

## **Minutes of the meeting of Council held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 11 October 2019 at 10.00 am**

**Present:** Councillor Sebastian Bowen (chairperson)  
Councillor Kema Guthrie (vice-chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Bernard Hunt, Helen l'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

**In attendance:** Councillors

**Officers:** Director for children and families, Head of Corporate Governance, Democratic services manager, Democratic services officer, Chief executive, Director for adults and communities, Solicitor to the council and Acting Assistant Director for Regulatory, Environment and Waste Services

### **22. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barry Durkin and Liz Harvey.

### **23. DECLARATIONS OF INTEREST**

Councillor David Hitchiner declared a pecuniary interest in agenda items no. 6 questions from members of the Council and no. 11, Leader's Report as a resident of Dunan, in close proximity to the southern end of the proposed western bypass, and outlined the dispensation granted by the monitoring officer.

Councillor Roger Phillips declared *other* interests, in agenda items no. 4, Chairman and Chief Executive's, Announcements as the Chairman of the Marches European Structural Investment Fund and, agenda item no. 10, Youth Justice Plan 2019-20, as a justice of the peace and a member of the Hereford and Worcester Youth Court Panel.

There was one further declaration of interest during the meeting. See paragraph 32 below.

### **24. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 12 July 2019 be confirmed as a correct record and signed by the Chairman.

### **25. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS**

Council noted the Chairman and Chief Executive announcements as printed in the agenda papers. In addition to the printed announcements the following items were also raised:

- The award won by the Revenues and Benefits team at the Council;
- The visit of the Chairman to the local Hereford and Worcester Cadets;
- The recent appointments to senior management; and
- The launch of the Children and Young People Plan

It was requested that a briefing note be circulated to all members as a matter of urgency regarding the suspension of planning applications in those wards affected by phosphate levels in the River Lugg catchment area. *The Chief Executive would arrange for a briefing to be provided.*

**26. QUESTIONS FROM MEMBERS OF THE PUBLIC** (Pages 13 - 22)

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.

**27. QUESTIONS FROM MEMBERS OF THE COUNCIL** (Pages 23 - 32)

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.

**28. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES**

Council considered a report to agree the political proportionality of the Council and the allocation of seats on Council committees. The report was introduced by the monitoring officer who explained that Council was required to agree the allocation of seats on council committees and outside bodies and to make an appointment to a vacancy on the planning and regulatory committee that remained after proportionality had been recalculated.

Recommendation (a) in the report was proposed by Councillor Jonathan Lester, seconded by Councillor John Hardwick and agreed by a simple majority of the Council.

**RESOLVED: that the allocation of committee seats to political groups as set out at paragraph 8 be approved.**

Recommendation (b) in the report was proposed by Councillor David Hitchiner, seconded by Councillor Gemma Davies and agreed by a simple majority of the Council.

**RESOLVED: that the allocation of seats on outside bodies to political groups as set out at paragraph 9 be approved.**

Recommendation (c) concerned the allocation of a vacancy on the planning and regulatory committee which remained after proportionality had been calculated. Council was invited to nominate members for appointment to the committee.

Councillor Graham Andrews was proposed by Councillor John Hardwick and seconded by Councillor Alan Seldon for appointment to the planning and regulatory committee.

Councillor Graham Jones was proposed by Councillor Bob Matthews and seconded by Councillor Jonathan Lester for appointment to the planning and regulatory committee.

A named vote was conducted and Councillor Graham Andrews was appointed to the committee by 25 votes to Councillor Graham Jones's 23 votes.

FOR - Councillor Graham Andrews (25) - Councillors: Paul Andrews; Jenny Bartlett; Dave Boulter; Tracy Bowes; Ellie Chowns; Pauline Crockett; Gemma Davies; Toni Fagan; Elizabeth Foxton; John Hardwick; John Harrington; Jennie Hewitt; Kath Hey; David Hitchiner; Peter Jinman; Jim Kenyon; Trish Marsh; Jeremy Milln; Felicity Norman; Alan Seldon; David Summers; Diana Toynbee; Ange Tyler; Yolande Watson; and William Wilding.

FOR - Councillor Graham Jones (23) - Councillors: Polly Andrews; Chris Bartrum; Christy Bolderson; Sebastian Bowen; Carol Gandy; Kema Guthrie; Phillip Howells; Bernard Hunt; Helen I'Anson; Terry James; Tony Johnson; Mike Jones; Jonathan Lester; Bob Matthews; Mark Millmore; Roger Phillips; Paul Rone; Nigel Shaw; Louis Stark; John Stone; Elissa Swinglehurst; Paul Symonds; and Kevin Tillet.

**RESOLVED: that Councillor Graham Andrews is appointed to the vacancy on the planning and regulatory committee.**

## **29. TRAVELLERS' SITES DEVELOPMENT PLAN DOCUMENT**

Council considered a report by the cabinet member infrastructure and transport to approve the adoption of the Herefordshire travellers' sites development plan document 2018 – 2031. The cabinet member infrastructure and transport proposed the report and recommendation and explained that the development plan document (DPD) would form part of the core strategy. He went on to explain that the DPD incorporated a temporary stopping place on the A49 and that the proposal at Madley had not been pursued but would be considered as a potential growth location in future.

The report and recommendation was seconded by Councillor Alan Seldon.

During the discussion of the DPD members raised the principal points below:

- Clarification was required concerning the allocation for Bosbury in the report and whether this was in addition to recent additional pitches at the site. *The cabinet member infrastructure and transport agreed to provide the clarification following the meeting.*
- Support was expressed for the additional four pitches at Pembridge but it was felt that it would be difficult to support any further allocation which would be seen as disproportionate. The landscaping proposed at Pembridge required proper management to ensure it was successful and safety work was required to ensure that the adjacent Kingspan Road did not pose a risk to those children resident on the site.
- There was disappointment that the section of the plan concerning animals and animal welfare had been deleted from the final version of the DPD. It was important that sites provided facilities for the protection of animal welfare and the welfare of the community within which animals were kept.
- It was recognised that the implementation of sites was costly and the budget that was in place to establish and manage sites was queried.
- The safety of the fencing around the Bromyard site was queried which was located alongside an old quarry with a deep pool.
- It was queried how the Council would seek to achieve the objective in the DPD to respect the interests of the settled community on sites which were primarily private sites, such as Bosbury.

Councillor Alan Seldon in seconding the report and recommendation explained that the document would form part of the core strategy which was currently being reviewed.

The adoption of the Herefordshire traveller's sites development plan document 2018-2031 was approved by a simple majority of Council.

**RESOLVED: that:**

**(a) the Herefordshire Travellers Sites Development Plan Document (DPD) 2018-2031 (appendix 4), incorporating the Planning Inspector's recommended main modifications (appendix 2) and the schedule of additional modifications (appendix 3) is adopted; and**

**(b) the Programme Director Growth be authorised to make any further minor modifications, (e.g. typographical) to ensure consistency with other development plan documentation.**

### **30. GAMBLING POLICY 2019-2022 (REVIEW)**

Council considered a report by the cabinet member housing, regulatory services and community safety to review and approve the gambling policy 2019 – 2022. The cabinet member housing, regulatory services and community safety proposed the report and recommendation and explained that the Gambling Act 2005 required Council to produce a statement of its Gambling Policy. She further explained that the policy was largely unchanged from the previous version and incorporated guidance from the Gambling Commission. Consultation had been conducted with West Mercia Police and holders of gambling licences and the draft policy had been considered by the general scrutiny committee and cabinet.

Councillor Tracy Bowes seconded the report and recommendation.

During the debate members raised the principal points below:

- It was recognised that the policy was produced in accordance with statutory requirements but this did not recognise the adverse impact that gambling could have on individuals. It was felt that central government should be pressured to legislate for the incorporation of addiction therapy provision in local gambling policies.
- The draft policy was considered by the general scrutiny committee which made 11 recommendations.
- It was recognised that gambling added to the local economy but a robust policy was required.
- It was queried whether it was felt that the local authority had sufficient powers to monitor gambling premises and if spot checks were undertaken to ensure adherence with policy.
- It was recognised that online gambling was a problem which could affect children and young people. It was felt that restrictions on advertising could help to address problem-gambling.
- Gambling addiction was considered a public health issue and It was queried whether part of the public health budget could be utilised to address problem-gambling locally.

In seconding the report and recommendation Councillor Tracy Bowes agreed that pressure should be put on the government to respond to gambling addiction.

The gambling policy 2019-2022 (review) was approved by a simple majority of Council.

**RESOLVED: that the gambling policy 2019-2022 at appendix 1 is approved.**

**31. YOUTH JUSTICE PLAN 2019-2020**

Council considered a report from the cabinet member children and families to approve the youth justice plan 2019-2020. The cabinet member children and families proposed the report and recommendation and explained that the youth justice plan was a partnership document which was produced on behalf of local councils by the youth justice service for West Mercia. She further explained that the indicators in the report showed improvement in issues relating to youth justice in Herefordshire including: a reducing trend in the number of first time entrants to the criminal justice system (CJS); the number of young people in custody in Herefordshire in the report stood at just one; and reoffending had improved. The plan had a proactive focus which sought to prevent entry to the CJS including mental health support and mentoring.

The report and recommendation was seconded by Councillor Jeremy Milln.

The principal points below were raised by members during the debate:

- The Plan was considered by the children and young people scrutiny committee which had expressed frustration with the plan as it contained an overview of previous period without up to date data. Part of the recommendations of the committee focused on the production of an addendum in future years which provided the latest statistics relating to youth justice.
- It was recognised that the basis of the statistics in the report were misleading for a small area such as Herefordshire and did not provide an accurate representation of the issues locally.
- The improvements reported in the Plan were welcomed.
- The priority in the Plan to ensure young peoples' mental health needs were met through increased training for practitioners was highlighted and it was queried whether enough was being done in pursuance of this priority. *The cabinet member children and families explained that more could always be done and this priority was being explored with partners.*
- It was noted that a new mental health initiative was focusing on young offenders when they were taken into custody.
- Concern was expressed regarding the court appearances in Kidderminster of cases on remand which was considered to be indicative of the downgrading of services in Herefordshire.

In seconding the report and recommendation Councillor Jeremy Milln explained that the trends in the report represented improvements across West Mercia and were encouraging.

The report and recommendation was approved unanimously by Council.

**RESOLVED: That the youth justice plan 2019/20 in appendix a is approved.**

**32. LEADER'S REPORT TO COUNCIL**

Council received and noted the Leader's report. The Leader introduced his report and provided clarification concerning the status of funding from the Marches Local Enterprise Partnership (LEP). He explained that in respect of the funding of £27 million that had been dedicated to Herefordshire Council for the south wye and Hereford transport packages there was no legal justification for the LEP to recoup any funding. It was confirmed that at a recent meeting of the LEP board there had been no deadline set for the funding to be used or an amount proposed for the Council to repay to the LEP. The

new administration at the Council had considered infrastructure projects and had taken a decision to pause and review those schemes in progress. The LEP had identified that there was a possibility that funding allocation to the infrastructure schemes would not be spent and in such circumstances it was hoped that the money would be reallocated to other projects in Herefordshire. Discussions in relation to this matter were ongoing with the LEP. The potential of the loss of any funding did not provide sufficient reason to pursue the infrastructure schemes that were currently subject to pause and review; other considerations were required before a final decision was made on the projects including the response to the climate emergency.

The following was asked of the Leader:

- Why was the renewal of the council's insurance cover for a period of five years?  
*The Leader explained that a response would be provided following the meeting.*
- The indemnity of £850k to Nmite was queried and whether Council's money had been put at risk. It was asked whether the correspondence between Tony Bray and Shropshire Council be placed in public domain by the Leader. *The Leader explained that the correspondence provided assurance that that it was unlikely that the £850k would be called upon and he was discussing the potential release of the letter with the monitoring officer. He would confirm in due course if it could be released.*
- It was noted that the Enterprise Zone was close to breaching the peak 300 movement limit and it was queried how prospective new employers and their employees would access the site if the bypass is not built and Highways England did not support an increase in numbers? *The cabinet member infrastructure and transport explained that there was room for negotiating the movements cap at the enterprize zone with Highways England and a written response would be provided to the issues raised.*
- The Leader was asked whether he believed that the projects at skylon park including the shell store and cyber centre could succeed without key infrastructure projects such as the southern link road. *The Leader explained that the implications of infrastructure projects on the climate emergency would be assessed which would include the southern link road.*
- The Leader was asked whether the Council would express concern regarding the governance arrangements at the LEP and the role of the business board was queried and its support for the bypass. *The Leader explained that there was an issue with governance arrangements at the LEP which were being investigated. The role and statements of the business board also required clarification.*
- The Leader was asked how the three areas in the LEP could work together to ensure low-carbon projects were taken forward. *The Leader explained that there was a need to work together in the LEP and co-ordinate across the three areas.*
- The Leader was asked about the problems affecting the five year land supply and if this encouraged predatory development. *The cabinet member infrastructure and transport explained the core straetgy still carried weight and was out for review. The problems affecting the five year land supply had been ongoing for a long time and needed to be addressed. Part of the solution would be the construction of council housing and there was no expectation that development would be allocated to all villages.*
- The Leader was asked how the administration would seek to promote tourism in the County. *The Leader explained that the current position had been inherited by the administration and there was little expenditure on tourism. The LEP would look at the potential for combining an approach to tourism across the three regions.*
- It was important that the council worked closely with the LEP and was not too critical of the structures in place. A potential amalgamation of the LEPs may minimise Herefordshire's advantage from the arrangement. *The Leader*

*explained that a priority was to work with the LEP but it was acknowledged that improvements were required to the governance arrangements.*

- The Leader was asked whether he thought that heavy goods vehicles posed a serious problem to air quality in Hereford or if they posed no hazard to health. It was asked what relief was planned for the impact of lorries. *The Leader explained that HGVs were harmful and their impact needed to be assessed in the wider decisions concerning infrastructure in Herefordshire. The cabinet member infrastructure and transport explained that there was no evidence that the bypass would relieve congestion or HGVs travelling through Hereford; other solutions were currently required to prevent HGVs idling through hereford such as withdrawing those traffic lights which inhibited traffic flow.*
- It was noted that a primary source of congestion in Hereford was cars used by one person only; it was asked whether innovative approaches to address congestion would include car sharing apps. *The cabinet member infrastructure and transport explained that the approach would be looked at and explained that the majority of journeys undertaken in Hereford were under two miles which required a different solution to park and ride schemes.*
- It was asked how the fund to support Leominster town centre was being progressed. *The chief executive explained that it was being taken forward with partners and clarification of any conditions attached to the funding from central government was required.*
- It was asked whether the Leader felt that the future of the county would be best served by attempting to build its independence outside of the LEP or within its structures to assist economic development? *The Leader explained that he would work closely with the LEP and look at the wider, regional picture; tourism was an example of a benefit for all partners in the LEP. It was also important to seek innovation for Herefordshire which the enterprise zone was achieving as an initiative that was unique to the county in the Marches LEP structure.*

Councillor Christy Bolderson declared a pecuniary interest, under agenda item no. 11, Leader's Report, as a local resident to the proposed southern end of the Western Bypass and outlined the dispensation granted by the monitoring officer.

- There was concern regarding the five year housing supply. The Leader was asked if the pause and review and the suspension of planning applications in the North of the county undermined the delivery of the County's housing requirements and if the 5 year housing supply was not met how parish councils would be reassured that the neighbourhood development plans they had in place were worthwhile. *The Leader acknowledged that the five year housing supply was problematic; the latest data was available on the Council's website; and it was important that parish councils were reassured. The cabinet member infrastructure and transport explained that the core strategy was sound but the county had not kept up with the five year housing supply; a written response would be provided to the question.*
- The campaign literature used by the Leader during the election in May 2019 was queried and whether it contained a commitment to stop the bypass. *The Leader explained that a number of members of the administration had been elected on the basis that they did not support the planned road schemes.*

There was a brief adjournment at 12.55 p.m. The meeting reconvened at 1.05 p.m.

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

Motion 1 – Review of Governance Models

In moving the motion Councillor Alan Seldon made the following points:

- The Council would be the first unitary authority to implement the committee system if this was the outcome of the review;
- The review would be undertaken by the audit and governance committee which would ensure that the process was open and transparent; and
- The working group would be cross-party and would consider a number of options of governance models including the committee system.

The following principal points were raised during the debate:

- The motion would not be supported if the role of the working group was to introduce the committee system, it was understood that the review would consider a number of governance model examples.
- The experience of other councils introduction of the committee system was raised and the potential issues involved in its introduction at a top tier authority;
- Any model that was introduced should ensure that effective member engagement was realised;
- The proposed review was welcomed but the length of time before the recommendations of the working group were made was queried and whether a faster timeframe should be considered;
- A committee system would involve a large number of meetings which could be lengthy;
- Any changes which members wanted to see made to current practices to bring about improvements were encouraged. Such changes need not be reliant on the outcomes of the review of governance models;

Councillor Jim Kenyon proposed an amendment to the motion to include a review of the number of councillors in the county in the work of the working group. The proposal was ruled out of order by the Chairman as it did not concern a function of the Council.

The debate continued as below

- It was important that the review took into account the potential cost to the Council of a change in Governance Model.
- The Executive should ensure that a reasonable and comprehensive budget existed for the operation of the working group.
- The review would ensure that the work of the Council was transparent.
- The working group would look at the example of other areas and determine what was best for the Council.
- The committee system was a good model to ensure that decision making was undertaken across party lines and that common ground was found on decisions of the Council;

In seconding the motion Councillor Felicity Norman made the following points:

- The review would be open to all other options including hybrid models and would investigate good practice from other areas;
- The manner in which the cabinet system operated was not conducive to open and transparent decision making;
- The review would consider the speed of decision making and would take into account the issue of cost of transferring to an alternative system.
- It was important that the working group considered systems which ensured that all councillors had a voice.

In closing the debate Councillor Seldon explained that councillors were elected to serve the best interests of their local residents and it was important that a governance model was established in support of this role. It was noted that the proposed motion contained



direction that the working group considers the resource implications of any proposed changes.

The motion was put to the vote and agreed by a simple majority of the Council.

**RESOLVED:**

**That Herefordshire Council is committed to maintain high standards of corporate governance in order to achieve the council's vision of 'People, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire'. Good corporate governance, covering our systems, processes, culture and values, ensures that we provide the correct services to the right people in a timely, open and accountable way; it encourages better informed, longer-term decision making, using resources efficiently and being open to scrutiny with a view to improve performance and manage risk.**

**The way in which our current Cabinet and Leader system operates means that many of our more significant decisions are taken by a very small proportion of the elected members. To ensure that our governance arrangements are as effective as possible in supporting fulfilment of our corporate governance commitments, and to maximise the engagement of all elected members in decision making, the Council resolves that:**

**a) The Audit and Governance Committee oversee a review of governance models for a recommendation to Council no later than October 2020.**

**b) The review be undertaken by a cross-party working group, reporting to the Audit and Governance Committee. To contain representation from each political group, from the executive, scrutiny and other functions. The Monitoring Officer be authorised to determine membership following consultation with political group leaders.**

**c) The review should follow guidance from the Local Government Association and from the Centre for Public Scrutiny guidance; 'Rethinking Governance: Practical steps for councils considering changes to their governance arrangement, and**

**d) The review be undertaken having regard to the following guiding principles;**

- To maximise member engagement and participation in decision making**
- Ensure decision making is informed, transparent and efficient**
- Welcome public engagement**
- Enable member and officers to perform effectively in clearly defined functions and roles**
- To assess any resource implications for any proposed changes.**

*Councillor David Summers agreed a reordering of the motions to hear the General Permitted Development Order motion before his Mental Health Awareness Day motion.*

**Motion 2 – General Permitted Development Order (GDPO)**

In moving the motion Councillor Elissa Swinglehurst made the following points:

- Class Q of the GDPO currently allowed for the development of up to five agricultural buildings into houses which would gain planning consent if specified criteria was fulfilled;
- The rules undermined the planning process and local planning preference;

- Agricultural buildings were usually located in the open countryside where applications for housing were not normally granted permission;
- Local planning policy was not adhered to and development control and the planning system was negated;
- The remote nature of some houses in the countryside developed from agricultural buildings also impacted upon the Council's service provision.
- The motion called on the executive to take the matter forward and write to the government to request a review of the legislation.

The following principal points were raised during the debate:

- Planning permission was required for the development of agricultural buildings to houses. The GDPO ensured that where criteria was met permission would be granted.
- The provision of council services was a concern to houses in remote parts of the countryside;
- The current large-scale housing developments proposed in Hereford was raised and it was felt that permission for five houses was minimal in comparison. Such smaller-scale development would provide jobs for local building firms;
- It was noted that a number of class Q applications concerned large, industrial-scale agricultural buildings which were of low quality and less sustainable than newly built houses;
- Class Q was felt to undermine the protection of the countryside and it was felt that article 4 should also be looked at, concerning direction;

In seconding the motion Councillor Yolande Watson made the following points:

- The longer term cost to the Council of class Q developments in unsustainable areas of the countryside should be acknowledged;
- The committee on climate changes had published a report which had recommended closing loopholes around change of use development;
- The legislation was not fit for purpose.

In closing the debate Councillor Swinglehurst thanked the Council for the debate and expressed interest in consideration around the article 4 issue.

The motion was put to the vote and agreed by a simple majority of the Council.

#### **RESOLVED: That:**

**This Council has declared a climate emergency and must align policy to reflect this – we have a number of policies designed to encourage sustainability in terms of locality, design and build but the use of class Q (General Permitted Development Order as amended) is undermining the effectiveness of these policies.**

**This Council resolves that: the executive is requested to write to government to ask them to review the policy regarding part 3 class Q (General Permitted Development Order as amended) applications under the General Permitted Development Order.**

#### **Motion 3 – Mental Health Awareness Day**

In moving the motion Councillor David Summers made the following points:

- The motion sought to establish a day in the calendar to raise awareness around mental health and support a better quality of life for all;
- Herefordshire was a rural county with a comparatively high suicide rate.
- It was important to look at the impact of mental health in the work place and working days lost.
- The awareness day would bring together all groups involved in mental health services locally;
- The establishment of a designated telephone line, magazine and a website, with the web address [www.letslistenhereford.com](http://www.letslistenhereford.com), should be undertaken.

The following principal points were raised during the debate:

- The potential for linking the day to other events such as world mental health day was raised;
- Tribute was paid to Councillor Summer's committed campaigning on mental health issues.
- It was suggested that workshops could be arranged as part of the awareness day to provide practical events for people to undertake;
- There should be a focus on children and young people who suffer from stress and anxiety which could lead to mental health problems throughout their lives;
- The day should highlight mental health support that was available locally and also provide mental health first aid training;
- It was important that the day was a unique local awareness day for Herefordshire;

In seconding the motion Councillor Jim Kenyon made the following points:

- The timing of the proposed awareness day on the third Monday in January was apt coming at a time of year when people were particularly susceptible to mental health issues;
- The diminution of pastoral help in schools was raised and its importance to the mental wellbeing of pupils;
- There was concern with the growing use of anti-depressants in the over-65s;
- The awareness day should trend on Twitter and engage with local partners and businesses.

In closing the debate Councillor Summers explained that actions were now required to put together a wellbeing initiative to focus on people in Herefordshire.

The motion was put to the vote and agreed unanimously.

#### **RESOLVED: That:**

**Mental illness has a huge social and economic impact, its effects can predispose a person to a range of negative health issues which in turn leads to depression or worse suicide. It's a matter of fact that mental health can affect a family member or anyone of us at any stage of life.**

**However, anyone who has been in crisis is well aware that there is still a stigma attached to it. For many of us simply having someone talk at us can increase those feelings of inadequacy and isolation. Conversely, just listening will allow a sense of being in charge.**

**Thankfully there is a wealth of mental health support already available in the county. To highlight this support and promote the need to listen without prejudice the Council resolves that:**

**The executive be asked to establish a designated annual mental health day to be named “Lets Listen Herefordshire” to be held every third Monday of each New Year from January 20th 2020 onwards.**

The meeting ended at 2.12 pm

**Chairperson**

## Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mr Murray, Ross-on-Wye	Could the council consider organising a (Battery electric vehicles) BEV event in Hightown in summer 2020 for taxi owners and members of the public to examine and experience electric cars and small vans; providing the overarching management and working with local car sales companies to supply vehicles and answer questions?	Cabinet member infrastructure and transport
<b>Response:</b> Yes. I will ask officers to explore further with local car companies as part of our wider sustainable and active travel programme, Destination Hereford.			
PQ 2	Ms Stanley, Ross-on-Wye	At present you expect us to pay £80 for 50 PLASTIC bags that contain many items that can be recycled - but we cannot recycle it at recycling centres because we are businesses. It should not matter if recycling is produced by a business - it should still be able to go to the recycling centre. As we are all become more aware of the need to recycle and cut back on plastic, what is going to be done to help small businesses to help meet climate change objectives?	Cabinet member commissioning, procurement and assets
<b>Response:</b> Thank you for raising this matter.  Household Recycling Centres, such as the one in Ross on Wye, are funded by domestic rate payers and, as such, for use by householders to take their own household waste only.  All businesses have a legal requirement to make appropriate arrangements for the collection and disposal of the waste they produce. This means using a licensed person or organisation to collect it and take it to a permitted waste management facility.  The council does provide a recycling service to its trade waste customers; a business may pay to have up to 5 x 240L green wheeled bins collected fortnightly. A business may recycle clean and dry paper, cardboard, metal tins & cans, glass bottles & jars, plastic bottles and plastic pots, tubs & trays through this service. However, using the council's trade waste service is one option but there are also a number of other providers in Herefordshire.  The council is exploring options on how it can make its trade recycling collection service more accessible to small businesses in the short term and it is probable that longer term changes will be brought about by the government's proposed waste and resource strategy. It is as important to reduce waste in the first place rather than just recycle and any ideas businesses may have on how to achieve that would be welcomed.  For further details on the council trade waste service please visit <a href="http://www.herefordshire.gov.uk/tradewaste">www.herefordshire.gov.uk/tradewaste</a> .			

PQ 3	Mr Adams, Ross-on-Wye	Why is Herefordshire council not using plastic roads, made with recycled plastic as an additive to bitumen? Gloucestershire and many other counties are now utilising this method, available through a company called Macrebur, based near Carlisle. The roads are not only stronger, but last longer and are 10 times more resistant to potholes. The road mix is also cheaper than conventional tarmac.	Cabinet member infrastructure and transport
<p><b>Response:</b> Herefordshire council is aware of the company Macrebur which has been manufacturing plastic comprising materials for Highways use for approximately 3 years. As traditional roads are expected to last 30 years with much of the initial service life being defect or pothole free, we need to be cautious in accepting longevity claims relating to a product in existence for only 3 years.</p> <p>Central government through the Department of Transport champions innovation and has commissioned a £1.6 million trial of this experimental material which will take place in Cumbria. The Department for Transport wishes to ensure public safety and environmental safety before endorsing any new material or technology. A key objective of the trial will be to understand whether the longevity and durability of the material is as claimed and also to understand whether there are any unexpected adverse effects such as the release of micro-plastics during the wearing cycle which will not break down in the same way as the components of traditional treatments. Herefordshire council looks forward to reviewing the results of the Department of Transport's trial once future publication is available, and is open to supporting this trial should the DfT wish to trial sites in the county. The results of the DfT trial will inform any decision by this council to specify this material for its road network.</p>			
PQ 4	Mr Harper-Smith, Credenhill	Why does Herefordshire Council support the Government's decision to only fund transport to nearest school in cases where that is not their catchment school when it could either make a discretionary decision to fund to both catchment and closest or give all pupils a travel contribution equivalent to that of the cost to the closest school? The current policy removes choice from low income families, which is contrary to Herefordshire Councils own policy on education choice and where families pay for their own transport the Council makes 100% saving on transport but also increases traffic outside schools contributing to higher emissions, congestion and road safety issues.	Cabinet member infrastructure and transport
<p><b>Response:</b> Whilst we are always keen to support people on low incomes, we also need to be mindful of the budget implications of decisions. The council's home to school transport policy meets the requirement to provide free transport to the nearest suitable school if a pupil lives more than 2 or 3 miles away (depending on the age of the pupil). This policy adopted in 2014 provides a level of provision that meets our statutory responsibilities to all families within the current funding available.</p> <p>There is additional support for students of families with low incomes available through the extended rights scheme which does support choice:</p> <ul style="list-style-type: none"> <li>• For secondary-aged children aged 11-16, the entitlement to free transport is increased to any one of three nearest schools, where these are between 2 and 6 miles from home.</li> <li>• Primary aged children of 8 and above (years 4 to 6) attending their nearest suitable school that is more than 2 miles from home are entitled to free transport.</li> <li>• Where a parent or carer expresses a preference for a school based on religion or belief, then a child aged 11-16 is eligible for free transport to the nearest suitable school if they live between 2 and 15 miles of the school.</li> </ul>			

Support is also provided to schools and the council is aware that a number of schools arrange their own transport provision for pupils not entitled to free transport.

PQ 5	Mrs Morawiecka, Breinton	The last Audit & Governance meeting were told by the External Auditor that if the South Wye Transport Project had not been put on “pause & review” that there would have been a significant loss to the local taxpayer. The External auditor also stated that they would not have been able to provide an opinion that the Council achieved Value for Money in 2018/19 without the “Pause & Review”. Can the Cabinet member confirm that processes are now in place to minimise the risk of yet more significant losses to the local taxpayer on capital projects to ensure that only those that deliver the best Value for Money are progressed by Herefordshire Council?	Cabinet member finance and corporate services
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**Response:**

Grant Thornton, the council's external auditors have issued an unqualified opinion at the September Audit & Governance meeting in respect of value for money for 2018/2019. The 'Pause and Review' decision has no link to the Value for Money conclusion reached by Grant Thornton following a short delay during which it was necessary for them to consider the substance of the SWAP report into the issues identified on the South Wye Transport Package (SWTP).

Grant Thornton brought to the attention of the Audit and Governance committee in September that as, as a consequence of those issues, the contract for construction of the SWTP had not yet been awarded and that therefore there was no loss to the council.

I welcome the recommendation from Grant Thornton that a review is carried out in respect of the governance processes for capital projects. This is underway, and I can confirm that processes are in place to further address the risks around capital projects.

**Supplementary Question:**

Why were the risks of the tender process with potential for additional costs to the tax payer, if the SLR went ahead, and the risks of the external auditor not being able to confirm a value for money opinion because of the capital project tender process not reported to the scrutiny committee meeting or all elected members?

**Cabinet Member Response:**

The cabinet member had provided her apologies to the meeting and a written response would be provided to the question.

*Response sent on 28 October 2019:*

The risks associated with procurement in relation to the South Wye Transport Package were identified within the report considered by General Scrutiny Committee at its meeting of 9<sup>th</sup> September within the appendices (3,5 and 7) setting out the implications of the different options being considered by the Cabinet Member.

PQ 6	Mrs Protherough, Clehonger	Could the Cabinet member for Infrastructure please give further details of the work to be done during the Pause and Review of plans for the Western Bypass and Southern Link Road, in particular what consultation with the general public and relevant organisations is planned?	Cabinet member infrastructure and transport
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**Response:**

Following the General Scrutiny Committee's meeting on the 9 September where my decision to pause and review the bypass and southern link road scheme was discussed I have considered the recommendations made by the committee. I will very shortly be publishing my final decision having regard to the four recommendations.

**Supplementary Question:**

Could the cabinet member provide an update on progress made with the LEP to reallocate funding received to sustainable transport measures?

**Cabinet Member Response:**

The Leader would make a report on the matter towards the end of the meeting.

PQ 7	Dr Geeson, Breinton	On 30th September the Government announced a major package of measures to boost bus services, including a new low-fare, high-frequency 'Superbus' network; with Cornwall the first county to benefit. Buses are disproportionately used by people on lower incomes and Cornwall has been chosen as a county with significant deprivation and social exclusion. The "Superbus" service will provide an important and reliable connection to jobs, education, health services, evenings out, etc. Other "Superbus" networks are expected soon, with the focus on places that suffer similar problems and where better (clean energy) cheaper, efficient public transport networks could significantly improve people's lives. Arguably Herefordshire has similarities with Cornwall in this respect. What are the implications for Herefordshire Council's Transport Policy of the Government's commitment to this long-term bus strategy and funding settlement?	Cabinet member infrastructure and transport
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**Response:**

I am very encouraged by the government's recent announcements to provide further support for buses and the development of a national bus strategy. The announcements include a number of elements which I will be keen to look at in more detail when the government publishes its detailed prospectus. We monitor funding opportunities that arise for the council to bid on and we most certainly will be applying for any relating to public transport, including buses and will be actively lobbying for this kind of investment in Herefordshire in line with the administration's objectives. We will be examining the feasibility of City and Countywide bus system, similar to the Hereford Hopper bus system that we had in the late 80s/early 90s, ensuring that, if possible, these buses are electric or hydrogen fuelled and used not just in the City but our market towns and villages.

**Supplementary Question:**

Have there been any approaches to local providers of bus services to consider improvements locally and government funding?

**Cabinet Member Response:**

Yes in relation to the administrations focus on sustainable public transport and the announcement of central government funding.

PQ 8	Mrs Wegg-Prosser, Breinton	Updated costings for the South Wye Transport Package dated April 2019 show that the professional fees for the Southern Link Road are now budgeted at £7.9 million, on a road cost of £29.252million, 27% of the road construction cost. In comparison the professional fees on the Active Travel Measures are budgeted to cost £258K on a project cost of £4.95million, just 5%. In view of this level of SLR cost of professional fees being so much higher than originally anticipated, would the cabinet member confirm that professional fees for any major infrastructure scheme should go out to competitive tender?	Cabinet member infrastructure and transport
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**Response:**



The £29.252m figure referred to in the question is the Southern Link Road overall scheme cost and is not the estimated construction cost of the SLR as the question suggests. The SLR professional fees quoted relate to the design and development costs of a large infrastructure project from route selection, planning and statutory processes, development of a DfT full business case and procurement. The estimated budget for the professional fees associated with the design of active travel measures is an estimate based on the kind of schemes identified and due to the nature of these schemes this reflects an appropriate estimate.

The professional design services for the SWTP were procured through the public realm contract which was subject to a competitive tendering process in 2013. The procurement options for securing professional services in future will be considered in determining the most appropriate procurement route and the options for open tender will be considered.

PQ 9	Ms Shore, Breinton	Herefordshire Council's 2018 Equality Analysis reported that the median gender pay gap is 12.8% lower for women than men. This means that a woman employed by the Council earns, on average, 87p for every £1 earned by her male colleagues. The report commented that further analysis was needed to better understand the reasons for this gender gap. In March this year, I asked a question at the Council meeting and received a helpful written response. HR informed me that they would be conducting this analysis in Quarter 2. What were the outcomes of this analysis, in particular actions taken or planned as a result?	Cabinet member finance and corporate services
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**Response:**  
As previously advised, the annual equality in employment report and action plan will go through the relevant governance process before being published, once approved, next year, reflecting key themes and sharing the analysis on which plans are based.

The council takes equality in the workplace seriously and the council and has a range of measures in place to support staff who have family, caring and other commitments including flexible working hours, annualised hours, compressed hours, part time working etc. Council policies are based on flexibility for all employees subject to the needs of the service and are widely used by staff of all levels. The council also offers good paid maternity leave, paternity leave, shared parental leave, emergency special leave and career breaks.

As a council we have a strong agile working ethos which means we are focused on output and actively encourage working from home, multi-agency offices or any other suitable location which gets the work done. We also ensure that staff have the right IT equipment to enable agile working. These options and behaviours are role modelled at the highest level throughout the council and give employees the flexibility they need to manage work and home commitments.

**Supplementary Question:**  
Can the results of the analysis of the gender pay gap be made open now? If this analysis was to be made open before the publication of the annual equality report then comments and input from women in the County would provide an invaluable resource to the Council when considering the analysis and possible actions arising from this. This could be incorporated into the next equality report as a great example of local democracy in action.

**Cabinet Member Response:**  
The cabinet member had provided her apologies to the meeting and a written response would be provided to the question.

*Response sent on 25 October 2019:*

This information is being compiled now with the aim of publishing the analysis as soon as possible.

PQ 10	Ms Siloko,	Why is the county failing to make reasonable adjustments to accommodate Unaccompanied Asylum Seeking Children's (UASC) educational needs?	Cabinet member children and families
<b>Response:</b> When we have refugee/asylum seeking young people of school age they are enrolled in school and access a varied curriculum. The colleges and training providers are working with the council to ensure that all asylum seeking young people and refugees (aged 16-19) have an offer of learning of at least 15 hours per week which the DfE considers full-time learning in further education (DfE guidance 'Funding guidance for young people 2019 to 2020'). This can be supplemented by two sessions of additional ESOL for asylum seeking young people funded by a short-term grant and we look at reasonable adjustments on a case by case basis. If there are any concerns relating to individuals please can you raise this directly with <a href="mailto:hilary.jones@herefordshire.gov.uk">hilary.jones@herefordshire.gov.uk</a> .			
PQ 11	Mr Stow, Rowlestone	<p>The Minutes for the Council Meeting on 12th July 2019 state that:</p> <p>"The leader explained that the new administration had been elected on a commitment to be more open and would be more outward looking".</p> <p>The new administration has been in office for over five months now.</p> <p>In order to deliver on their election commitment, what specific steps will the new administration take to change the secretive and inward-looking culture at the Council, the culture which they inherited when they took control in May 2019?</p>	Leader
<b>Response:</b> This administration is indeed committed to being open and outward looking, making as much information available as possible. There will be times when this may not be possible and in those circumstances an explanation will be given as to why this is the case. I am aware that the Audit and Governance Committee keeps a close eye on the effectiveness of our governance arrangements and the degree to which we are upholding the principles within our Code of Corporate Governance, and I very much welcome their support in ensuring that we continue to uphold these principles. If the motion before Council regarding a review of future governance models is passed, this will also be an opportunity to review whether our arrangements are best suited to achieve this end.			
PQ 12	Ms Sharp, Hereford	At the Southern Link Road Public Inquiry in November 2018 people were told that the farm land owned by Herefordshire Council needed to deliver the road scheme was given no value in the benefit cost ratio calculations prepared for the Department for Transport. Would the Cabinet member confirm if this accounting treatment for valuing Council owned land at zero value for major infrastructure projects is consistent with the way in which land is valued in the Council's annual accounts, particularly those for 2018/19?	Cabinet member infrastructure and transport
<b>Response:</b> The treatment of land values is consistent. The council does not pay itself for the land needed for the Southern Link Road scheme, which is in line with DfT requirements. As there is no cost associated with the land owned by the council required for the scheme it is not valued as part of the total land costs for the delivery of the scheme and does not form part of the scheme costs within the business case benefit cost ratio.			

The council's annual statement of accounts includes the value of the Council assets in each class, where a smallholding was retained as a smallholding it will be valued as EUV (existing use value) and reported within land and buildings. Where an asset is held for sale it will be valued at FV (fair value), each asset is reviewed annually and a valuation requested when needed dependent on the asset class.

PQ 13	Dr Lennane, Ross-on-Wye	<p>Active travel such as cycling improves the health of our population and reduces our carbon footprint. Cycling infrastructure within the city is improving, but travel to Hereford from market towns is still via fast roads which are dangerous for cyclists. We won't be able to encourage more people to cycle intermediate distances, such as Ross to Hereford, until we provide safe routes.</p> <p>Are there any plans to look at the feasibility of opening the old railway lines to make safe routes for cyclists? This would utilise existing, flat routes, facilitating access to active travel and benefiting tourism. While this is an ambitious project, it would create local employment and provide a transport system fit for the future. It would also be a much better use of transport infrastructure funds than the ecologically damaging Hereford bypass, proposed by the previous council.</p>	Cabinet member infrastructure and transport
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**Response:**  
Herefordshire Council has developed former railway lines in the county for walking and cycling schemes. We have invested in the Ledbury town trail, Hereford Great Western Way and the Ross-on-Wye town and country trail, all of which were former railway lines. The Hereford Greenway which opened in 2013 also utilised a former railway for part of its length.

This administration is keen to promote cycling and walking through infrastructure investment and the use of former railway lines for this purpose will be a focus for our assessments and plans. Giving people options to travel in different and more sustainable ways, whilst increasing healthier lifestyles and promoting tourism, is something we are determined to pursue.

PQ 14	Mr Geeson, Hereford	The Option Assessment Report dated November 2018 indicates that more land will be needed to deliver the redesign of the Southern Link Road and the bridge over the railway needs to be increased in height. What is the timescale of taking these amendments to another planning committee and public enquiry for the possible compulsory purchase of yet more land needed for road building?	Cabinet member infrastructure and transport
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**Response:**  
The SLR design has developed since the scheme gained planning consent in 2016. Some of these changes have already been considered and determined by the planning authority as supplementary planning matters and these can be viewed on the council's planning website. Other scheme design changes would be considered by planners should the scheme progress following the pause and review of the southern link road.

The SLR CPO inquiry was advised of the supplementary planning matters and the scheme design that had developed following planning consent in 2016. The report refers to these design developments but does not suggest more land outside of the planning redline boundary or CPO boundary for the scheme is required.

**Supplementary Question:**

When were these amendments considered by the Major Infrastructure Delivery Board and drawn to the attention of councillors?

**Cabinet Member Response:**

A written response will be provided.

*Response sent on 28 October:*

The detailed design of the SLR following the original planning consent in July 2016 has been undertaken and as is often the case the detailed design process has meant that some amendments have been made to the scheme for which planning consent was secured in 2016 and these amendments are required due a better understanding of the existing conditions and requirements of standards. The process is for these changes to be agreed with the Local Planning Authority.

It is not for the MIDB to confirm these changes – they are reported to Local Planning authority. Changes to the design of a scheme following planning consent as the detailed design of the scheme is progressed is not unusual. Some of the changes to the consented SLR scheme have already been approved by the LPA in a supplementary planning consent and others will be considered by planners if the scheme proceeds following the pause and review.

The CPO Inquiry was presented with the detail of the scheme design and the land required to deliver it. The scheme extents remain within the red line boundary of the original application and the compulsory purchase order and no additional land would be required so no further CPO will be required. However as set out above some changes to the design have already been approved by planners as part of a supplementary planning application process and others will be submitted to planners should the scheme proceed following the review of the scheme.

PQ 15	Mrs Steel, Hereford	<p>Two public questions about child sexual abuse were submitted to the Children and Young People Scrutiny Committee for their meeting on 16<sup>th</sup> September 2019. Both were initially rejected on the grounds they were defamatory, frivolous or offensive.</p> <p>Both questioners challenged the rejection; no explanation or justification for the ruling was offered and both questions were accepted. The written answers to both questions were identical, contained no substantive response and suggested that each question would be addressed at the committee meeting. Neither question was even discussed.</p> <p>In summary, the Council has so far not offered any attempt at a substantive response to two very serious questions about the welfare of child victims of sexual assault.</p> <p>Can the Council explain why the questions were initially rejected when neither was defamatory, frivolous or offensive, and/or give a substantive response to both questions now?</p>	Chairperson of the children and young people scrutiny committee
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**Response:**

The monitoring officer has advised me that questions are considered for acceptance by the monitoring officer in accordance with the constitution. The constitution provides that questions that could disclose confidential information or contain defamatory information can be rejected. On this occasion the questions were considered to be within this category but after further information being provided the monitoring officer reconsidered the questions and

accepted them. The responses to the published questions explained that the committee would be exploring the issues raised in the questions during its work programming agenda item. During the work programme item the committee agreed to establish a peer on peer abuse in schools spotlight review. The spotlight review would focus on the issue of peer on peer abuse in schools, as raised in the two questions, and respond to public concern of reports of its increasing incidence. Consistent with the criteria concerning the scope of public questions (paragraph 4.1.49 of the Council's constitution) the monitoring officer is authorised to reject a question if it requires the disclosure of confidential or exempt information or relates to an identifiable individual.

**Supplementary Question:**

There was concern about the process followed with respect to two questions to scrutiny and over the terms of reference for the spotlight review concerning peer on peer abuse in schools.

How long is it reasonable for the Council to delay taking action to protect children after being alerted to potential risk of harm?

**Response:**

**The cabinet member children and families:** We have a review into this and an additional review is taking place. There is a range of good practice being rolled out across the county's schools and sessions are being arranged at staff conferences.

**The Chairperson children and young people scrutiny committee:** The process followed in respect of the questions to scrutiny has been outlined in the response provided, both questioners had the right to ask a supplementary question but were not present at the meeting. The scoping document for the peer on peer abuse in schools spotlight review has been updated and will be brought back to the scrutiny committee in November for approval. The issues raised in the questions would be addressed during the spotlight review.

**Monitoring Officer:** A review has been undertaken which will be concluded shortly.

PQ 16	Mrs Morris, Hereford	In many other parts of the Country, councils have turned redundant railway lines into popular, safe cycle routes which are attractive not just for residents but for tourists and visitors. In the interests of sustainable economic growth; tourism; improving health and well and reducing car use, what plans does this Council have on turning Herefordshire's redundant rail tracks into cycle routes, particularly the route originally due to go from Hereford City out to Holme Lacy, being extended onto Ross-On-Wye?	Cabinet member infrastructure and transport
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**Response:**

I refer to the answer given to the question from Dr Lennane above and agree that such schemes could provide a very wide range of benefits.



## Agenda item no. 6 - Questions from members of the council

Question Number	Questioner	Question	Question to
MQ 1	Councillor Terry James, Kington	Bearing in mind that the current administration fought the last election on a policy of abolishing the Cabinet system and replacing it with a Committee structure and having been fully aware of the time scales necessary to introduce such changes, could he give us what progress have been made in this matter.	Leader
<p><b>Response:</b></p> <p>We have had discussions with the council's Monitoring Officer concerning the process for making a change. No change may be made without the approval of full Council. This seems correct to me – it would be wrong for a new administration to be able to make such a change without the support of full Council and following full consultation. There is a motion before Council today proposing a review of governance models to ensure that the pros and cons of all options are fully understood in order to inform a future decision of full Council. Some councils that have made a swift change have subsequently reverted to their former model and I hope that the motion makes clear that we would wish to take sufficient time to fully explore the issues, before determining the best model of governance to achieve our objectives of being open and enabling the engagement of all members in the decision making process. I hope that all members will join me both in supporting that motion, and contributing their views to any review that will follow if the motion is passed.</p> <p>That said, and pending the outcome of that work should the motion be passed, this administration is committed to increasing the engagement of all members of this council in the development of strategy and policy, and in our decision making. To this end we are developing further the relationship between the executive and scrutiny to encourage the involvement of all members in developing policy options for the future. Basic information about future decisions is already made available on the published forward plan and we will supplement that information through monthly briefings from the Cabinet to all members. All members of cabinet have been asked to consider the most appropriate way of consulting members about decisions they are taking. This will vary from decision to decision depending on the scope and likely impact of each decision. I would encourage all members to make the most of these opportunities, and I would welcome any other ideas members may have to improve engagement.</p>			
<p><b>Supplementary Question:</b></p> <p>The motion concerning governance models on the agenda proposed delaying any changes until October 2020. Has the delay resulted from the executive's experience of the cabinet system which they are now reluctant to lose?</p>			
<p><b>Leader's response:</b></p> <p>A proper constitutional process was required; any changes to the governance model would be a decision for full Council.</p>			

MQ 2	Councillor Bob Matthews, Credenhill	<p>It is my understanding that you personally strongly believe in openness and transparency, but at recent Cabinet meetings Scrutiny Chairpersons and Group Leaders have been strongly discouraged from asking questions in respect of issues being debated and decisions of Cabinet.</p> <p>It has always been the case that the Chairperson of ANY committee can use their discretion in allowing appropriate questioning to take place, and I am confident in saying that I believe the public would welcome this more democratic approach.</p> <p>I therefore ask that you assure members that in future you will allow up to two precise questions per agenda item at the meeting, from the above mentioned post- holders.</p> <p>Cllr Tony Johnson, when he was Leader, always allowed appropriate and reasonable questioning, and this approach was always greatly appreciated by members and the public generally.</p>	Leader
<p><b>Response:</b></p> <p>As you will appreciate, being new to the meetings' procedures of Herefordshire Council, I must rely on the provisions of the constitution and advice from the Monitoring Officer.</p> <p>I note that the constitution (para 4.4.11) says that the following rules regarding attendance and speaking at Cabinet meetings will apply:</p> <ul style="list-style-type: none"> <li>• where relevant to the agenda, the chairpersons of the scrutiny committees (or in their absence their vice chairpersons) have the right to attend cabinet meetings for the purpose of presenting any recommendations from their committee</li> <li>• group leaders have the right to attend cabinet meetings for the purpose of reporting the views of their group on any matter under consideration at the meeting.</li> </ul> <p>No provision is made under these rules for questions to be asked, and a further provision (para 4.4.17) makes clear that the meetings of the cabinet are to be used as a means of taking final soundings from those attending on an issue for decision rather than be the forum for detailed questioning or scrutiny of decisions being taken.</p> <p>I cannot comment on Councillor Johnson's practice when he was Leader, but given Councillor Lester's objection to my having allowed a question from you at a meeting of Cabinet, I would assume that he managed Cabinet meetings in accordance with these provisions.</p>			



In addition to the rights of attendance and speaking which are set out above, there is the option for any member to submit a question to Cabinet in the usual way, and the constitution provides for the views of political groups on key decisions to be captured at a point in time when they may effectively influence the decision. I very much welcome the views from political groups about matters being discussed at Cabinet; this administration also wishes to go further in engaging members in our decision-making, as I have outlined in my response to the question from Cllr James.

**Supplementary Question:**

The chairpersons of committees have the discretion to allow questions when appropriate, in the interests of openness and transparency will the Leader allow two questions for groups leaders under each item at cabinet?

**Leader's response:**

Currently the provisions of the constitution would be relied upon as summarised in the initial response. Any potential options for changes to the arrangements would be done in consultation with past Leaders.

MQ 3	Councillor William Wilding, Penyard	In light of the cabinet decision to commit to zero carbon by 2030 could you tell us if a 'climate champion' is to be appointed?	Leader
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**Response:**

Thank you for making this suggestion which would certainly be one way of raising the profile of this important issue. Our current thinking is that all cabinet portfolio holders should consider this issue as part of their portfolio, and to make a special appointment would detract from this holistic approach.

**Supplementary Question:**

Would you consider creating a climate emergency committee, as part of the climate action day on 21 October, to support cabinet members and put forward plans and actions?

**Leader's Response:**

The suggestion would be actively considered.

*Response sent on 25 October 2019:*

This suggestion is being actively considered, with a focus on ensuring there is broad input and support for plans, actions and policies brought forward by cabinet and council. We will advise in due course following consultation with the cabinet member.

MQ 4	Councillor Bernard Hunt, Newton Farm	GIVEN THAT - this council has a historically poor record of dealing with receipts of Planning Gain Section 106 monies AND THAT many agreements go back many years EG The Old Road ,Bromyard development [ ten years or more ] AND THAT a recent meeting of Mayors of all five market towns unanimously agreed that the current situation is unacceptable and deprives County residents of much needed local benefits - will the appropriate cabinet member undertake to investigate and circulate a report of the statistics involved, including recommendations of how to rectify this longstanding situation?	Cabinet member infrastructure and transport
<p><b>Response:</b></p> <p>I thank Cllr Hunt for his pertinent question and his continued interest in Bromyard in particular. For his reassurance, the council has processes in place to secure financial contributions from development sites for community infrastructure, to monitor those sites to ensure that monies are paid at the requisite point and to spend those monies in accordance with the terms of the section 106 agreement. The council is currently working with 31 parishes and wards, and numerous community groups and clubs to deliver projects for the benefit of communities.</p> <p>The council's section 106 process has been subject to audit by the South West Audit Partnership in 2016/17. Although this audit report found the service was generally working well, it did make a number of recommendations for further improvement, all of which have been undertaken. In addition, the council's section 106 process is routinely challenged at monthly performance team meetings.</p> <p>Since the appointment of the new administration, individual briefings have taken place with new members where the council is progressing with the spend of section 106 monies in their wards.</p> <p>In addition, the council will be arranging for training for all members to assist them in understanding the process.</p> <p>With regards to the section 106 monies for Old Road, Bromyard, referred to in the question these are committed in the Balfour Beatty Annual Plan at Annexe 4 for delivery of improvements in this location.</p>			
<p><b>Supplementary question:</b></p> <p>Can the cabinet member produce a ball park figure for the amount of monies currently being held in the system and the figure updated and circulated to members on an annual basis?</p>			
<p><b>Cabinet Member response:</b></p> <p>This was a fair and good request which the executive would seek to apply.</p>			
<p><i>Response sent on 28 October:</i></p>			

The following section 106 contributions are held on the council balance sheet as of 22 October 2019

Gain Type	
Recycling	£29,105.38
Waste	£66,498.82
Offsite Play/Open Space	£788,222.91
Sports	£298,360.25
Education	£2,384,389.84
Transport	£3,668,339.91
Libraries	£50,944.35
Monitoring	£6,331.38
CCTV	£28,144.00
Public Realm	£109,913.00
Primary Care - CCG	£40,554.00
Health Care - Wye Valley Trust	£121,668.14
Flood	£507,501.32
Public Art	£15,519.93
Biodiversity	£5,000.00
<b>Total</b>	<b>£8,120,493.23</b>

On 1<sup>st</sup> September 2019 the Community Infrastructure Levy Regulations 2010 (as amended) introduced a requirement for local authorities, who have received developer contributions, to publish an Infrastructure Funding Statement (IFS) at least annually.

The IFS should include the following data;

- Details of the development and site
- What infrastructure is to be provided including any information on affordable housing
- Any trigger points or deadline for contributions
- When developer contributions are received
- When contributions have been spent or transferred to other parties

For the financial year 2019/20 onwards the local authority must publish online an Infrastructure Funding Statement by 31 December 2020 and by 31 December each year thereafter. The council is working towards achieving this requirement.

In addition to the financial contributions, the Infrastructure Funding Statement should set out future spending priorities on infrastructure and affordable housing in line with up-to-date or emerging plan policies. Infrastructure funding statements should set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by planning obligations. This will not dictate how funds must be spent but will set out the local authority's intentions.

This should be in the form of a written narrative that demonstrates how developer contributions will be used to deliver relevant strategic policies in the plan, including any infrastructure projects or types of infrastructure that will be delivered, when, and where.

MQ 5	Councillor Christy Bolderson, Wormside	To support local authority Brexit preparations, a total of £77 million of funding has been made available by central government. I understand that no template has been provided to local councils to guide them in their preparations, however, key areas of focus should include (and not be limited to): all statutory and regulatory services which councils are responsible for; the impact on supply chains; data handling; Local Partnership Working; and communications. By outlining how the money has been used, can the responsible Cabinet member give assurance to the people of Herefordshire that this Council is fully prepared to exit the European Union?	Leader
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**Response:**

Herefordshire Council is as best placed as it can be for exit from the EU, given the information tools that it has been provided with and the current degree of knowledge about a planned exit. We have received £105k from government. This money has not been used for any day-to-day work- it will be focused, as and when needed, to support the residents of Herefordshire. Herefordshire Council has provided on our website as much information as we have available for the residents of Herefordshire. We continue to update this information as more becomes available. Over the next few days, we will be including a 'frequently asked questions' section on the website giving as much straight forward information as possible. The website will continue to point residents to the gov.uk website where more detailed information is available.

Herefordshire Council (as part of the Local Resilience Forum) is taking part in weekly Chief Officer (strategic level officers) teleconferences. Officers are working on a day-to-day basis with partner agencies and with those critical council services (such as social care and regulatory services) where an impact could be felt. Services are currently reporting to the Emergency Planning Team every

Thursday any impacts they are experiencing. To date, there has been nothing of significance reported. From Monday 21 October we will be required to report on a daily basis to MHCLG.

**Supplementary Question:**

Can you further outline the risk management process in place and the body responsible for scrutiny of the process for the brexit arrangements?

**Leader's response:**

*The chief executive provided the following response:*

A website was being developed to assist people with information about brexit. To manage risk the local resilience forum engaged the police and partners. The risk register of the council focused on risks to the council's services; the risks associated with brexit were most pronounced in organisations beyond the council. The issues raised in the supplementary question would be considered in compiling frequently asked questions about brexit to be uploaded on to the website.

MQ 6	Councillor Nigel Shaw, Bromyard Bringsty	This autumn has seen a further reduction in public transport services between Hereford and Worcester on the 420 route which have impacted my ward, Bringsty /Bromyard. The 2019/20 budget included an additional amount of £500k as capital support to the county's community transport organisations, to help them to renew their fleets with new, modern and energy efficient, fit for purpose vehicles. Six months on can the cabinet member advise how much of this investment has now been delivered to these vital bodies who help deliver a service to support the independence and well-being of our rural and market town communities?	Cabinet member infrastructure and transport
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**Response:**

The 420 bus service is a service operated commercially by First Group between Worcester and Bromyard on weekdays. First Group recently notified us of their intention to withdraw the service as of 14<sup>th</sup> October. We are working with Worcestershire County Council to see how we can maintain the service in the short term and further work will be carried out by the two councils to determine the options for the service long term.

Council authorised an amendment to the 2019/20 budget which allocated an additional £500k to passenger transport services, £225k of this was allocated to public bus services to offset a planned savings target in the year, and a further £275k was allocated to fund a grant scheme for Community Transport operators to purchase new vehicles. A decision to commit this funding has yet to be taken and will need to be considered in the context of the overall budget position for public transport to ensure we protect essential services.

**Supplementary Question:**

Is the administration intending to use monies that Council intended for Community Transport to pay for uncontrolled spending in other areas of the transport portfolio?			
<p><b>Cabinet Member's Response:</b> A response to points raised would be provided in writing.</p> <p><i>Response sent on 28 October:</i></p> <p>No decision has been taken on the re-allocation of the one off funding allocated for community transport vehicle grant.</p> <p>Funding support for community transport has been maintained and the 2019/202 budget has been allocated to the schemes to continue to support their activities and the important work they undertake coordinating volunteer drivers and a decision will be taken shortly which confirms how the additional one off grant of £275,000 will be allocated.</p>			
MQ 7	Councillor Roger Phillips, Arrow	When was the new surfacing on B4349 at Dunan corner laid?	Cabinet member infrastructure and transport
<p><b>Response:</b> The high friction surfacing scheme (anti-skid) at Dunan corner, also known as McIntyre's corner, was laid on the 23<sup>rd</sup> and the 24<sup>th</sup> of September 2019 in accordance with this year's Annual Plan. As part of the review of locations there were 3 sites identified as needing resurfacing with High Friction Surfacing (anti – skid), these are previously treated accident sites. The locations are; A4113 Brampton Bryan, B4349 Dunan Corner/McIntyre's Bend and A449/ B4224 Old Gore crossroads. The original treatment at Dunan Corner/McIntyre's Bend, which was implemented in 2002, following a number of collisions which included a fatality, has performed well with the original treatment lasting over 17 years.</p>			
<p><b>Supplementary Question:</b> Does the work to replace the high friction surface indicate that a decision has been made to not proceed with the bypass?</p>			
<p><b>Cabinet Member's Response:</b> The location where the work was undertaken lies outside the area allocated for the bypass. Three areas had recently had anti-skid high friction surfacing replaced.</p>			
MQ 8	Councillor John Hardwick, Backbury	Thank you for honouring the pledge made within some member's election manifestos in connection with the SWTP and HTP. Would Cllr Harrington	Cabinet member infrastructure and transport

		care to provide the Council with an update on his decision and the next steps?	
<b>Response:</b> I refer to the answer given to Mrs Protherough's question above.			
<b>Supplementary Question:</b> We await the response to the scrutiny committee, will the cabinet member also be scoping out other ways of reducing congestion and promoting choice in regards of transport in the city and county.			
<b>Cabinet Member's Response:</b> The recommendations of scrutiny had been considered and all had been accepted. Methods to reduce congestions would be investigated; the SWTP and HTP were not schemes to relieve congestion but they will be reviewed to see if they unlock land or create jobs. Statistics show that 56% of people in Hereford travel less than two mile by car and in order to address this improvement are required to cycling and bus infrastructure. Travel to school arrangements also need to be addressed and the viability of an Eastern river crossing would be investigated which, it had been indicated, would reduction traffic on A49 by 29%. Proposals to remove traffic lights that hindered traffic flow were also being considered and meetings were arranged with Highways England. Congestion needed to be relieved but in the context of the climate emergency.			

