out in the preceding section of this report.

## Community Impact

6. The impact of the recommended option will be felt mainly by residents of the Ross-on-Wye Rural area, who will see an increase in their council tax contribution. However, they will also be better represented on the council.

## Equality and Human Rights

7. No equality or human rights implications arise as a result of this report.

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Further information on the subject of this report is available from  
Bill Norman, Assistant Director, Governance (tel: (01432) 260200).

## **Financial Implications**

8. No financial implications arise for Herefordshire Council from this report

## **Legal Implications**

9. These are set out in the reasons for the recommendations. The Ross-on-Wye Community Governance Review has been conducted in accordance with the requirements of Chapter 2 to Part 4 of the Local Government and Involvement in Health Act 2007; and the Guidance on Community Governance Reviews published by the Local Government Boundary Commission for England in March 2010.

## **Risk Management**

10. No risk management implications arise for Herefordshire Council from this report.

## **Consultees**

11. Both Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council were consulted. There was a public consultation exercise. Details of the responses are in the annexes to the report to Council on 26 September 2014.

## **Appendices**

Appendix 1: Letter dated 6 November 2014 from the Local Government Boundary Commission for England.

Appendix 2: The County of Herefordshire District Council (Reorganisation of Community Governance) (No. 2) Order 2014.

## **Background Papers**

None identified.



The  
Local Government  
Boundary Commission  
for England

Mr Bill Norman  
Assistant Director Governance  
Herefordshire Council  
Economy, communities and corporate  
directorate  
PO Box 211, Hereford, HR1 9FL

6 November 2014

Dear Mr Norman,

**Local Government and Public Involvement in Health Act 2007 – Proposed changes to protected electoral arrangements in Herefordshire**

I refer to your letter dated 5 November 2014 requesting consent to amalgamate the parish of Ross-on-Wye and Ross Rural to form a single parish.

Electoral arrangements for both parishes were provided for in the Herefordshire (Electoral Changes) Order 2014 and, as such, are a protected electoral arrangement under the Local Government and Public Involvement in Health Act 2007. Having considered your Council's request, the Commission hereby grants its consent for the Council to amalgamate the parishes of Ross-on-Wye and Ross Rural and provide for revised parish warding arrangements. This allows the Council to make an Order amending parish boundaries, as provided for in section 86 of the Act.

I draw your attention to section 96 (7) of the Act concerning the bodies to be notified once the Council has made the Order.

Should you have any further questions, please do not hesitate to contact my colleague Tim Bowden at [tim.bowden@lgbce.org.uk](mailto:tim.bowden@lgbce.org.uk) or on 020 7664 8514.

Yours sincerely,



**Jolyon Jackson CBE**  
**Chief Executive**  
[jolyon.jackson@lgbce.org.uk](mailto:jolyon.jackson@lgbce.org.uk)  
020 7664 8537



# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The County of Herefordshire District Council (Reorganisation of Community Governance)  
(Ross-on-Wye) (No. 2) Order 2014

**Made: 12 December 2014**

**Coming into force: in accordance with Article 1**

The County of Herefordshire District Council ('the council'), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), has undertaken a community governance review and on 12 December 2014 made the following recommendations:

That, with effect from 1 April 2015:

- a) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;
- b) The new parish shall be known as 'Ross-on-Wye';
- c) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;
- d) The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;
- e) There shall be a new parish council for the new parish of Ross-on-Wye;
- f) The name of that new parish council shall be 'Ross-on-Wye Parish Council';
- g) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;
- h) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;
- i) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;
- j) The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;
- k) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross East, Ross North, and Ross West; and shall comprise the respective areas of the district wards bearing the same names in Schedule 1 of the Herefordshire (Electoral Changes) Order 2014;
- l) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;
- m) All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council; and
- n) From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council on 31 March 2015 provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council.

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient.

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

On 26 September 2014 the Council resolved to give effect to those recommendations and made The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the First Reorganisation Order 2014'), but the council did not have consent from the Local Government Boundary Commission for England ('the Commission') to make that Order. The requisite consent of the Commission has now been granted and the council accordingly makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

## **Citation and commencement**

- 1.—(1) This Order may be cited as ‘The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) (No. 2) Order 2014’.
- (2) Subject to paragraphs (3) and (4) below, this Order shall come into force on 1 April 2015.
- (3) Article 7(2) below (which establishes the number of parish councillors for the new Ross-on-Wye Parish Council) shall come into force on the ordinary day of election of councillors in 2015.
- (4) For the purposes of proceedings preliminary or relating to the election of parish councillors for the new Ross-on-Wye Parish Council, to be held on the ordinary day of election of councillors in 2015, this Order shall come into force on 12 December 2014.
- (5) The First Reorganisation Order 2014 is revoked with immediate effect.

## **Interpretation**

2. In this Order:

‘**district**’ means the district of the County of Herefordshire;

‘**effective date**’ means 1 April 2015

‘**existing**’ means existing on the date this Order is made;

‘**map**’ means the map marked ‘Map referred to in The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) (No. 2) Order 2014’ and deposited in accordance with section 96(4) of the 2007 Act;

‘**new parish**’ means the parish constituted by article 4 below;

‘**ordinary day of election of councillors**’ has the meaning given by section 37 of the Representation of the People Act 1983; and

‘**registration officer**’ means an officer appointed for the purpose of, and in accordance with, section 8(c) of the Representation of the People Act 1983.

## **Effect of Order**

3. This Order has effect subject to any agreement under section 99 of the 2007 Act (agreements about incidental matters) relevant to any provision of this Order.

## **Amalgamation of existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town and constitution of new parish of Ross-on-Wye**

- 4.—(1) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish comprising the area edged blue on the map.
- (2) The new parish shall be known as ‘Ross-on-Wye’.
- (3) In consequence of paragraph (1), the existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist.

## **Dissolution of parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town**

5. The existing parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved.

## **Parish council for the parish of Ross-on-Wye**

- 6.—(1) There shall be a new parish council for the new parish of Ross-on-Wye.
- (2) The name of that new council shall be ‘Ross-on-Wye Parish Council’.

## **Election of Parish Councillors for the parish of Ross-on-Wye**

- 7.—(1) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015.
- (2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years.
- (3) Where any provision of an Order made before the making of this Order requires an election of parish councillors for a parish mentioned in paragraph 4(1) above to be held on a date other than that for which paragraphs 7(1) and 7(2) provide, it shall cease to have effect to that extent.



### **Wards of the new parish of Ross-on-Wye and number of parish councillors**

8.—(1) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;

(2) The number of councillors to be elected for the new parish of Ross-on-Wye shall be eighteen.

(3) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross East, Ross North, and Ross West; and shall comprise the respective areas of the district wards bearing the same names in Schedule 1 of the Herefordshire (Electoral Changes) Order 2014;

(4) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six.

### **Annual meeting of the new parish council**

9. The annual meeting of the new Ross-on-Wye Parish Council in 2015 shall be convened by the Assistant Director, Governance of the Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

### **Electoral register**

10. The registration officer for the Council shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

### **Transfer of property, rights and liabilities**

11. All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the Ross-on-Wye Parish Council on the date specified in Article 1(2) above.

### **Transitional provision**

12. Until the parish councillors elected to the new Ross-on-Wye Parish Council at the elections to be held on the ordinary day of election of councillors in 2015 come into office, the new parish shall be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council on 31 March 2015 provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council.

### **Order date**

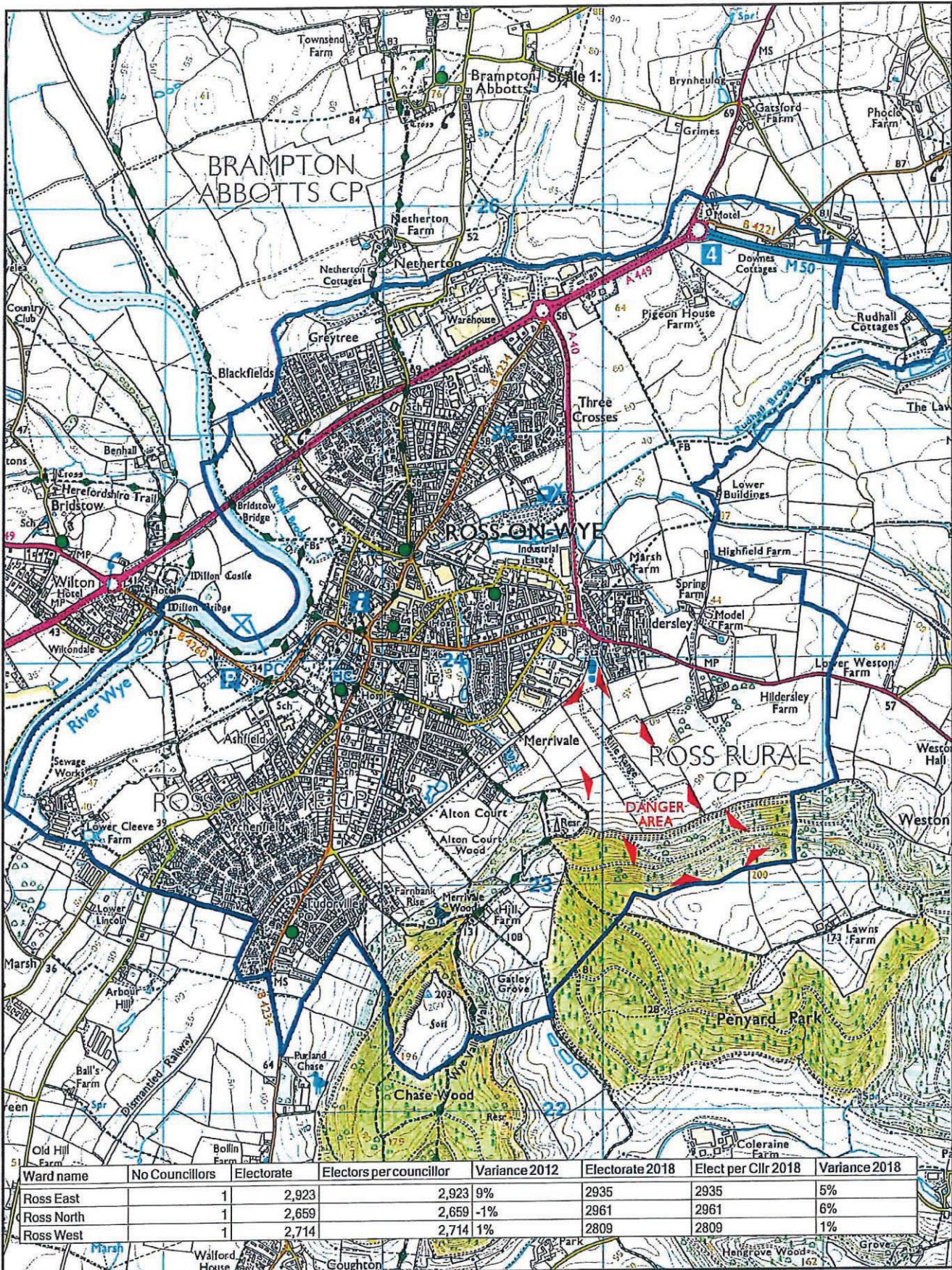
13. 1 April 2015 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

**The Common Seal of the County of Herefordshire District Council  
was hereunto affixed on 12 December 2014 in the presence of:**

**Bill Norman**

Assistant Director, Governance  
(Authorised Officer)





Ward name	No Councillors	Electorate	Electors per councillor	Variance 2012	Electorate 2018	Elect per Cllr 2018	Variance 2018
Ross East	1	2,923	2,923	9%	2935	2935	5%
Ross North	1	2,659	2,659	-1%	2961	2961	6%
Ross West	1	2,714	2,714	1%	2809	2809	1%

**ROSS-ON-WYE**

Scale 1: 15,500



Ross-on-Wye Boundary Polling Station

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Technology and Transformation  
Thom Office Centre,  
Holme Lacy Road, Rotherwas,  
Hereford, HR2 6JT,  
Tel: 01432 260160  
Email: glsmapping@hoopleltd.co.uk



