

**MINUTES of the meeting of Council held at Council Chamber,  
The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 4  
March 2016 at 10.00 am**

**Present:** Councillor DB Wilcox (Chairman)  
Councillor PJ McCaull (Vice Chairman)

Councillors: PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, PE Crockett, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, DW Greenow, KS Guthrie, J Hardwick, DG Harlow, EL Holton, JA Hyde, TM James, AW Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, MT McEvilly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, P Rone, AR Round, A Seldon, NE Shaw, WC Skelton, J Stone, EJ Swinglehurst, A Warmington and SD Williams

**57. APOLOGIES FOR ABSENCE**

Apologies were received from councillors MJK Cooper, LC Tawn, JF Johnson, MN Mansell, L Harvey and D Summers.

The chairman confirmed that he would write to Councillor Summers on behalf of council to express their wishes for a speedy recovery.

**58. DECLARATIONS OF INTEREST**

Councillor RJ Phillips declared a non-pecuniary interest as vice chairman of the Hereford and Worcester Fire and Rescue Service Authority.

**59. MINUTES**

It was noted that revised draft minutes had been published as a supplement to the agenda following comments on matters of accuracy received prior to the meeting from a member.

Another member expressed concern at what he saw were certain discrepancies in the financial amounts contained in the budget report that were presented at the last council meeting.

**RESOLVED:** That the revised draft minutes of the meeting the 5 February 2016 be confirmed as a correct record and signed by the chairman.

**60. CHAIRMAN'S ANNOUNCEMENTS**

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

The chairman offered congratulations on behalf of the council to Councillor Roger Phillips on his appointment by the Communities Secretary of State Greg Clarke as chairman of the local government pension scheme advisory board.

He also reminded councillors that there were only 10 days remaining to submit nominations for the Herefordshire community awards with full details available on the council's website.

The chairman also reported the receipt of a petition relating to the hereford to worcester 420 bus service.

In addition, he announced his intention to require the chief executive to call an extraordinary meeting of the council at 2.00pm on 20 May 2016 and to include the following items on the agenda:

- local transport plan;
- approval of the Weston under Penyard neighbourhood plan and future approval processes of such plans;
- a review of the council's constitution

Councillor AJW Powers requested clarification regarding the approval of neighbourhood plans and whether all neighbourhood plans require approval by the council.

The chairman confirmed that this would be discussed at the council meeting on the afternoon of 20 May 2016.

A member expressed support for the chairman for his sponsored swim of 90 lengths to celebrate the Queen's 90<sup>th</sup> birthday and to raise funds for the Haven.

Councillor J Stone echoed the members sentiments and noted that the chairman was continuing with a precedent set when as chairman he swam 60 lengths for the Queen's Diamond jubilee.

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

A copy of the public question and written answer, together with a supplementary question asked at the meeting and the answer is attached to the minutes at appendix one.

## **62. COUNCIL TAX SETTING**

Councillor RJ Phillips declared a non-pecuniary interest as vice chairman of the Hereford and Worcester Fire and Rescue Service Authority. He also requested that the council write to the Hereford and Worcester Fire and Rescue Service chief fire officer Mark Yates, offering the council's congratulations on his retirement.

Council was asked to approve the council tax amounts for each category of dwelling in Herefordshire for 2016/17, including precepts from West Mercia Police, Hereford and Worcester Fire Authority and parishes.

The leader of the council presented the report. He highlighted a typographical error in the recommendations e (iii) and e (iv) where b(i), b(ii) and b(iii) should read e(i), e(ii) and e(iii) and moved the recommendations (as amended to correct the typographical error) which were seconded.

A member asked what the maximum borrowing ceiling for the council was and whether the recession would have any impact on it.

A member raised a concern that if borrowing rates were to increase this might have a negative effect on council budgets.

The director of resources confirmed that the majority of council borrowing was secured on relatively low fixed rates of interest. The ability to repay borrowing was the main consideration rather than the overall level and he did not consider if there was a return to recession a greater level of risk in relation to council borrowing would result.

A member commented that the sparsity grant welcomed.

A named vote was held.

For (42) Councillors PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, PE Crockett, PGH Cutter, BA Durkin, CA Gandy, DW Greenow, KS Guthrie, DG Harlow, EL Holton, JA Hyde, TM James, AW Johnson, JLV Kenyon, JG Lester, RL Mayo, PJ McCaull, MT McEvilly, SM Michael, PM Morgan, PD Newman, FM Norman, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, P Rone, A Seldon, NE Shaw, WC Skelton, J Stone, EJ Swinglehurst, A Warmington, DB Wilcox, SD Williams

Abstain (5) Councillors PJ Edwards, J Hardwick, MD Lloyd-Hayes, RI Mathews, AR Round.

## **RESOLVED**

That:

- (a) **the net budget requirement for 2016/17, excluding parishes, be approved as £147,979,357:**
- (b) **the council tax requirement for the council's own purposes for 2016/17 (excluding parishes) be approved as £88,595,357:**
- (c) **the precepting authority details incorporated in appendices 1 to 5, 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 2016/17 is:**
  - 1) **for the whole council area is calculated as 66,873.00 band D equivalent properties.**
  - 2) **allocated to band D equivalent dwellings per precept area as shown in appendix 1; and**
- (e) **the following amounts be approved for the year 2016/17 in accordance with Section 31 to 36 of the Local Government Finance Act 1992 Regulation 6 (as amended by the Localism Act 2011):**
  - (i) **£331,493,602 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)	£239,396,466	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)	£92,097,136	being the amount by which the aggregate at (e)(i) above exceeds the aggregate at (e)(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)	£1,377.19	being the amount at e(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)	£3,501,779	being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act;
(vi)	£1,324.83	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)

### 63. LEADER'S REPORT

The leader presented his report on the activities of cabinet since the meeting of council in December 2015.

A member questioned why after 15 months of attempting to arrive at a new policy regarding open spaces there was still no policy in place to support community groups in managing open spaces.

The cabinet member for infrastructure confirmed that conversations are ongoing with the planning department in bringing forward a proposal as a way forward.

A member asked for confirmation that sufficient resources regarding training were available to train staff in the implementation of Frameworki which is the social care management system serving both adult social care and children's services.

The cabinet member for economy and corporate services confirmed that work had been approved regarding the latest version called 'mosaic' and there was inbuilt provision for roll out of required training. A written would be provided.

A member noted the value of litter campaigns and the detrimental effect that litter can have on tourism. The cabinet member for transport and roads encouraged members to organise litter picks and confirmed that litter bags were available through Balfour Beatty, who will also organise the collection and disposal of litter bags. He also explained that busy roads can require the arrangement of traffic management measures to protect the safety of council operatives when litter picking is being carried out.

A member stated that although he was not querying decisions taken, it would be helpful if future reports from the leader could include more information to increase public transparency.

The leader confirmed that information relating to all decisions was published on the council's website and therefore is in the public domain.

The cabinet member for contracts and assets confirmed the structured disposal of the council's small holding estate was progressing as planned. In addition, the libraries consultation deadline initially set as the end of February had been extended to the end of March.

A member commented on the progress being made regarding 1 Ledbury Road following the recent task and finish review.

A member requested an update regarding the remedial work required in Shire Hall.

A written answer would be provided.

A member requested that the council write to Litter Action noting that most of the laybys on the Hereford/Shropshire border were heavily littered and that Balfour Beatty should concentrate any available resources to cleaning laybys in preparation for the 'clean for the queen campaign to clean up britain in preparation for Her Majesty the Queen's 90<sup>th</sup> birthday.

The cabinet member for economy and corporate services thanked all members who have organised litter picks in their respective wards and in particular, the great western way.

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

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

A copy of the member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the minutes at appendix two.

The meeting ended at 11.08 am

**CHAIRMAN**



**Public questions to Council – 4 March 2016**

**Question from Mr P McKay, Leominster**

Question 1

**Highways records**

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

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

**Answer from Cllr P Rone, cabinet member transport and roads**

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

**Supplementary Question**

Thank you for your reply. The question of raising applications for this type of road has been discussed by Leominster Town Council who do not consider they ought be expected to raise evidence that this type of road is a highway and make application for its registration, but consider they ought be registered by yourselves without applications, as am sure Hereford City Council would expect for roads such as Rockfield Road.

So my supplementary question is to ask if these roads could be shown on the highway map layer agreed in reply to question to Full Council meeting in December that will show routes under consideration aiding clarity, as being roads whose highway dedication status is undetermined and yet to be assessed, as being the most efficient and least costly way forward ?

I am attending a meeting on Tuesday in committee room at House of Lords and would wish to present Herefordshire Council in a positive light rather than negative, and with council declining to attend a LAF working group meeting to discuss these issues am obliged to resort to this way obtaining such information

**Supplementary Answer from Cllr P Rone, cabinet member transport and roads**

The supplementary question was withdrawn following a meeting between the questioner, cabinet member and service lead officer..

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## **Members' questions at Council – 5 March 2016**

### **Question from Councillor S Bowen**

#### **Smallholdings**

##### **Question 1**

Can the cabinet member confirm?

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

### **Answer from Councillor H Bramer cabinet member contracts and assets**

#### **Answer to question 1**

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

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

#### **Supplementary Question**

I am fully aware of what was said at General Overview and Scrutiny but I was asked by some interested parties to specifically raise this question and I also ask if all tenants can receive regular updates on their ongoing situations regarding the sale of County Farms.

### **Answer from Councillor H Bramer, cabinet member contracts and assets**

The disposal policy for council small holdings has yet to be finalised but tenants will be written to on a regular basis updating them on developments.

## **Members' questions at Council – 5 March 2016**

### **Question from Councillor S Bowen**

#### **Hereford tramway**

##### **Question 2**

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

### **Answer from Councillor P Price, cabinet member infrastructure**

#### **Answer to question 2**

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

#### **Supplementary Question**

Can I ask that possibilities for radical transport solutions are considered?

### **Answer from Councillor P Price, cabinet member infrastructure**

Radical transport solutions are considered in a proactive fashion however, tramways have been looked at but it is considered that they would not be a sustainable solution.

### **Question from Councillor K Guthrie**

#### **Investment in Herefordshire roads**

##### **Question 3**

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

### **Answer from Councillor P Rone, cabinet member transport and roads**

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

## **Members' questions at Council – 5 March 2016**

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

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

### **Supplementary Question**

My concern isn't the comparison with the last two years, when exceptional amounts of money were spent on highways maintenance, but the comparison with normal spends since the creation of Herefordshire Council. The planned spend next year is significantly less than it has been historically. As I'm sure Cllr. Rone is aware resurfacing works not undertaken at the appropriate time will result in greater degradation of the highways network which will eventually cost even more to put right – well timed intervention is money well spent. Can he please tell me where this additional money will come from in future?

### **Answer from Councillor P Rone, cabinet member transport and roads**

Money is allocated from central funds for resurfacing of the county roads. It will cost £80million to bring the road network in the county up to the required standard however funds from central government is insufficient and therefore resources need to be identified.

### **Question from Councillor R Matthews**

#### **Question 4**

##### **Merton Meadow flood alleviation**

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

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

## **Members' questions at Council – 5 March 2016**

### **Answer from Councillor P Price, cabinet member infrastructure**

Answer to question 4

There is nothing new or unforeseen on this site.

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

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

### **Supplementary Question**

Seek assurances that all problems listed would not cost the tax payers in the future.

### **Answer from Councillor P Price, cabinet member infrastructure**

Issues would have to be addressed in any proposed development as they arise.

### **Question from Councillor C Chappell**

#### **Question 5**

##### **European Union referendum**

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

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

## **Members' questions at Council – 5 March 2016**

contingency plans if the advice is that there will be a negative effect for the council and county if there is a 'no' vote?

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

#### **Answer to question 5**

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

#### **No Supplementary Question**

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### **Question from Councillor S Bowen**

#### **Housing land supply**

#### **Question 6**

Can the cabinet member confirm:

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

### **Answer from Councillor P Price cabinet member infrastructure**

#### **Answer to question 6**

## **Members' questions at Council – 5 March 2016**

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

### **Supplementary Question**

Is the Cabinet Member aware that the latest decision by a Planning Inspector - on the basis that we had a 5 year land supply, but only just and therefore allowed the appeal this could put in jeopardy all the neighbourhood plans so laboriously and lengthily worked on. Can we have further reassurance that neighbourhood plans will be effective and worth all the effort put into them and thus reassurance provided directly to all parishes undertaking a neighbourhood plan as many are becoming disillusioned with these plans. We need to assure parishes that neighbourhood plans are effective with an explanation as to how they might be effective.

### **Answer from Councillor P Price cabinet member infrastructure**

The issue of neighbourhood plans are subject to reaching Regulation 16 stage. They will then carry some weight in relation to planning applications. Planning appeals will have to consider any related neighbourhood plans in place.

We will ensure that the message regarding neighbourhood plans is conveyed to all members.

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### **Question from Councillor S Bowen**

## **Members' questions at Council – 5 March 2016**

### **Car parking charges**

#### **Question 7**

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

- a) do you not think that the heavy and rigid increases in car parking charges might be having a detrimental effect upon trade and that many private houses are being inconvenienced by cars and their drivers trying to avoid the swinging increases in parking costs?
- b) may I suggest that an urgent review of usage and receipts be undertaken, in the interests of fairness and economic benefit to the whole community?

#### **Answer from Councillor P Rone cabinet member transport and roads**

##### **Answer to question 7**

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

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

#### **Supplementary Question**

On behalf of Councillor Kenyon I would like to suggest that 10% of income gained from car parking charges in the county be put towards the upkeep of the county road.

#### **Answer from Councillor P Rone cabinet member transport and roads**

All car parking revenue goes into a central fund which was in turn allocated according to priorities.

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### **Question from Councillor S Bowen**

#### **Highway maintenance**

#### **Question 8**

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

- a) that it would be sensible to use a portion of the £4.4 million recently given to the council to address some of the more egregious problems on our roads?

## **Members' questions at Council – 5 March 2016**

- b) that some money spent wisely now will save us much more later on; on the principle of a stitch in time saves nine?

### **Answer from Councillor P Rone cabinet member transport and roads**

#### **Answer to question 8**

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

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

#### **Supplementary Question**

Do you agree that it will cost a lot more in the future if we do not take action now? And if you do agree, can you please think again about using some of the £4.4million one off grant that now lies in our reserves to improve our battered and bumpy roads.

### **Answer from Councillor P Rone cabinet member transport and roads**

The 4.4million is better kept in reserves and I would refer the member to the answer given to question 3 of member's questions.