

**MINUTES of the meeting of Council held at Council Chamber,
The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday
16 December 2016 at 9.30 am**

Present: Councillor DB Wilcox (Chairman)

Councillors: PA Andrews, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, KS Guthrie, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, JA Hyde, TM James, AW Johnson, JLV Kenyon, JG Lester, MN Mansell, RI Matthews, RL Mayo, MT McEvelly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, RJ Phillips, GJ Powell, AJW Powers, PD Price, AR Round, A Seldon, NE Shaw, WC Skelton, J Stone, D Summers, EJ Swinglehurst, LC Tawn, A Warmington and SD Williams

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors BA Baker, PE Crockett DW Greenow, JF Johnson, MD Lloyd-Hayes, PJ McCaull, CA North, and P Rone.

39. DECLARATIONS OF INTEREST

Agenda item 6 (minute 43): Motions on Notice

Councillor PGH Cutter declared a non-pecuniary interest as Chairman of the Wye Valley AONB Joint Advisory Committee.

Agenda item 10 (minute 47), Youth Justice Plan.

Councillors BA Durkin and RJ Phillips declared non-pecuniary interests as they were both magistrates.

Agenda item 12 (minute 49) Changes to arrangements for appointment of external auditors.

Councillor RJ Phillips declared a pecuniary interest as a member of the Local Government Association board of resources.

40. MINUTES

The minutes of the previous meeting were received.

RESOLVED: That the minutes of the meeting held on 30 September 2016 be confirmed as a correct record and signed by the Chairman.

41. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the list of events attended by the Chairman/Vice-Chairman of Herefordshire Council since the last Council meeting on 30 September 2016 included in the agenda papers for the meeting.

The Chairman noted a special announcement handed to him by the group leader of the Independent party, from Councillor Peter McCaull, the Vice-Chairman of Herefordshire Council. It was noted that Councillor McCaull had been suffering from serious illness and was currently in Leominster Community Hospital. Councillor McCaull's message had been written to all members of the council.

The Chairman read:

Dear Fellow Councillors,

I wish to convey to you all my sincerest and most heartfelt thanks for all your support you have shown me in the last forty-four years whilst I have served as a town and county councillor. I have endeavoured over the years to do my very best for our beloved communities. The support and professionalism which I have received from my colleagues, together with the friendships I have made during my service have been precious to me and will always remain proudly in my heart.

I am so sorry that my illness has now taken its toll on me physically and as a result I am unable to be at the meeting today to be able to thank you all personally. I wish I could be here today to enjoy one last chance to have a drink with you all. However, it is now time for me to bid you all a farewell.

Please continue with your hard work and dedication to help keep our wonderful countryside and community in Herefordshire a fantastic place to live for our future generations.

With kindest and heartfelt regards,

Councillor Peter McCaull.

Attention was drawn to the passing of former chairman of the council Lance Marshall and it was requested that protocols used to remember past councillors were maintained and consistently applied.

42. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

43. MOTIONS ON NOTICE

Council considered the following notice of motion.

Motion one – Fracking and any associated hydrocarbon extraction processes in or under Herefordshire's vitally important Areas of Outstanding Natural Beauty (AONB).

In moving the motion, Councillor Newman made the following points:

- The argumentation for this motion was set out in the published text. This was not an anti-fracking motion and it was not nimbyism. Fracking was a complex issue. The well-considered recent report from the House of Commons' own Environmental Audit Committee was clear that significant risks existed.
- In Kerne Bridge drilling was being considered in an AONB, a Site of Special Scientific Interest, a Special Area of Conservation, with a protected fresh water aquifer under Ross-on-Wye. This licensed area was clearly a most precious landscape and environment. Given the clear risks, the government should not place some of Herefordshire's most precious assets directly in the front line.
- Herefordshire was significantly more reliant than the average county on tourism. It was noted that nearly 10% of the County's jobs and over £450m of annual income depended on tourism. The Wye Valley AONB area was an outstanding asset to "Brand Herefordshire", packed with tourism businesses and jobs, clustered around nationally important sites such as Goodrich Castle, Symonds Yat, and the river Wye itself. The potential damage fracking may cause to the county's attractiveness to visitors, income and jobs, could detrimentally affect the whole of the county.

Councillor Swinglehurst seconded the motion and reserved her right to speak.

Councillor Norman proposed an amendment to the motion.

Councillor Norman noted support for all points raised, agreeing that the impact on tourism and house prices would be considerable if the fracking licences were issued. Additional risks were felt to apply to the whole county, not just AONBs. The council's commitment to reducing pollution and mitigating climate change was highlighted. Focus on decreasing dependency on carbon emitting fuels and supporting renewable energy schemes was advocated. The amendment proposed would add the following words to the final sentence of the printed motion: "*or in any other part of our county*"

The amendment was seconded by Councillor Bartlett.

The following principal points were made on the proposed amendment:

- It was highlighted that fracking had been positive in the United States of America for their economy and environment. It was noted that fracking offered big advantages for the county which needed to be examined, especially given the context of leaving the European Union. However, it was felt that it was right to support fracking, but in the right and appropriate places.
- Support was offered for the motion, but not for the amendment, on the basis that the council's proactive planning committee, underpinned by good planning policies, was the appropriate forum to determine where or if fracking applications be granted.
- The academic nature of the debate was emphasised. It was proposed by a number of councillors that fracking should not go ahead in Herefordshire until further testing in other more economically viable parts of the country had been undertaken.
- It was noted that other threats in the county existed, notably from renewable energy schemes such as wind-turbines. Support should be offered for the motion on the basis that similar protections should be extended to proposals for wind energy schemes in other parts of the county.
- Other areas of the AONBs in the county were potentially at risk. As had been shown in other parts of the world gas had leaked into aquifers used to provide drinking water

for homes. This led to the conclusion that it was too early to say how fracking technology impacted on the environment and natural assets.

- The National Planning Policy Framework was highlighted as providing the highest possible protection for AONBs. This led to speculation on how national government policy may be interpreted if the planning committee were to refuse planning permission on AONB sites. Reference was drawn to a case in Lancashire where, despite almost universal local objection, the government had allowed fracking to be licensed.
- Reference was drawn to a recent notice of motion on intensive livestock rearing which had been defeated at Council on the grounds that existing policy provisions were felt to be adequate. The same applied to fracking where a lack of specific policies may weaken the council's ability to take robust decisions.
- It was felt that only protecting certain parts of the county was an anathema. It was suggested that fracking just a few yards away from an AONB would not necessarily protect it from the impacts. Aligning concerns with neighbouring counties who had passed a similar motion should be considered.

The amendment was lost.

Councillor Swinglehurst, as seconder to the original motion, then spoke on the original motion.

Councillor Swinglehurst thanked Councillor Newman and all members for the excellent debate. Misgivings were noted about placing AONBs in the frontline of fracking proposals. It was argued that the negative impacts fracking would have on the tranquillity, water quality and biodiversity in these areas and on tourism would be unacceptable. The economy of the region would suffer as a result.

The county of Herefordshire was highlighted as having above average levels of seismic activity which needed consideration. While acknowledging levels of risk associated with fracking existed it was highlighted that there were also big rewards. Balancing these competing elements was advocated.

The House of Commons Environmental Audit Committee had noted that *'despite the assurances by some that the environmental risks can be safely accommodated by existing regulatory systems, an extensive range of uncertainties remain. With particular hazards to ground water quality and supplies, waste and air omissions, healthy biodiversity, the geological integrity of the areas involved and from noise and disruption. It is imperative that the environment is protected from potentially irreversible damage'*.

Tolkien's inspiration for Middle Earth was referenced as being influenced by the West Midlands, or as it was once known, West Mercia. It was argued strongly that it fell to local members to protect the AONB for future generations. Support for the motion was noted with a request to all members of council to do likewise.

The Chairman invited Councillor Newman to sum up. Councillor Newman thanked all members for their helpful insights and remarks.

The Chairman put the original motion to the vote.

RESOLVED: That the Executive be asked to consider the risks of hydraulic fracturing, and the high importance of tourism income to this County and to write accordingly to the Secretary of State to ask the Government to consider withholding any licence which would allow fracking and any associated

hydrocarbon extraction processes in or under Herefordshire's vitally important Areas of Outstanding Natural Beauty.

44. PROPOSED 2017/18 CAPITAL BUDGET

Council was asked to approve the proposed capital budget for 2017/18 as proposed by Cabinet on 1 December 2016.

The Leader presented the report. He noted that the capital programme was an integral and important part of the council's forward plans.

The following principal points were raised:

- Reference was drawn to page 41 of the agenda papers and support for the monies being prepared for principal roads. It was asserted that the county's roads were in a terrible state so financial resource was warmly welcomed.
- A councillor noted that 12% of Herefordshire net revenue budget was used for the capital repayment costs of debt. It was asserted that this was higher than any other unitary authority. It was suggested that the additional borrowing costs may continue for approximately twenty five years.
- Difficulties with approving the capital programme at the meeting were raised in the context of considering the budget in the New Year. A large part of that budget was the capital programme. A question as to how this fitted with the medium term financial strategy was raised. It was argued that approving decisions in December, separately from the budget, made it difficult to create a shadow budget or an alternative set of arrangements.
- The clarity of the paperwork was welcomed and congratulations were given to the interim director of resources and his staff. Placing the transport package under one heading was described as helpful. Further thanks were offered to the interim director for the cooperation and support he had provided during the scrutiny of the report.

RESOLVED:

- That**
- (a) the additional schemes detailed in appendix 2 to the report be approved; and**
 - (b) the schemes be added to the current capital programme set out in appendix 1 to the report to form the capital budget for 2017/18.**

45. HEREFORDSHIRE ECONOMIC DEVELOPMENT STRATEGY

Council was asked to adopt the Herefordshire economic vision as the county's economic development strategy.

Councillor Harlow, cabinet member for economy and corporate services presented the report.

Councillor Harlow noted that the idea for an economic vision for the county was not a new one. Thanks were offered to Nick Webster (Economic Development Manager) and his team, for their hard work in bringing the report forward. It was highlighted that economic visions often invited a lot of comment and challenge as had proven to be the case with the proposed strategy. The vision was described as deliberately upbeat and aspirational.

The vision had sought to engage with the people of Herefordshire as well as outside investors. Events had been held in Hereford and each of the market towns, with ward and parish councillors invited to attend as well as the Hereford business forum. The general overview and scrutiny committee had offered their views in September.

The paper was outlined in two sections: the broad strategy and the specific investment picture.

Herefordshire Council would continue to invest in infrastructure, on the principal calculation that where public investment was made, private sector investment would follow. The livestock market, the old market shopping centre, the enterprise zone and *Fastershire* were examples of public money being followed up with private investment. Based on that successful formula, continued investment would be made in areas such as the Hereford bypass and the city link road.

Looking to the future, accessing government funds would be important and reinforced the significance of working with the Local Enterprise Partnership (LEP). The latest growth fund submission included the University, the Model Farm in Ross, and two sites on the enterprise zone. The vision, which was described as having cross-party political support, was designed to give investors confidence that Herefordshire had the ambition and the appetite to deliver.

The Chairman invited members to speak. The following principal points were raised:

- The involvement of members in the development of the vision was welcomed. Concern was noted that until Highways England and the Department for Transport invested in the motorway network, gaining economic traction in the county would be difficult. It was asserted that the link between growth and better road and rail networks needed to be argued strongly.
- The cabinet member – infrastructure updated the meeting, noting that although full dualling of the A49 was unlikely, Highways England was looking into dualling significant sections between Ross on Wye and Warrington. It was highlighted that this would improve safety and journey times. The A49 was described therefore as an integral part of the strategy and vision
- A perception had emerged that much focus had been placed on Hereford city and not enough on the county's market towns. It was explained that the city projects extended their benefit across the county.
- Several councillors suggested that that logic should also be applied to projects coming forward in market town areas. This was contextualised with examples including:
 - Leominster had just won the Great Britain high street medal and best run social media campaign
 - The good infrastructure and connectivity around the market towns of Ross-on-Wye and Ledbury where road networks provided easy access to major road networks cities such as Cardiff and Birmingham.
 - Ross-on-Wye, had a shortage of industrial units was noted which is felt to be preventing many businesses from being able to rent appropriate business premises.
 - The importance of involving ward members in the relevant market towns

- Communities and private sector partners were more likely to engage and invest if the vision was accompanied by implementation plans for each market town locality.
- A stronger rural context was advocated by including bodies such as the National Farmers Union (NFU), the County Land and Business Association (CLA), the rural hub and the sustainable food and tourism group.
- Some doubt was cast over how well the consultation events had been communicated. Ensuring more was done to communicate engagement opportunities in the future would be important.
- A number of councillors praised the case made for supporting microbusinesses. Small businesses were noted as a main area for growth in the county. The Muddy Boots software company was noted as an example of huge success employing over sixty well paid professionals.
- While tourism, food, drink and farming (including horticulture) were mentioned, concern was noted that they were not given as much prominence as they should be.
- Observations turned to the importance of having such documents to enthuse the private sector. The Rotherwas access road was cited as an example. It was asserted that this had helped sustain Hereford through the 2008 recession and facilitated the Enterprise Zone.
- A number of councillors noted the wider context of transitional public funding. Notably, withdrawal from the European Union (BREXIT) would bring structural investment funds to an end and the local growth fund was in its final phases. Ensuring that the vision and strategy could flex and adapt to new government growth strategies as they emerged would be important. The vision should remain a living document. It was advocated that recommendation b should make clearer mention of this.
- Attention was drawn to the county's low Gross Value Added (GVA). A potentially contradictory message emerged when referring to successful projects such as the new retail quarter and livestock market, while simultaneously seeking to grow away from these economies.
- The new multi-storey car park, the bus station, and plans for the football ground were singled out as praiseworthy projects.
- Recognition of military personnel was lacking in the report, many went on to create new businesses and jobs. More should be done to capitalise on this.

Councillor Harlow was invited to respond to these points, commenting as follows:

- It was very positive to hear the supportive comments. He thanked the various speakers and in particular the general overview and scrutiny committee. As a number of councillors had noted, significant improvement to the strategy had resulted from suggestions put forward by that committee.
- Agriculture and tourism – the invitation was made for specific projects to come forward, they would be given due consideration.
- On engagement with the market towns, it was noted that efforts had been made to ensure people were aware of the events in each town and in the rural area of

Withington. Lessons had been learned and strengthened engagement opportunities would be introduced as matters moved forward.

- Congratulations were offered to Leominster for their recent accolades.
 - It was also reported that active discussions were underway with Ross-on-Wye Town Council.
 - It was acknowledged that in Ledbury greater scope existed to involve local members and the offer from ward members to support that engagement was warmly welcomed. Strengthened arrangements for regular dialogue between ward and town councillors would be put in place.
 - The importance placed on the strategy presenting a Herefordshire vision was acknowledged. All town councils were encouraged to propose projects that appropriately represented the ambitions of their respective areas and the county.
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- In regard to the Enterprise Zone – figures indicated that 350 jobs had been directly created with a further 697 job opportunities in the pipeline. It was recognised that although located in Rotherwas, not all businesses were from Hereford city. They were made up of county wide interests.
 - The University it was suggested countered the view that the vision was too Hereford centric. Although based in Hereford, it would provide county wide benefits, with potential to become a regionally and nationally recognised institution.
 - The wording used in recommendation b was addressed. It was noted it had been written to avoid wasting council time when projects were updated or changed. Reassurances were offered that the strategy would remain a living document with a framework designed to flex with changing national and international economic policies and circumstances.

RESOLVED:

That (a) the Herefordshire economic vision attached at appendix 1 to the report be adopted as the county's economic development strategy; and

(b) delegated authority be given to the cabinet member economy and corporate services to make technical amendments to the strategy during the period 2017 to 2021 on factual matters such as: updating of statistics, replacing images, and reflection of projects approved by cabinet within each aim of the strategy.

46. STATEMENT OF COMMUNITY INVOLVEMENT, CONSULTATION, COMMUNICATIONS AND PROGRAMME TO ADOPTION

Council was invited to adopt the statement of community involvement.

Councillor Price, cabinet member - infrastructure, presented the report.

He commented that the statement of community involvement (SCI) was part of the makeup of the local plan, with a local development scheme being devised to set out a timetable for a series of local development documents. The SCI was one of those documents, setting out how the council would engage with communities on planning matters.

The SCI set out who would be consulted and when they would be involved in plan making decisions. It had been designed to be clear and easy for everyone to understand, encouraging early engagement with the community and all interested parties. It was noted that use of information and communication technology (ICT) had increased extensively. The SCI reflected that culture shift.

Localism gave communities the opportunity to take responsibility for shaping developments in their areas – within the parameters of the core strategy. Legislation had brought forward neighbourhood planning; those plans, subject to a majority vote via referendum, would work in tandem with priorities within Herefordshire's local plan.

Consultation on the SCI has been undertaken on line and publicised through local media, social media pages and the council web-site. The SCI had been considered by the general overview and scrutiny committee on 5 September. Further amendments had been made to add clarity and guidance. Cabinet had considered these and recommended the SCI's adoption.

In discussion it was noted that as a result of going through due process the SCI was a stronger document. The lack of public engagement was placed in the context of ensuring that future communication on related issues was presented with less technical language and greater clarity.

RESOLVED:

- That**
- (a) the revised Herefordshire Council statement of community involvement (at appendix 1a & 1b to the report) be adopted; and**
 - (b) authority be delegated to the monitoring officer to make any consequential amendments to the statement necessary following future changes to the council's constitution relevant to public engagement in order to ensure consistency between the documents.**

47. YOUTH JUSTICE PLAN 2016/17

Council was asked to approve the Youth Justice Plan.

Councillor Lester, cabinet member – young people and children's wellbeing, presented the report.

He commented that youth offending constituted only a very few children in Herefordshire. In the year 2015/16 there were one hundred and fourteen children out of a total of sixteen thousand two hundred and sixty one (or 0.86 per cent of the youth population). It was emphasised that any child entering the youth offending system could be described as a failing on society's part in some way. However, the general picture was encouraging.

It was reported that over the last seven years the levels of offending had reduced. Taking the offending cohort of the year ending June 2010, there were three hundred and twenty young people offending. In the year ending June 2014, that figure had reduced to one hundred and forty three. This was a decrease of fifty five per cent over a three year period.

The plan sought to improve service delivery and make further progress toward understanding the issues and tracking re-offending in real time. It was noted that the principal aims and objectives of the children's and young people plan were to give children the best possible start in life.

The Chairman invited speakers to respond. The following principal points were made:

- It was noted that just over one third of young people (or 36.3%) receiving an outcome that required youth offending intervention were children in care. In addition, in 2015, just under half (49%) of young people receiving youth offending intervention had mental health or emotional problems. How were these issues being dealt with?
- Reference was drawn to the recent past, where offending in the county had resulted from people being placed here from other authorities. Had this situation changed at all?
- It was noted that junior attendance centres had been established in Worcestershire. Questions sought clarity on whether this meant that Herefordshire youth offenders had to go to Worcestershire to access those services, or would there be a youth attendance centre in Hereford?
- The report was welcomed for highlighting that young people felt they had a real say in their futures. This was reflected in the high percentage of those who had sought and received help. It was evidence that rehabilitation was leading to less re-offending.
- Reference was drawn to the majority of youth offending in Hereford being at the top end of the age profile. Re-offending, where it occurred, may well fall in to the adult age profile. Reassurances were sought that those people were tracked and not aged out of the system.

Councillor Lester was invited to respond.

- On the issue of looked after children, it was noted that in 2015/16, about sixty five individuals made up that cohort of which twelve were from Herefordshire.
- Mental health was noted as a very important issue and a key factor bringing young people into the youth offending system. It was noted that work was underway to help address mental ill health and ensure that it stayed high up on the agenda.
- It was noted that other local authorities were able to place children within Herefordshire and the authority dealt with those situations when they arose.
- Responding to the point on junior attendance centres, it was noted that given that most youth offending took place in Worcester and the direct train links from Hereford it made sense to locate those services there. The level of demand in Hereford meant a junior attendance centre in Hereford would not be an efficient use of resources.
- In regard to rehabilitation it was asserted that reducing re-offending was best served by fully engaging with children. It was important to note that once an offence had been committed dialogue was entered into.
- Addressing the point about tracking youth offending into adulthood it was noted that the problem did not get aged out. Part of the understanding of children and their rehabilitation was embedded in a good education and a wide understanding of the problems these children faced. This in turn provided a clearer strategic view of the problems that arise.

RESOLVED: That the youth justice plan as appended to the report be approved.

48. COUNCIL CONSTITUTION

Council was asked to adopt a revised constitution including designation of certain posts as statutory officers.

Councillor Newman, chairman of the audit and governance committee, presented the report.

He commented that a cross-party governance improvement working group had been formed in October 2014 to review the Council's constitution. The design principles had been agreed by the audit and governance committee in November 2015. The working group had consulted with political groups, distributed questionnaires, held focus groups and run an all member seminar. He thanked members of the working group for their time and expertise.

At its meeting on 28 November 2016 the audit and governance committee had received a report from the solicitor to the council and considered amendments to the council's constitution proposed by the working group. The audit and governance committee had agreed the recommendations set out to council in the report.

The Chairman invited speakers to comment. The following principal points were raised

- The wellbeing of elected members was noted with the suggestion that anything affecting the working or wellbeing of elected members, in any respect, should be brought to the attention of all members and their views sought.
- Thanks were offered to the working group members for their hard work and dedication. Particular thanks were expressed to Annie Brookes, head of corporate governance, and Claire Ward, solicitor to the council, for their exceptional amount of work. It was noted that this work had evolved considerably as a result of member involvement and consultation. The proposals for three scrutiny committees to reflect the three directorates was a very positive step.
- A concern was noted that the recommendation did not include retaining the working group or a form of sub-committee to keep an eye on the constitution in the future.
- It was suggested that the constitution needed to be a living document. It was advocated that a further recommendation be added to convey '*that the constitution, once published, remains a living document and that the audit and governance committee is delegated to consider any future issues or amendments to the constitution before any changes to the constitution are returned to full council for formal adoption*'.

The monitoring officer was invited to comment on these points.

- The issue of member's wellbeing was noted as a new issue which would be taken away and looked at further by the working group.
- In regard to the proposed additional recommendation she commented that the constitution was a function of the audit and governance committee and an annual review was part of the revised constitution.

RESOLVED:

That (a) the revised constitution at appendix 1 to the report be adopted for implementation with effect from annual council in May 2017 other than the following:

- **democratic services manager be designated statutory scrutiny officer to be implemented with effect from 1 January 2017**
- **chief finance officer be designated section 151 officer to be implemented once recruitment to the new post is complete**
- **delegation to audit and governance committee for approval of the council's finance and contract procedure rules to be implemented with effect from 1 January 2017; and**

- (b) **authority be delegated to the solicitor to the council to make technical amendments (grammatical, formatting, and consistency) necessary to finalise the constitution for publication.**

49. CHANGES TO ARRANGEMENTS FOR APPOINTMENT OF EXTERNAL AUDITORS

Council was asked to approve arrangements for the appointment of external auditors.

Councillor Newman, chairman of the audit and governance committee, presented the report.

It was noted that the audit and governance committee had received a report from the head of corporate finance on 22 September 2016 regarding the necessary changes to the appointment of external auditors. Following closure of the audit commission, the council would need to put in new arrangements in time to make a new appointment by 31 December 2017.

The audit and governance committee had considered this matter and agreed a recommendation from the head of corporate finance that the council opt in to a national sector led arrangement.

RESOLVED: That Herefordshire Council advises the Local Government Association of its intention to 'opt-in' to a national sector led body for the procurement of external auditors.

50. LEADER'S REPORT

The Leader introduced his report on the activities of cabinet since the meeting of Council on 30 September 2016. In particular, the Leader drew attention to the very good things the council did. He said that given Herefordshire was such a small county with such limited resources the council had done remarkably well in the circumstances. The list of achievements in his report was by no means comprehensive, but it did give a flavour of the work that the council did. Irrespective of politics, members and officers alike should be congratulated on their hard work and achievements.

The following principal points were made:

- A councillor sought a point of clarity on the position adopted by the council on possible increases in council tax following national policy announcements. The situation was described as rather vague as to what the scale of the rise could be. A concern was also noted that the council should not be blamed for a council tax rise, the origins of which stemmed from a national policy announcement.

Leader: Current understanding suggested introducing no more than 3% in one year. The option to keep council tax at current levels remained an option. It was

considered inappropriate, to confirm the council's position until final clarification from national government had been gained.

- Referring to paragraph 7 of the leader's report, a councillor noted the plans to work with partners in the wider local government family. With specific reference to parishes and decisions around their precepts, clarity was sought on how thinking was developing and how partnership working might be achieved. There was a view that work should start now, given their planning for delivering of services for 2018/19.

Leader: It was noted that wider local government working included parish and town councils as principal partners. This extended to other local partners such as the LEP and the combined authority. Emphasis was placed on providing information as to parish councils as soon as was possible. One material barrier was noted as needing the final settlement to be confirmed.

- Reference was drawn to paragraph 4, noting the importance of recognising the success of the enterprise zone. It was highlighted that without the council's backing, none of the work would have been undertaken. The council should be proud of its investment and take credit for the success that enterprise zone now enjoyed.

Leader: Reference was also made to the university, noting that even with the difficult economic climate the determination of the council was delivering great successes.

- A councillor noted the smallholding disposal plan and sought to explore how consultation process with the tenants was progressing.

Leader: Agents have been appointed, to deal specifically with the farm business tenants early on and to deal with matters of compensation. It was inappropriate to discuss individual cases on matters of sales, but the consultation was progressing as expected. No significant stumbling blocks or unforeseen difficulties were apparent.

RESOLVED: That the report be noted.

51. 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 2.

The meeting ended at 11.57 am

CHAIRMAN

Public questions to Council 16 December 2016

Question from Mrs C Protherough, Birch Hill

Question 1

Hereford bypass

As, in the council's submission for funding for the Hereford transport package, it is generously proposed that the "bypass will make the A49 an alternative for M4/M5 traffic to ease congestion on the motorway network", could the council provide statistics for the likely resulting increase in through traffic, both car and HGV, on the A49 between north of Leominster and Ross, and could they confirm that these figures will be widely available in public consultation on the bypass in the future?

Answer from Councillor Philip Price, cabinet member infrastructure

The A49 forms part of the strategic road network managed by Highways England, which is responsible for maintaining journey times for longer distance traffic. Modelling of the strategic road network to 2040 identifies increasing congestion on the M5/M6 corridor with only limited deterioration on the A49 corridor, most notably in the vicinity of Hereford city. This modelling information can be viewed at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387222/npsnn-print.pdf

The large local majors bid submitted by the council referenced this information and noted that with a bypass for Hereford the A49 could have an enhanced role and provide an alternative for some traffic on the parallel M5/M6 (not M4/M5 as stated in the question) which is forecast to become increasingly congested. As modelling work is progressed the scale of this will be established and will be made available when it is completed and agreed with Highways England.

Supplementary question

As Cllr. Price is unable to an estimate about the potential volume of induced traffic, on a road on which otherwise only a limited deterioration in respect of congestion is expected, can he comment on the likely results of this increase in through traffic for the county, in terms of increased air pollution, road safety, highway maintenance and general impact on communities along the whole length of the A49 through the county.

Answer from Councillor Philip Price, cabinet member infrastructure

Extra traffic is a point to review in the context of A49 for future years. The link sent in the written answer notes that in the strategic network there will be a problem towards the M5/M6. There will be increased traffic to Herefordshire via north and south wales if the economic vision for Hereford is to be successful. This will bring business to the county, not just through traffic. The matter will be considered as part of the planning process for the western bypass.

Question from Mr P McKay, Leominster

Question 2

Green highway infrastructure and planning obligations.

Following my September question I am getting positive feedback from two parishes regarding play areas and parks, they now being aware of and conditions regarding planning obligation funds available for that purpose, but the November Local Access Forum minutes report that our paths are in poor condition with lack of funding leading to idle volunteers. This seems to boil down to our green highway infrastructure not having been specifically mentioned in the local transport plan delivery strategy nor monitored in the annual progress reports, even though the local transport plan recognises our green highway infrastructure as being the single most important means of accessing the

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countryside, providing for quiet recreation and improving health, leisure, tourism, with the management subject of ever increasing partnership working whether that is with health providers to encourage greater walking and recognition of health benefits, with tourism partners to encourage access or with local councils and volunteers to ensure as far as possible that routes are available and free from obstruction.

So may I ask if reference to this green highway infrastructure could be mentioned when transport planning obligations are sought, so that parishes and volunteers may also be aware of and conditions regarding available transport planning obligation funds, with our green highway infrastructure included in the annual transport plan progress reports?

Answer from Councillor Philip Price, cabinet member infrastructure

I am pleased to confirm that improvements to the rights of way network are already a matter that is discussed in relation to potential developments.

The spend of any contributions towards the rights of way network will be reported in the core strategy authority monitoring report and published on the council's website in the new year.

Question from Ms K Sharp, Hereford

Question 3

Southern link road

I have seen correspondence from the Department for Transport, including letters from Andrew Jones Minister for Roads, stating that the Southern Link Road is a 'retained scheme' and that the Local Growth funding of £27m allocated for the Southern Link Road will only be released when DfT approve the Final Business case. As the Final Business Case for the SLR is yet to be approved, do you not agree that it is very misleading for Council to repeatedly tell residents that "the funding is secured"?

Answer from Councillor Philip Price, cabinet member infrastructure

No I do not agree. Funding for the south Wye transport package (which includes the southern link road) has been secured and indeed that funding has already begun to be drawn down against development costs as applied for. As is inevitably the case with funding of this nature and projects of this scale there are conditions to be met in order to draw down the full amount of secured funding. A formal grant funding agreement is in place between the council and the Marches local enterprise partnership (through which the funding from the Department for Transport is delivered) which confirms that the funding will be available to be drawn down as the council continues to deliver the south Wye transport package as applied for.

Question from Mr J Perkins, Hereford

Question 4

Air pollution

On 29th April, the Supreme Court ordered the British government to boost its fight against air pollution, which could lead to drivers of diesel cars facing higher road taxes and daily charges to enter city centres or even being banned from them.

Many areas are discussing banning such vehicles from their city centres including London.

In Britain, about 29,000 premature deaths a year are thought to be caused by air pollution. When will Herefordshire Council make an announcement banning these sources of illegal pollution?

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Answer from Councillor Philip Price, cabinet member infrastructure

Herefordshire Council currently has no plans to make such an announcement. The council has an obligation to review and assess its air quality and as a consequence has declared two air quality management areas, the first along the A49 corridor in Hereford and the second at the Bargates junction in Leominster. These designated areas are subject to air quality action plans which look to reduce the impact of traffic related air pollution upon the community by implementing a variety of different measures. Progress on this is reviewed annually and reported back to Defra.

The proposal to ban such vehicles from city centres using clean air zones (like in London) has been considered. It would only be viable to ban such vehicles in the centre of Hereford if an alternative route existed, as proposed by the Hereford bypass. The need for such a road is already identified in the current suite of actions for both Herefordshire's air quality management areas are considered sufficient to reduce pollution levels to an acceptable level.

Defra is currently consulting upon the implementation of clean air zones in five UK cities, namely Birmingham, Derby, Leeds, Nottingham and Southampton. This consultation does not currently extend to smaller cities such as Hereford. It is, however, understood that Defra's proposals are to be reviewed following the recent court judgement. Herefordshire Council will consider any further guidance that may be issued by Defra.

Supplementary question

Five cities globally, are planning to ban diesel cars. Should the council wait until everyone in Hereford has died from pollution and be unable to pay any council tax before they take such a decision?

Answer from Councillor Philip Price, cabinet member infrastructure

I do not intend to answer facetious questions.

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Question from Councillor A Seldon

Marches local enterprise partnership (LEP).

Question 1

With reference to the Marches Local Enterprise Partnership, who is responsible to scrutinising the activities of the board?

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

Nationally there is an expectation that the involvement and engagement of the relevant councils will ensure there remains democratic accountability around decision-making regarding use of public funds. A joint executive committee has been formed to deliver this in the most efficient and effective way; however scrutiny of the activities of the committee currently remain a matter for the individual partner councils' own scrutiny committees to determine.

In Herefordshire that function falls to the general overview and scrutiny committee. In fulfilment of that role, in addition to calling in one decision of the joint committee the general overview and scrutiny committee considered a report on the activities of the LEP at its meeting on 8 March 2016.

Supplementary question

Given the lack of transparency in the county as acknowledged by the auditors, and the press interest in the board of the LEP in recent weeks, would greater scrutiny lead to better public confidence in the LEP?

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

It was recommended by this council that there should be a joint scrutiny committee specifically for Marches LEP matters. Other member authorities didn't agree, so scrutiny remains a matter for each individual council. Media reports have been misleading. I consider the LEP is working as we would expect and with probity. It is recognised that public confidence in the LEP would be strengthened with greater reporting transparency. The Chairman of the LEP Board Graham Wynn, has been asked to look into this issue and I will keep council informed of progress.

Question from Councillor B Matthews

Accommodation strategy

Question 2

Several months ago members were informed that adult social services would be relocating to Elgar House, Holmer Road, Hereford. When is the move going to take place and what will the total bill be for the taxpayer in respect of removing the asbestos and any other renovating or decorating that will be required?

Answer from Councillor H Bramer, cabinet member contracts and assets

Staff are scheduled to move into Elgar House at the end of January following completion of agreed works to the building. The moves are an integral element of the council's overall

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accommodation strategy enabling us to relinquish costly and unsuitable premises and deliver longer term revenue savings.

The costs of the pre-contract asbestos removal and building refurbishment are estimated at £59k and £546K respectively making a total of £605k. The final account is yet to be received, but it is expected to come in within the total budget approved.

Supplementary question

The figures of repairs and rents are not yet known, what action is being taken to claim this expenditure back from the landlord?

Answer from Councillor H Bramer, cabinet member contracts and assets

The pre-contract agreement figures for removals and refurbishment are well known. The figure of £605k is not new and the final account is expected to come in well-under budget.

Question from Councillor L Harvey

Asset disposal

Question

In March 2015 Cllr Johnson took the decision to approve the sale of a property belonging to Herefordshire Council which formed part of the setting for the Master's House in Ledbury. This followed a sealed bid process which the community was assured would deliver a high quality restoration of the building and a new purpose for the property which would complement the Master's House and St Katherine's Hospital complex. The building was transferred with the addition of new vehicular access permissions not previously part of the deeds to the property.

18 months later the barn in question is for sale on the open market without any restoration work having been undertaken and with no prospect of a development coming forward to deliver on the assurances originally given.

What responsibility does the council accept for ensuring that the best outcome is achieved when public assets are transferred into private hands, and how has this been discharged in this particular case?

Answer from Councillor H Bramer, cabinet member contracts and assets

The objectives of the council's asset disposal strategy, within the overarching corporate property state that the council will see to:

- Only hold assets that meet the authority's operational property, socio-economic and investment objectives
- Release actual and latent capital from surplus assets
- Reduce or remove liabilities;
- Unlock the benefits of regeneration;
- Enable local development framework policies to be realised and:
- Optimise the proceeds or land use benefits of particular disposals for the benefit of the authority and its communities

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Councils are obliged to obtain best value when disposing of assets; in this case the property was tendered for sale on the open market, with the benefit of vehicular access. Tenders received were assessed against the following criteria and weightings

- Price – 50%
- Sustainability – 10%
- Impact on the Market House – 10%
- Funding for delivery – 10%
- Quality/'buildability' – 10%
- Employment – 10%

and the highest scoring bidder secured the sale.

Supplementary question

It is correct that the highest scoring bidder secured the sale of Masters House barn. Fifty per cent of the bid weighting was placed on the subject of price with the remaining criteria benefiting the local community; sustainability, impact on the masters' house funding, build quality and employment. Will the cabinet member and the leader give assurance protective measures will be included in future disposals of publicly owned assets?

Answer from Councillor A Johnson, leader of the Council and Councillor H Bramer, cabinet member contracts and assets

The fifty per cent obligation placed on the tenant with regard to price are completely within those terms. Future assurances could not be given. The council is the custodian of property with a duty to maximise profits from such assets. Clauses that could have been put into the terms of sale would only have resulted in a reduced saleability and price.

