

MINUTES of the meeting of Council held at The Shire Hall, St Peter's Square, Hereford HR1 2HX on Friday 6 March 2015 at 10.00 am

Present: Councillor J Stone (Chairman)
Councillor R Preece (Vice Chairman)

Councillors: PA Andrews, CNH Attwood, JM Bartlett, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, ACR Chappell, EMK Chave, PGH Cutter, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, EPJ Harvey, JW Hope MBE, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell and DB Wilcox

61. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AM Atkinson, AN Bridges, BA Durkin, NP Nenadich, R Preece and TL Widdows.

62. DECLARATIONS OF INTEREST

Agenda item 7: Review of the Implementation of the Licensing Policy and Special Cumulative Impact Policy.

Councillors H Bramer, MAF Hubbard, JG Jarvis, JLV Kenyon, RL Mayo and P Rone declared disclosable pecuniary interests as holders of licenses with the authority. All these Councillors left the meeting for the duration of this item.

63. MINUTES

RESOLVED: That the Minutes of the meeting held on 6 February 2015 be confirmed as a correct record and signed by the Chairman.

64. CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman added the following:

- He congratulated Councillor Robertson's daughter on her award as coach of the year at the Herefordshire Sports Awards for her work on women's cricket.
- He reported on the forthcoming meeting of the Herefordshire Rural and Business Communities Crime Prevention Forum which would provide an opportunity for the public to ask questions about local policing.

- Councillor Seldon, as Mayor of Bromyard, was to undertake a tandem skydive in aid of charity.

65. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

66. COUNCIL TAX SETTING

Council was asked to approve the council tax amounts for each category of dwelling in Herefordshire for 2015/16, including precepts from West Mercia Police, Hereford and Worcester Fire Authority and parishes.

The Leader of the Council presented the report and moved the recommendations which were seconded.

A named vote was held. All Members present voted for the recommendations as follows: For (50) Councillor PA Andrews, CNH Attwood, JG Bartlett, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, ACR Chappell, EMK Chave, PGH Cutter, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, EPJ Harvey, JW Hope, MBE, MAF Hubbard, JA Hyde TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone; GR Swinford, DC Taylor, GA Vaughan-Powell and DB Wilcox.

RESOLVED UNANIMOUSLY:

- That
- (a) **the net budget requirement for 2015/16, excluding parishes, be approved as £141,773,000;**
 - (b) **the council tax requirement for the council's own purposes for 2015/16 (excluding parishes) be approved as £83,963,000;**
 - (c) **the precepting authority details incorporated in appendices 1 to 5 to the report, relating to parishes, West Mercia Police and Hereford and Worcester Fire Authority be approved in accordance with sections 30(2), 34(3), 36(1) and section 40 of the Local Government Finance Act 1992 (as amended);**
 - (d) **it be noted that the tax base used for setting the budget requirement for 2015/16:**
 - 1) **for the whole council area is calculated as 65,848 band D equivalent properties;**
 - 2) **is allocated to band D equivalent dwellings per precept area as shown in appendix 1 to the report; and**
 - (e) **the following amounts be approved for the year 2015/16 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, Regulation 6 (as amended by the Localism Act 2011) :**
 - (i) **£335,050,945 being the estimated aggregate expenditure of the council in accordance with section 31A (2) of the act, including all precepts issued to it by parish councils;**
 - (ii) **£248,028,469 being the estimated aggregate income of the council for the items set out in section 31A (3) of the act (including revenue support grant);**

(iii) £87,022,476 being the amount by which the aggregate at (b)(i) above exceeds the aggregate at (b)(ii) calculated by the council in accordance with section 31A(4) of the act, as its council tax requirement for the year (including parish precepts);

(iv) £1,321.56 being the amount at b(iii) above divided by the amount of the council tax base calculated by the council, in accordance with section 31B of the act, as the basic amount of its council tax for the year (including parish precepts);

(v) £3,059,321 being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act; and

(vi) £1,275.10 being the amount at (iv) above less the result given by dividing the amount at (v) above by the amount of the council tax base calculated by the council, in accordance with section 34(2) of the act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates (Herefordshire Council band D council tax, excluding parishes).

67. REVIEW OF THE IMPLEMENTATION OF THE LICENSING POLICY AND SPECIAL CUMULATIVE IMPACT POLICY

(Councillors H Bramer, MAF Hubbard, JG Jarvis, JLV Kenyon, RL Mayo and P Rone declared interests and left the meeting for the duration of this item.)

Council was asked to approve the Licensing Act Policy and Special Cumulative Impact Policy.

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

RESOLVED: That the Licensing Act Policy and Special Cumulative Impact Policy as appended to the report be approved.

68. A REVISED STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005.

Council was asked to approve the Gambling Act Policy Statement of Principles.

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

RESOLVED: That the Gambling Act Policy Statement of Principles as appended to the report be approved.

69. ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED AND APPROVAL OF THE LICENSING OF SEX ESTABLISHMENTS POLICY

Council was asked to approve the adoption and date for adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended and approve the Licensing of Sex Establishments Policy.

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 on the 42nd day after the agreement by Council; and**
- (b) **the Licensing of Sex Establishments Policy as appended to the report be approved.**

70. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of Council in December 2014 and for the period of the administration.

He added the following comments:

- The overall borrowing figure was £170m to date. Some 88% of this sum was financing invest to save projects including road maintenance, sports facilities operated by HALO Leisure, and the Rotherwas industrial estate. The borrowing was to the benefit of all residents and cost effective. Interest rates were low and at fixed rates. If interest rates were to rise the borrowing strategy would be reviewed.
- In relation to the Hereford football club talks with the Phoenix Group were progressing and they had indicated they would have the necessary funds available to proceed. He wished the Club every success.
- Discussions were taking place about expansion of the Courtyard Centre for the Arts and he would keep Members informed.
- In conclusion he thanked all Members for their contribution to the Council's work. He considered that there had been many achievements whilst acknowledging that many things remained to be done. In particular he noted that a funding gap of £50m had been bridged at a time of rising costs and reduced income, with the Adult Social Care budget also expected to be within budget at the end of the financial year. The general reserve had also been replenished and Council tax increases kept at less than 2%, whilst maintaining essential services. He also noted the successful relocation of the council's head office, the fact that the Core Strategy was almost completed, and the improvement in Children's Safeguarding.

In discussion the following principal points were made:

- A number of comments were made in relation to the finance section of the report.

Clarification was sought on how the Council had failed on two grounds in a contractual dispute because papers had not been served correctly. The Leader undertook to provide a briefing note to all Members.

It was questioned why no provision had been made in the Council's budget set in February 2015 to meet the potential cost of an award against the Council in its dispute with a former contractor and whether the absence of such provision made the budget invalid. The Chief Financial Officer replied that the budget approved by Council in February had been based on the position as it was understood. There had been no expectation of additional revenue or capital expenditure beyond that set out in the report. As S151 officer he had a statutory responsibility to certify the robustness of the estimates and risks contained within the budget and he had done so. The budget did not set out in detail every potential risk but quantified overall risk. In the instance referred to, the potential cost of losing the dispute with the contractor had been high but the risk of losing it had been low.

Concern was expressed about the state of repair of road signage within the County. It was suggested that removal of damaged signs was preferable to them being left in a poor state. The Cabinet Member - Transport and Roads acknowledged that mischievous vandalism and defacement of signs was a concern and there was scope for improvement. He encouraged all Members to report matters to the locality stewards in the first instance.

- (Paragraph 7 of the report) It was suggested that whilst staff should be congratulated on the improvements in Children's Safeguarding there was no room for complacency. The Cabinet Member – Young People and Children's Wellbeing commented that it was expected that the Department for Education would shortly confirm that it was taking the Council out of intervention measures. It was recognised that service improvement remained a longer term goal with a view to the service being rated "good" by the end of 2016/17.

He thanked Councillor JA Hyde – Cabinet Support Member, noting that the areas of adoption and fostering that she oversaw had consistently been rated good.

The Leader complimented Councillor CNH Attwood for his work as Chairman of the Health and Social Care Overview and Scrutiny Committee, and as a fellow ward Councillor, and reiterated his thanks to all Chairmen and members of Committees,

- (Paragraph 11) – In relation to Colwall Primary School the Leader commented that the investigation of the reasons for the problems affecting the school site had been inconclusive. The suggestion was that the water table was rising. A technical study was being undertaken to consider whether a new school could be constructed on the existing site or if relocation would be a better option.
- (Paragraph 15) A Member expressed concern about the quality of training home care providers gave to staff mindful of the implementation of the provisions in the Care Act. The Cabinet Member – Health and Wellbeing commented that care homes were subject to quality standards and external inspection. He requested that if any Member had a specific concern at any time that this should be brought to his attention or that of the Director immediately.
- (Paragraphs 17/18) - The Leader acknowledged the importance of the Butter Market Development and its role in linking High Town, Hereford with the Old Market Development. The tendering process for the development was underway and he therefore could not comment further at this stage. However, he was able to confirm that the developer of the Old Market site was not on the short list of tenderers.

The Leader added that evidence of the effect of the Old Market Development on trade in High Town was anecdotal but it appeared to have been beneficial. He wanted to see the whole of the City flourish.

- (Paragraph 19) - The Leader acknowledged that the environmental and social aspects of development formed part of the Core Strategy in addition to the economic aspect mentioned in his report.

It was questioned what implications the latest population figures released by the Government would have on the Core Strategy noting that they suggested a lower population increase than that projected by the Herefordshire Information and Research Network. The Cabinet Member - Infrastructure commented that the latest figures, which related to population growth not housing demand, would be taken into account in responding to the modifications requested by the Inspector following the examination in public of the Core Strategy. It was expected that all the required

modifications would be completed within some 3 weeks and a 6 week consultation period would then follow.

He added that delay in adopting the Core Strategy would present a risk, inhibiting the County's ability to manage development.

Some concern was expressed about the appropriateness of undertaking this consultation exercise during the election period. The Assistant Director, Governance commented that the consultation exercise had been required by the Planning Inspector as part of a statutory process. He did not consider that the exercise infringed the guidance issued in relation to the pre-election period.

- (Paragraph 20) The development of the County's economy, the Enterprise Zone, the need for the provision of well paid jobs in the County and the need for investment from companies outside the County was raised. The Leader commented that infrastructure was being provided at the Enterprise Zone that would attract companies. However, the aim was not solely to attract businesses from outside the County but also to provide the opportunity for existing companies to expand. He undertook to recirculate a recent report submitted to the Marches Local Enterprise Board which outlined progress in developing the Enterprise Zone.
- (Paragraph 25/26) – The Cabinet Member – Contracts and Assets confirmed that the projected reduced costs of £41m over the life of the energy to waste plant compared to doing nothing related solely to Herefordshire.

It was asked when the Council's external auditors would sign off the Council's 2013/14 accounts noting that they had not done so pending the outcome of a value for money investigation into the energy from waste contract. The Leader stated that a written response would be sent to all Members.

It was questioned whether there was sufficient healthcare infrastructure within the County to meet the need that would arise from the projected healthcare growth. The Leader commented that this issue was not within the Council's control. However, as a general point the Council was working with health partners.

It was requested that consideration should be given to the provision of dedicated accommodation for key workers such as medical staff.

- Councillor Powers, speaking as It's Our County Group Leader, thanked the Leader and officers for their work during a difficult period, which he noted was not at an end. He acknowledged that the Leader's report was not intended to be comprehensive. However, he suggested there were a number of issues identified in the key issues and long term challenges section of the publication "Understanding Herefordshire" where further action was clearly needed. The economic masterplan to which reference was made at paragraph 19 did not exist. There was also no reference to the development of the Business Improvement District. In relation to the Core Strategy he asserted that at the public examination it had been demonstrated that the Council's evidence base was not up to date in many aspects.

The Leader reiterated that his report was not intended to be comprehensive. He again acknowledged that many issues remained to be addressed, whilst noting the difficult financial constraints within which the administration had had to operate.

- Councillor Norman, speaking as Green Group Leader, thanked officers for their work. She expressed concerns about the Core Strategy including the planned consultation exercise during the pre-election period and about progress in developing the Enterprise Zone and Broadband provision.

RESOLVED: That the report be noted.

71. ANNUAL REPORTS FROM COMMITTEES

Council was invited to note the annual reports from Committees.

The Chairman of each Committee thanked Members of their Committees and all those who had supported the Committees in their work.

The following additional observations were made:

- It was suggested that it would be helpful if briefing notes produced for Members of Committees were made available to all Councillors.
- Reassurance was sought that the recommendations of the Scrutiny Review of Children's Safeguarding would not be overlooked.
- It was requested that consideration be given to involving Members of the Planning Committee in consideration and development of planning policy in a more proactive way.

RESOLVED: That the annual reports from Committees be noted.

72. 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 question asked at the meeting and its answer, is attached to the Minutes at Appendix 2.

The meeting ended at 12.07 pm

CHAIRMAN

Public questions to Council – 6 March 2015

Question from Mr A Lee, Herefordshire

Question 1

Top ten footpath problems

You will have probably read items in the press regarding Herefordshire Ramblers Top Ten footpath problems in the county, and a copy of these ten issues has been provided to you.

Herefordshire Council is the statutory authority regarding public rights of way issues and, as you are cabinet member responsible, could you please explain what action you and the council propose to make to resolve these issues?

I have had a conversation with Balfour Beatty Living Places regarding this, but would value your comments and the possibility for partnership working to help resolve these issues.

Answer from Councillor P Rone, Cabinet Member Transport & Roads

Answer to question 1

I understand that Mr Lee has now received an update on progress in relation to Herefordshire Ramblers' 'top ten' footpath problems; I am sorry for the time taken to respond to his original request for information. However, as Mr Lee will know from that update, a substantial amount of work has either been completed or is underway which should result in many of these issues being resolved during 2015/16.

Herefordshire Council and our contractors Balfour Beatty Living Places are committed to working with landowners, the Ramblers Association and other voluntary organisations or community groups to ensure that residents and visitors alike can continue to access our beautiful county.

Supplementary Question

An article in the Hereford Times of 5 March highlights one of the footpaths in the Ramblers top ten list of issues. A walk is being led by a visually impaired person as part of the Hereford River Carnival on 3 May. What is the Cabinet member proposing to do to resolve the issue on BT1 Wellington to Breinton or will he facilitate a meeting of all interested parties to resolve the issues.

Answer by Councillor Rone

A meeting may be useful to provide a solution. I will discuss the matter with Mr Lee after the meeting.

Members' questions at Council – 6 March 2015

Question from Councillor D Taylor

South Wye relief road

Question 1

- a) In the event that the people of Herefordshire elect a party to run this Council that does not support the building of the Relief Road from the A49 to the A465/B4349, will the £27m funding that has been allocated have to be returned to Government, or given to the other partners with in the Local Enterprise Partnership: Shropshire and Telford and Wrekin to spend on a project that they may have or can this Council retain the funding that has been allocated to be spent as they wish without reference to the two other Councils?
- b) Could you please advise when the planning application for the link Road is to be submitted for consideration by the Council's Planning Committee.

Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 1

The funding allocation has been secured via the Marches Local Enterprise Partnership (LEP) specifically to support delivery of a link road between the A49 and A465, as part of a wider package of transport improvement measures planned for South Wye. That funding would be retained by government if the project did not go ahead, and would not be available either to Herefordshire Council or the Marches LEP for any other use.

A planning application is being finalised in light of pre-application guidance and will be submitted shortly.

Supplementary Question

Could you confirm if the roundabout has been moved from the line shown at the public consultation held at the Three Counties Hotel.

Could you arrange to meet the owners of Pykeways, Clehonger who are not content with the proposal to take a corner of their land to build the new link road from the A465 to the B4349 as there is a meadow of approximately 4 acres which be could be used by moving the road to the east.

Answer from Councillor Price

The location of the roundabout has been moved very slightly to improve the junction. The line of the road has not changed since the consultation was undertaken. Moving the road to the east would make it difficult to comply with the required national design standards. Officers will meet the owners of Pykeways.

