

## **MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford on Friday 24 July 2009 at 10.30 am**

**Present:** Councillor J Stone (Chairman)  
Councillor JB Williams (Vice Chairman)

Councillors: PA Andrews, LO Barnett, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, ACR Chappell, ME Cooper, PGH Cutter, GFM Dawe, BA Durkin, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, MAF Hubbard, B Hunt, RC Hunt, TW Hunt, JA Hyde, TM James, JG Jarvis, Brig P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, PD Price, SJ Robertson, A Seldon, RH Smith, RV Stockton, JK Swinburne, AP Taylor, AM Toon, NL Vaughan, PJ Watts, DB Wilcox and JD Woodward

### **26. PRAYERS**

The Very Reverend Michael Tavinor, Dean of Hereford, led the Council in prayer.

### **27. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors WU Attfield, DJ Benjamin, SPA Daniels, H Davies, P McCaull, DC Taylor and WJ Walling.

### **28. DECLARATIONS OF INTEREST**

There were no declarations of interest.

Councillor JK Swinburne advised Council that her name had been omitted from the Council membership list on the agenda and confirmed that she continued to be a Councillor.

### **29. MINUTES**

The minutes of the Annual Meeting held on 22 May 2009 were approved as an accurate record.

The minutes of the Extraordinary Meeting held on 12 June 2009 were approved as an accurate record.

### **30. CHAIRMAN'S ANNOUNCEMENTS**

On behalf of Council, the Chairman wished Councillor H Davies well as she was soon to receive hospital treatment.

The Chairman informed Council that Herefordshire had received two Royal Visits recently. The Princess Royal toured the Ryefield Centre in Ross-on-Wye and Princess Alexandra visited St Michael's Hospice and the Flower Festival at Lyde Arundel as part of St Michael's Hospice's 25<sup>th</sup> Anniversary celebrations. The Chairman emphasised the wonderful and dedicated work that took place in the Hospice and commended the Cabinet Member Social Care Adults, Councillor LO Barnett for the tremendous support she had provided to St Michael's Hospice during its 25 years.

The Parade by 1<sup>st</sup> The Queen's Dragoon Guards and by B Company 1<sup>st</sup> Battalion, The Rifles in Hereford held on 14 July proved particularly significant with the loss of Rifleman William Aldridge from Bredenbury and four of his fellow Riflemen in Afghanistan only a few days before. A minute's silence was held at Castle Green for William Aldridge and his colleagues and on behalf of the Council the Chairman expressed sympathy to Rifleman Aldridge's family and friends. The Chairman thanked the Dean for remembering Rifleman Aldridge in the Council's opening prayers. The Chairman stated that support for our troops as they marched through Hereford from demanding tours of duty in Iraq and Afghanistan was heartening. The Chairman also recently attended a reception for The Rifles in Coleford in the Forest of Dean.

The Chairman encouraged Members to attend his reception at the Three Choirs Festival on Sunday 9 August at the Bishop's Palace. He stated that Members were looking forward to the Three Choirs Festival which brought great pleasure to the people of Hereford and was good for tourism and the local economy.

Referring to the "No Prejudice in Herefordshire" Motion that was carried unanimously at the Annual Meeting, the Chairman informed Councillors that they would be invited to a Multi-Faith event at Holmer CE Primary School on Monday 19 October and observe workshops for primary school children, run by members of four faith communities, and to take part in a discussion with faith community members. The Chairman of SACRE would send invitations to the event to Councillors shortly.

The Chairman highlighted the success of skate parks in both Hereford and Ledbury, and the opening of a park within Beaumont Gardens. He welcomed such facilities for young people in Herefordshire.

### **31. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 1 - 10)**

Copies of all public questions, received by the deadline, with the written answers were distributed prior to the commencement of the meeting. The Chairman advised Members that in line with the Council's agreed process, each Member of the Public who had lodged a written question was permitted to ask one supplementary question, should they so wish. Mr Lee, Mr Clay, Ms Evans, Mr McKay and Ms Roberts asked supplementary questions. A copy of the public questions and written answers together with the supplementary questions and answers are attached as to these minutes.

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

#### **Question from Councillor AT Oliver to the Cabinet Member Economic Development & Community Services**

If the new retail market goes ahead the Council has undertaken to review it after 12 months.

*1.1 What criteria is the Council going to use to judge success. Is success for the new market traders to have traded profitably in the 12 months, or is success to have increased total footfall in Hereford's city centre?*

*1.1.2 What appraisal has been done by the economic regeneration department about projected turnover from 25 market stalls, trading twice a week, and how much of this turnover will be replacement spending from existing shops?*

**Answer from Councillor AJM Blackshaw Cabinet Member Economic Development & Community Services**

1.1 Judging success of market:

- a) Occupancy and retention rates of stalls will assess trader success.
- b) Monthly monitoring of the number of empty retail outlets in Commercial Street (though it is pertinent to note that a range of other factors could also influence this figure).
- c) Permanent installation of 'footfall' counters in the Buttermarket to ascertain Wednesday and Saturday figures in comparison to other trading days. This will assist in illustrating the contribution that the presence of the Retail Market will have on footfall there.
- d) Assessment of feedback to monthly 'Monitoring Panel' from shops/organisations/residents in vicinity of the Market.
- e) Questionnaire to shops at 'd' above in January 2010 requesting specific feedback on their individual footfall and turnover etc.
- f) Monitoring of Car Park occupancy in the vicinity of Commercial Street.
- g) Public consultation exercise planned for December 2009.
- h) Submission to Cabinet Member in Spring 2010 of the Retail Impact Study containing information in a. to f. above.

1.1.2 An appraisal of the projected financial turnover from the market stalls themselves cannot be accurately obtained. However in the creation of the Retail Market, avoidance of duplication with shops has been considered where possible. If there is duplication then there is at least a 10 metre distance between the shop and the stall. The Market should increase shopper footfall so theoretically more money to go around. Hopefully the shop retail offer can reciprocate support to the Market. It is impossible to quantify the amount of spend diverted from shops, but it is envisaged footfall increasing in the area, thus benefiting retail outlets. This has been seen at other locations around the Country e.g. at Nuneaton and Middleton.

**Question from Councillor AT Oliver to the Cabinet Member Corporate & Customer Services & Human Resources**

1.2 *What was the total cost of salaries paid by the Council in the year to 31 March 2009, and what was the total number of employees at that date (non-school and schools)? Please break down the information between each of the Council's directorates.*

1.2.1 *What was the combined total cost of all basic salaries paid to the former Chief Executive and Directors of the Council in the twelve months prior to the appointment of the current Chief Executive, Chris Bull?*

1.2.2 *What is the total cost of the Herefordshire Connects Programme from its inception to 31 March 2009, broken down between items charged to capital and revenue costs?*

1.2.3 *What emergency planning is in place if we were to have a major outbreak of Swine Flu in the winter months and how might our schools and Council departments be affected?*

**Answer from Councillor JP French Cabinet Member Corporate & Customer Services & Human Resources**

1.2 The total cost of salaries by directorate:

Number of Employees	Directorate	Total Pay £
383	Adult Social Care	6,411,200.78
9	Chief Executive	676,086.78
3,897	Children and Young People	69,226,169.49
251	Deputy Chief Executive	5,162,019.23
59	Assistant Chief Executive Human Resources	980,462.82
65	Assistant Chief Executive Legal and Democratic	1,451,984.03
417	Environment and Culture	7,547,626.03
246	Regeneration	5,329,657.90
244	Resources	4,572,077.74
Total		101,357,284.80

1.2.1 The combined total cost of salaries for Chief Executive and Directors for 2006/07: £679,651.50

**Answer from Councillor PD Price Cabinet Member ICT Education and Achievement**

1.2.2 The information is being collated and will be provided to Councillor Oliver shortly.

**Answer from Councillor JP French Cabinet Member Corporate & Customer Services & Human Resources**

1.2.3 The Joint Emergency Planning Unit have a detailed plan in support of individual service plans to deal with any Swine Flu outbreak. It is impossible to predict the implications on schools or other Council services with any certainty. The plans will ensure that the critical services are prioritised and that the well being and safety of Herefordshire residents is paramount. We will of course follow current and future guidance issued by Central Government and Associated Agents.

**Question from Councillor JD Woodward to the Cabinet Member Highways and Transportation**

- 2.1 *The Flood Recorder on the River Wye is not working and has not done so for approximately 6 months. It was the responsibility of the Environment Agency but now is the responsibility of Herefordshire Council. It is a vital piece of equipment for the residents especially in Greyfriars Ave and Wye Terrace in the protection of their properties, when can we expect it to be in full working order.*

**Answer from Councillor DB Wilcox Cabinet Member Highways and Transportations**

- 2.1 Although historically this service was the only source of information available, the gauge to which Councillor Woodward refers is now of limited use as it only tells those who call it the current river level at the Old Wye Bridge, Hereford. In addition it has frequently been unobtainable to many callers during times of flood given its low call capacity.

The Council recommends that local residents use the Environment Agency's Flood line which provides information on both current and predicted levels and the timing of the peak flood; this information is of far greater value to all in their response to flood.

A flood warning service is also available, through the Flood line (Tel: 0845 9881188 or via the link on the Council's website). Through this service residents will receive flood warnings, which are accurate and should be regarded as a trigger for action.

**Question from Councillor MD Lloyd-Hayes to the Cabinet Member Resources**

- 3.1 *The Auctioneers on the Cattle Market entered into a 25 year agreement to operate on the new proposed cattle market site. In which year was this agreement made and signed?*

**Answer from Councillor H Bramer Cabinet Member Resources**

- 3.1 The decision to authorise the then Head of Property Services to conclude terms with the Hereford Market Auctioneers was taken on the 23 April 2003 and, following negotiations, the agreement was completed on 28 April 2004.

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

Councillor GFM Dawe moved urgency to suspend standing orders in line with para 4.22 and 4.17 of the constitution, in order for Council to consider holding a special meeting of the Council to discuss the implications of announcement to delay the construction of an outer distributor road. Seconded by Councillor MD Lloyd Hayes.

A vote was taken to suspend standing orders. The motion was not carried.

The Leader advised Council that the announcement by Government regarding the outer distributor road was an important issue for the county and city and it should be discussed at the next Council meeting on 13 November 2009.

**34. A NEW CONSTITUTION FOR HEREFORDSHIRE COUNCIL - TIMETABLE AND PROCESS**

The Cabinet Member Corporate, Customer Services and Human Resources, Councillor JP French, presented the report and moved the recommendations. The Cabinet Member underlined the importance for Members to be provided the opportunity to consider and be briefed on the revised constitution. Whilst it had been recognised that the current constitution required revision, it was the view of the cross party Constitutional Review Working Group that work be progressed during the summer and autumn for final consideration at the Council meeting on 13 November.

In seconding the recommendations, the Leader of the Liberal Democrat Group, Councillor TM James endorsed the approach outlined in the report.

Several members articulated support to the report's recommendations and expressed the wish that the constitution be updated to provide clarity of language for the benefit of all, including the public. The view was also expressed and supported that the scope for ambiguity to be removed from a revised constitution.

**It was agreed unanimously THAT Council:**

- (a) requests that the Monitoring Officer in consultation with the Constitutional Review Working Group develops a new Constitution for Herefordshire Council in accordance with the brief (Appendix 1), process and timetable (Appendix 2) outlined in this report;**
- (b) requests the Monitoring Officer and the Constitutional Review Working Group consider the constitutional areas set out in Appendix 3 and have regard to the impact of the work set out in Appendix 4 and any imminent or pending legislative or other changes;**
- (c) requests that the Monitoring Officer present a report and new Constitution for consideration and agreement by the Council at its next meeting**

### **35. PROPOSED CHANGES TO THE DELIVERY OF PLANNING SERVICES IN HEREFORDSHIRE**

The Cabinet Member Environment and Strategic Housing, Councillor JG Jarvis, presented the report and advised Members that the Council should consider improving and innovating its planning system, as not doing so could negatively impact on the Council's reputation, open the processes to challenge and could affect the forthcoming CAA inspection regime.

Councillor JG Jarvis stated that the development industry, applicants and agents had received the opportunity to feed into the process. The Audit Commission report emphasised the need for the Council to upgrade its practices to best enable the facilitation of appropriate development in general and specifically the Growth Point initiative. Members were advised of the options for their consideration, the detail for which were outlined within the report; it was however emphasised that retaining the status quo was not an option, as this would not improve the effectiveness and efficiency of the planning system nor end the confusion of the current system.

The Cabinet Member Environment and Strategic Housing informed Members that he recommended Option 1 for Council's agreement, as a single Committee of 19 well trained councillors. This approach would allow a re-modelling of the whole service to reflect best practice. He highlighted the role of Members within the proposed planning

system and emphasised their important role as community leaders and their engagement with those involved in the application process. Acting as advocates, all ward members would be able to debate, discuss and would be free to get involved when an application in their ward was being considered. Members would be expected to ensure local views were expressed in discussions with officers in order that decisions could be made as to whether or not to call in the application or deal with it under delegated powers. Ward members would also be responsible for discussing with local parish and town councils potential 106 agreements and to liaise with the 106 officer and case officer. Councillor JG Jarvis advised Council that the rights of ward members at planning meetings would include opening the debate, making short closing remarks, and with the discretion of the chairman being involved in the debate, though Members would leave the chamber for the vote.

Members were informed of the call in process proposed and Councillor J Jarvis stated that local members would have an early discussion with the case officer on planning applications within their ward. In considering whether an application is called in Members would need to give sound planning reasons, however in addition to the current system, sensitivity would become a reason for call in. This major concession was totally dependant on the local knowledge of the ward member.

Councillor JG Jarvis stated that the current referral system was flawed and would be disposed of within the proposed Option 1. However should Members vote against the recommendation of officers, a mechanism would provide for the Head of Service to bring the item back to the next Planning Committee meeting with three reports (as outlined in the report) which would cut down on the appeal application and the cost and officer time involved. It will also demonstrate professionalism to the public.

Councillor JG Jarvis outlined how the proposed change would affect members of the public, which included providing clarity in the way in which we deal with applications, no confusion if members vote against officer recommendation, members of the public would be able in those circumstances to make amendments to satisfy the committee, the applicant could expect an answer from their ward member on their view and what support they could expect, applicants might in certain circumstances change their applications to satisfy members' concerns to allow an application to go through. Councillor RJ Phillips seconded the recommendations and reserved the right to speak later in the debate.

Councillor B Hunt moved two amendments to recommendation (a) as follows:

- (i) delete the word 'single' and replace with 'strategic'.
- (ii) Add to the end of the final sentence 'that all Councillors be appointed to one of two area planning committees on an appropriate geographic basis'.

Seconded by RI Matthews who reserved the right to speak later in the debate.

Following advice from the Assistant Chief Executive Legal and Democratic Services, regarding provisions relating to suspension of political proportionality, amendment (ii) was altered to read 'that all Councillors be appointed to one of three area planning committees'.

Councillor B Hunt advised Council that, whilst he welcomed the majority of the report, the proposed changes had a direct negative impact on democracy, a cost he was unwilling to support as he stated that the removal of the majority of Members from Planning Committee deliberations was to the detriment of the authority. He raised concerns regarding the unsubstantiated comments made within the Audit Commission's report and questioned the need to tamper with the existing committee system. In emphasising the view that any revised planning system needed to meet local needs and circumstances he stressed the expectation of the public in their local Councillor having a

vote on planning issues. Councillor B Hunt supported the view that the current referral system would discontinue.

Councillor MJ Fishley requested to know what the consequences would be of not actioning the Audit Commission's recommendations.

Councillor PJ Edwards requested of the Chairman that consideration be given to Members speaking more than once in the debate in order to allow new issues pertinent to the discussion to be aired. Councillor PJ Edwards additionally asked that, should a single committee be agreed in principle, that Council considered suspending political proportionality (as with Regulatory Committee and Strategic Monitoring Committee) as this would demonstrate the importance of democracy.

From her personal experience with the Audit Commission, Councillor AM Toon urged Council not to act too rashly and raised concerns regarding the possibility of changing the right of response process and questioned the fairness and transparency of a new system as it would change the responsibility of local members. Councillor AM Toon additionally stated that a new planning committee system would see an increase in the cost of site visits. The point was also raised that the current system supports the deliberations of complex planning matters e.g the recent application concerning the proposed development of 50+ houses on the former SAS site; whilst this application was opposed in Central Planning Committee (in applying the principles of the UDP), it was expected that in onward referral to main Planning Committee this decision could be overturned.

Councillor MD Lloyd Hayes emphasised that Councillors were elected to represent the public and those who did not have a vote on planning issues would be denied the opportunity to represent their constituents fully. In supporting the amendment, Councillor Lloyd Hayes drew attention to the current political representation of the area Planning Committees and expressed concern that major planning issues may be agreed at a single planning committee, decisions which may be opposed to the wider public opinion.

Councillor PA Andrews advised Council that whilst undertaking the Planning Services Scrutiny Review, no figures had been made available to assess the potential cost savings of a revised planning system. Councillor Andrews supported the concerns raised regarding the views of the Audit Committee and stated that political proportionality should not be required within a new planning committee structure.

Councillor RI Matthews, in seconding the motion advised Members that the recently published LGA guidance document 'Probity in Planning' stated that; *'the intention of the guidance is not to suggest that there is one best way of doing things. Local circumstances may well provide good reasons for local variations of policy and practice'*. Councillor Matthews informed Council that the new Shropshire Unitary Council, comparable in its rural geographical nature to Herefordshire, had established three area planning committees. He expressed concern that the Audit Commission report lacked an understanding of rural authority issues and that the report's recommendation went against current Government guidelines which sought to deliver more power to the locality through parish councils and ward members. On this basis, Councillor Matthews stated that any revised planning committee, other than that based on the amendment, was diluting democracy and could prove to be costly due to the likelihood of an increase in site visits required and which could be overturned in a future administration.

Councillor PM Morgan echoed the comments made regarding lack of information on supposed to efficiencies and cost reductions. However, should cost savings be delivered and the planning system improved, it would be to the benefit of both the Council and the public.



Councillor TM James informed the Council that he took exception to the comments of the Audit Commission that referred to Councillors as being too 'parochial', when government policy focussed on the 'localism' agenda. Reference within the Audit Commission report on the cost of appeals related to UDP costs. Councillor TM James was of the view that the planning system should not be a process of ticking boxes and should a single planning system be agreed, he considered it to be an undemocratic option which would deliver centralist policy and politicise planning unnecessarily merely to satisfy a non democratic quango. Councillor TM James commented that issues of the relationship between Members and Officers, and Officers and the public needed to be considered and be more constructive. He stated that as the sole Liberal Democrat Member on the Northern Area Planning Committee he worked with fellow members to determine decisions, and as such the current planning arena was an area within which all political groups worked together well and went on to say that it should be recognised that Council would at times make wrong decisions. Councillor James stated that as a general election would be called in the forthcoming months, dramatic changes would be expected in National Government which would directly impact on local government.

Councillor SJ Robertson, speaking in support of the amendment to retain three committees, stated that she wished to protect her vote on an area planning committee and expressed the view that Members on a single planning committee would have difficulty in forming a view on applications outside their area, and as such the number of site visits would increase. Councillor Robertson emphasised the importance of relevant training for all members as all Councillors would need to be kept updated on planning issues. Councillor Robertson supported the removal of the referral process.

Speaking in support of the amendment, Councillor A Seldon expressed concern that Councillors' planning role was being removed as he stated that the electorate considered this function to be important.

Councillor JD Woodward spoke in support of the amendment and stated that the retention of three area planning committees was vital as they were representative of the areas under consideration and emphasised the importance of the Members' vote, although was in agreement that the referral system should be stopped. Concern was expressed by Councillor Woodward that local ward members' views could be ignored within the proposed single planning committee system and that planning decisions could be made by those who were unfamiliar with the localities. She raised additional concerns that the current planning committee was not reflective of the county as it did not include representation from one of the Market Towns (Leominster) and a letter from a concerned Leominster organisation was read out to that effect.

Councillor JP French acknowledged the comments raised in debate regarding the Audit Commission report, however she emphasised that the debate on the need for a revised planning system had matured and that a new style system would enable members to be less constrained in their involvement in planning issues than as currently allowed. A revised system would provide Members with the ability to attend and listen to discussion. Training would need to be an integral part of supporting a new system as ward members would need to use planning reasons for call in processes. Councillor French emphasised that efficiency savings would need to be identified and delivered, however the delivery of a streamlined system was not about delivering service cuts or diminishing the democratic role. The concerns raised in the letter was acknowledged. She stated that having one committee and clarifying the role of the ward representatives would prove effective and emphasised that it was right that local members would not have a vote with applications in their wards and it was the role of Members to articulate their views together with the community's and make representation to the committee. Councillor JP French stated that she had come to the conclusion that a single committee was the way forward and would be supporting Option 1.

Councillor JK Swinburne stated that there was a perception that retaining the status quo would be beneficial as it delivered locally determined decisions as opposed to a centralist approach. However, should the system be changed, reassurance was required that strong mechanisms would be in place for all members to air their views and that these views should be acted upon appropriately. Member briefings on any new system was key to providing clarity and assurance in the process.

Councillor PJ Edwards expressed his support for a single planning committee as it provided more freedom for local members to fully represent their communities. He expressed the view that some issues would need to be resolved e.g hearing process, and he stated that further consideration needed to be given to this as the current proposal seemed to replace the referral system with another.

In his closing remarks as the proposer of the amendment, Councillor B Hunt urged members to maintain Herefordshire's democratic image by voting for the amendment. He emphasised that whilst he agreed in principle with the main points of the report, and acknowledged the Cabinet Members consultation with political groups, he considered retaining three area planning committees of paramount importance.

A named vote was taken on the amendment, which was lost.

In moving the debate to consider the recommendations as outlined in the report, Councillor RJ Phillips underlined planning's quasi judicial function and its relationship with the legal process. He highlighted that is was usual practice in many local authorities not to have all members represented in the planning committee system. Councillor RJ Phillips stated that further detail would be discussed within the cross party Constitutional Review Working Group. It was his view that the role of the local member be reconfigured in order that they be invited to contribute both at the opening and closing stages of the debate; as this would better inform the planning committee of all relevant local issues. Councillor Phillips stated that the planning system needed to be clear and transparent to the public and to applicants and emphasised that training would not to be limited to 19 members as all members must fully understand the quasi-judicial role and system of planning.

Councillor RV Stockton welcomed the change in the focus of relationship between elected members and planning officers, but stated that this aspect needed to be carefully considered in order that Members were assured that it was effective in practice.

Councillor KS Guthrie sought clarification on the role of the ward member in relation to a single planning committee.

Councillor RH Smith stated that he deeply regretted the shortcomings of the Audit Commission's report and viewed its assertions as questionable. He stated that given that increased delegation was implicit within the proposal, he sought assurance that ward members would be advised by officers if an application would be delegated in order that the call in process could be considered. Subject to these views, Councillor RH Smith informed Council that he would support the proposal.

Councillor ACR Chappell announced his support of a single planning committee but requested that the proposed size be reconsidered. He expressed the view that consideration needed to be given to the relationship between multi member wards and the planning committee as the opening and closing contributions of up to three members (possibly of differing political parties) per application could prove lengthy. Councillor Chappell welcomed the ability that the proposed system would provide for him to make representations on behalf of his ward and stated that such planning systems were being established across the country

Councillor RC Hunt welcomed the proposal and specifically the fact that local members could take part in the debate. He stated that the public on some occasions considered Members to be disinterested in their issues due to current constraints. Councillor RC Hunt noted the views articulated from the letter in respect of Leominster and stated that he was aware of them. In light of this, he expressed the view that issues relating to representation be considered within the membership of the planning committee. Additional consideration would need to be given on the frequency of meetings.

Responding to the comment regarding multi member wards, Councillor DB Wilcox stated that, regardless of political make up, members worked well for the benefit of their residents. He welcomed the opportunity the proposed system would have to increase ward members contribution and represent their electorate and stated that he would support Option 1.

Councillor MAF Hubbard stated that the rationale behind establishing a single committee in order to deliver savings and clarity was acknowledged, but sought assurance that the full experience of members would be considered when representation was determined. Councillor MAF Hubbard proposed an amendment to recommendation (a) which he considered would address these concerns and ensure that a breadth of experience was brought to the table:

‘... and that the membership of the Planning Committee is carefully negotiated to ensure geographical representation of Hereford City, all our Market Towns and rural areas under a nem com rule which would enable Council to suspend political proportionality’.

Councillor MAF Hubbard stated that this would provide a democratic balance which could otherwise be viewed as a deficit e.g. representation of City, Market Towns and rural areas. He expressed his support to a single system.

The motion was seconded by Councillor PJ Edwards.

Councillor JP French suggested that this issue be considered by the Constitutional Review Working Group. This view was supported by Councillor TM James and he stated that there were related issues, such as political proportionality which would need to be considered as a whole.

Councillor JK Swinburne left the meeting.

The Assistant Chief Executive Legal and Democratic provided advice that this issue would be appropriate to be considered for further discussion at the Constitutional Review Working Group. On a technical legal point, and for accuracy the wording of the amendment was changed to include ‘subject to the nem com rules on suspension of proportionality being adhered to’. Councillor Hubbard agreed to amend the wording of the amendment to; ‘that membership of the Planning Committee be carefully negotiated to include geographical representation as best can, in line with political proportionality’.

Responding to the questions raised during debate, the Cabinet Member for Environment and Strategic Housing stated that ward members would be informed of planning applications and that provision of call in would be made available subject to meeting the relevant criteria. He supported the opportunity for CRWG to consider the issue of geographical representation of Planning Committee membership, which would remain politically proportionate in line with the current Planning Committee (as they both consisted of 19 members). Assurance was given that appropriate training would be provided to Members.

Members were requested to consider the recommendation (a) of the report 'The Council agrees Option 1 as set out in the report, namely to establish a single Planning Committee (19 Members)' and advice given that should Council agree in principle to the following amendment, the detail could be considered at a later date 'that membership of the Planning Committee be carefully negotiated to include geographical representation as best can, in line with political proportionality'.

A vote was taken on the recommendation and motion which was carried.

**RESOLVED That Council agreed in principle:**

- (a) The Council agreed Option 1 as set out in the report, namely to establish a single Planning Committee (19 Members)**
- (b) agreed the revisions to the scheme of delegation to officers;**
- (c) noted the proposed changes to the role of members in the planning process;**
- (d) agreed the revised arrangements for handling planning applications proposed to be determined contrary to officer recommendation; and**
- (e) authorised the Monitoring Officer and the Constitutional Review Working Group to reflect these changes in future revisions to the Constitution.**

Councillors Greenow and Durkin left the meeting

**36. CABINET**

The Leader of the Council, Councillor RJ Phillips, presented the report of the meetings of Cabinet held on 4 and 25 June 2009.

Responding to comments raised by Councillor WLS Bowen regarding the Council's performance in communicating and responding to the public, the Leader requested that any examples of unsatisfactory response times be provided to the Chief Executive or Councillor JP French, Cabinet Member Corporate, Customer Services and Human Resources. Councillor JP French underlined the importance of good communications with the public and stated that the authority should strive for decent performance at all times. The Chief Executive would be requested to raise these issues with the Joint Management Team. Councillor RH Smith requested that it be recorded that he was awaiting the resolution of a long-standing issue which was currently being considered by the Deputy Chief Executive.

Referring to the item on ESG Retail Quarter Development Agreement (pg 59 para 7.2.1), Councillor MD Lloyd Hayes expressed concern that the Council was bringing disrepute on the county and Hereford city as the decision of the Cabinet to endorse the signing of the Development Agreement was far removed from public opinion.

Responding to a question raised by Councillor AM Toon regarding the Procurement Strategy (pg 60, para 11.3) and the suggestion that a seminar be held for small and medium sized local businesses, the Cabinet Member Resources, Councillor H Bramer advised Council that such seminars had been held and assured Members that additional briefings for local businesses were being held.

**RESOLVED: That the report from the meetings of Cabinet held on 4 and 25 June 2009 be received.**

### **37. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN 'SAVED' POLICIES**

The Cabinet Member Environment and Strategic Housing, Councillor JG Jarvis presented the report to Council. Councillor JG Jarvis advised Council that the proposed list of policies to be saved had been assessed against six criteria. The issues under consideration had previously been discussed at the Planning Committee and endorsed for Council's approval by Cabinet.

Councillor GFM Dawe objected to the saving of UDP policy T9 'Road Freight' on the basis that this policy would include the outer distributor road which was not now expected until 2014.

#### **RESOLVED THAT:**

- a) **Council approve those policies and proposals within the Herefordshire Unitary Development Plan that the Council wish to be saved as set out in Appendix 1 and those not to be saved as set out in Appendix 2 beyond the expiry of the three-year saved period; and**
- b) **The Secretary of State's agreement be sought to issue a direction to this effect.**

### **38. PLANNING COMMITTEE**

Councillor TW Hunt presented the report of the meeting of the Planning Committee held on 15 May and 3 July 2009. Members were referred to page 76 para 2(c) and advised that the word 'staircase' should be added to the end of the final sentence.

Responding to a comment raised by Councillor AM Toon regarding the lack of numbers of appeals around delegated authority, Councillor TW Hunt stated that this matter was currently being looked into.

**RESOLVED: That the report of the meetings of the Planning Committee held on 15 May and 3 July 2009 be received.**

### **39. STANDARDS COMMITTEE**

Mr David Stevens presented the report of the meeting of the Standards Committee held on 10 July 2009.

**RESOLVED: That the report of the meeting of the Standards Committee held on 10 July 2009 be received.**

**That Council approved the appointment of Councillors Mary Morris and Nicky Carless as alternative parish and town council representatives, and Councillors JE Pemberton and AE Gray as alternative local authority representatives of the Standards Committee, to substitute for corresponding Standards Committee members when required.**

### **40. STRATEGIC MONITORING COMMITTEE**

Councillor PJ Edwards presented the report of the meeting of the Strategic Monitoring Committee held on 15 July 2009.

**RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 15 July 2009 be received.**

**41. REGULATORY COMMITTEE**

Councillor Brig P Jones CBE presented the report of the meetings of the Regulatory Committee held on 9 June and 14 July 2009.

**RESOLVED: That the report of the meetings of the Regulatory Committee held on 9 June and 14 July be received.**

**42. AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

Councillor ACR Chappell presented the report of the meeting of the Audit and Corporate Governance Committee held on 19 June 2009.

**RESOLVED: That the report of the meeting of the Audit and Corporate Governance Committee held on 19 June 2009 be received.**

**43. WEST MERCIA POLICE AUTHORITY**

Councillor B Hunt presented the report of the West Mercia Police Authority held on 5 May 2009. Members were advised that as part of the Planning Process 2010/2011 a stakeholder consultation evening would be held in Hereford during January 2010. Members' attention was also drawn to the launch of a new logo and motto 'Serving, Protecting and Making a Difference' and to the new structure which would be centred around five key panels.

Responding to comments from members, Councillors B Hunt and RH Smith advised that they would provide feedback to the Police Authority regarding their use of such language as 'stakeholder consultation event' and would encourage the use of more relevant language e.g. public meetings.

Members were advised that West Mercia Police was rated in the country's top three constabularies.

Referring to a specific question regarding bail raised by Councillor Chappell, Councillor B Hunt advised that he would provide a response outside the meeting.

**RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 5 May 2009 be received.**

**44. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY**

Councillor Brig P Jones CBE presented the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 18 February and 26 June 2009.

Members noted that Councillor Brig P Jones CBE had been re-elected as Chairman of the Hereford and Worcester Fire and Rescue Authority.

Councillor JP French congratulated the service provided by the Fire and Rescue Authority in dealing with a recent severe fire in Leominster. A tremendous result was achieved due to the advance procurement of a new fire suppression system which was used for the first time during this incident.

Responding to a question posed, the Assistant Chief Executive Legal and Democratic advised Members that the post of Clerk/Monitoring Officer to the Fire and Rescue Authority received a fee, which was received by the authority, not the individual.

**RESOLVED: That the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 26 June 2009 be received.**

The meeting ended at 1.05 pm

**CHAIRMAN**





## PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

**Question from Ms M Burns, Hereford**

As the Cabinet Member has not answered the question:

What studies have Herefordshire Council undertaken into traffic movements (all modes) in and around Hereford since the Hereford Transport Review Multi-modal Study (pub. Feb 2003), and will the data from any of these studies be included in the report on transport for the Local Development Framework? If so, which ones?

(Answer from Councillor DB Wilcox Cabinet Member, Highways and Transportation: 'There has been extensive work and studies undertaken to update the 2003 study, and this work is nearing completion, under the working title of "Multi Modal Model". It is hoped that a final version will be published by the end of June 2009 so that it can inform the consultation exercise which the Council's Forward Planning is going to undertake on the emerging Core Strategy for the Council which is a key part of the Local Development Framework. The consultation is due to start later this year.')

Here is clarification:

- 1.1 Please give the titles, dates, authors, public availability of all studies into traffic movements (all modes) undertaken by the Council since the 2003 Hereford Transport Review. Please indicate which of the listed studies will be taken into consideration in the forthcoming report on transport.*

**Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation**

- 1.1 A specific strategic transport study has been commissioned to help assess the transport requirements resulting from housing and employment land use options under consideration through the Local Development Framework. This study comprises the building of a new multi-modal transport model which has been developed from the model used for the Hereford Transport Review. As a multi-modal model, whilst the outputs are at a strategic level, it will provide a forecast of transport movements by all modes including car, public transport (bus and rail), cycle and walk. The outcome of this modelling work will be used to inform preferred housing distribution options in the Local Development Framework. The Final Forecasting Report and Local Model Validation Report resulting from this work will be published and made available to the public as part of the LDF process. The work is being undertaken by JMP Consultants and has been commissioned jointly by the Highways Agency and Herefordshire Council. Whilst it was hoped that this work would be complete by June 2009 it is now anticipated that the final reports will be available in the autumn of 2009.

In addition to the above, the Council has undertaken a range of specific transport studies since the Hereford Transport Review in 2003. These include:

## PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

<b>Transport Study Title</b>	<b>Date</b>	<b>Author</b>
Rotherwas Access Road Major Scheme Business Case	July 2005	Owen Williams
Hereford North Park and Ride Masterplan	December 2005	Owen Williams
Edgar Street Grid Car Parking Review	Ongoing	Crowd Dynamics
<b><i>Various Cycle Schemes:</i></b>		
Great Western Way Extension Holmer Cycle Way Feasibility Report	October 2005	Owen Williams
Community Street Audit report of St Owens Street	January 2009	Living Streets
Connect 2: Hereford-Holme Lacy Feasibility Report	April 2007	Amey

Where it is relevant any of the information in these reports will be used to inform the LDF process.

More detailed work will be progressed to fully assess the extent to which demand management/sustainable transport modes can be introduced in the longer term strategy for the Local Development Framework period. It is anticipated that this work will also be used directly in the Local Development Framework, forming a key component of the evidence base.

**No supplementary question was asked.**

## PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

### Question from Mr A Lee, Herefordshire Area Chairman – The Ramblers Association

On 22 January 2009, Herefordshire Council announced its intention to go forward with the proposed contract with Amey Wye Valley for the management and delivery of a range of services including highways, parks, public open spaces and public rights of way. Our concern for all things relating to Public Rights of Way (PROW) in Herefordshire prompted several questions from The Herefordshire Ramblers.

We did receive answers and although not entirely happy with the responses, they were reluctantly accepted, as we were told in a letter from the Council on 19 May 2009 that “..... negotiations with Amey are continuing and it is anticipated these will be concluded shortly to enable the new arrangements to be put in place over the summer this year. Whilst the management and the delivery of these services would transfer to Amey, the responsibility remains with the Council and client and contract management arrangements are being put in place to ensure the services continue to be delivered and are improved where possible. ....”

We believe these negotiations are still ongoing, with no conclusion in sight. In the meanwhile many PROW issues are effectively held in abeyance pending a final outcome. PROW staff have left and there are vacancies within the PROW department that are not being filled. PROW personnel, part time and temporary staff are performing a valiant fire-fighting role but this is obviously not the way forward or even a solution to hold station.

- 2.1 *What steps is Herefordshire Council taking to ensure that PROW services continue to be delivered whilst negotiations continue?*
- 2.2 *What steps is Herefordshire Council taking to ensure that PROW services improve whilst negotiations continue?*

### Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

- 2.1 Whilst negotiations continue, the Public Rights of Way Section continues to deliver the service ensuring priorities are given to hazardous maintenance issues on the network. With over 4000 calls and reports and over 2100 miles of network, the public rights of way section rely on members of the public and user groups to report defects and prioritise them as per the guidance in the Rights of Way Improvement Plan 2007 – 2011. The Public Rights of Way Service actively seeks to use volunteers where possible and has funded maintenance training programmes for groups to respond to issues on the network. Since April 2009 a further 10 parishes have been recruited onto the P3 Scheme (Parish Path Partnership Footpath Scheme) where a grant is provided to Parish Councils who then take responsibility for maintaining their own footpath network.
- 2.2 The feedback received from the 2009 Herefordshire Walking Festival which was “overwhelmingly good” and the provision of new Loop Walk Leaflets across the county is proving very popular with footpath users. The team is continually ensuring that improvements are being made to the network on the ground. This service has recently produced two Definitive Map Modification Orders with a view to adding

## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

additional routes to the network and demonstrates that improvements are still being made. Herefordshire Council recognises that Public Rights of Way are an increasingly important resource for the community in terms of enhancing health and well-being and appreciation of the rural environment.

### **Supplementary Question from Mr Lee.**

As the importance of the public rights of way network had been recognised within Council documents and strategies, would Herefordshire Council make adequate resources available, both in terms of financial and staffing resources, to support and protect the County's heritage, and specifically that of the Public Rights of Way network?

### **Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation**

The Public Rights of Way activity competed with other Council demands and cost centres all of which needed to deliver best value for money. No assurances could be provided on the availability of additional funds at this stage due in part to the current economic climate.

## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

### **Question from Mr B Clay, Hereford.**

- 3.1 *How many buses enter and leave Hereford City Centre each week day?*
- 3.2 *How many buses currently stop at Hereford Railway Station each week day?*
- 3.3 *What approximate forecast does the Cabinet Member Highways and Transportation have as to the number of buses that would enter and leave the 'Transport Hub' outlined in the ESG Masterplan?*

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation.**

- 3.1 Average of 478 arrivals and corresponding number of departures.
- 3.2 Average of 75 arrivals and corresponding number of departures.
- 3.3 If the transport hub replaces the Country Bus Station there will be an estimated 192 arrivals and corresponding number of departures based on current service levels.

### **Supplementary question from Mr Clay.**

The answers given imply a decrease in the number of bus services that would be arriving and departing from the transport hub and railway station than at the current time. No evidence had been provided that there would be an increase in public transport to assist traffic congestion and it appeared that buses and bus services were a low priority.

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation.**

For clarity, the answers provided at 3.3 related to the estimated number of arrivals and corresponding departures based on current service provision expected in the transport hub. The answer provided at 3.1 related to the number of bus services which enter Hereford City Centre. In having regard to the Integrated Transport Strategy, there were an ever increasing numbers of people travelling by trains and buses, with the use of train travel having increased by 20% since 2007. The number of bus service provision had increased overall. The increase in the use of public transport system was supported by the Council and reflected in the local Integrated Transport Plan's Improvement Plan.

## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

### **Question from Ms B Evans, Kings Thorn, Hereford.**

- 4.1 *What mode of travel would be recommended to a business person from London visiting Hereford for the day?*
- 4.2 *What mode of travel would be recommended to a Hereford business person visiting London for the day?*

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation.**

4.1 – 4.2 The recommendation would be rail.

### **Supplementary question from Ms B Evans.**

The Cabinet Member would be aware that the service from Hereford to London was poor, with passengers requiring to change trains at Newport and the restrictive train times especially during the afternoon. Would the Cabinet Member agree that a direct line from Hereford to London and Birmingham International Airport should be provided?

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation.**

On travelling to London yesterday the Cabinet Member stated that he caught the train from Hereford, which required a change at Newport, and used the tube system when in London. Major improvement works were currently being undertaken regarding twin tracking together with timetable improvements. The Cabinet Member and Chairman met with the Managing Director of London Midland during the early part of the franchise. Improvements were also being undertaken in respect of the direct line to London through Oxford.

## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

### **Question from Mr P McKay, Leominster, Hereford.**

I have put a number of questions to Council, engaged in the feedback system as encouraged to do, put forward suggestions for Scrutiny, and raised questions at scrutiny meetings re: agenda items, all relating to the value and importance of having complete and correct highway records, yet discovering that it would appear that the possible cost of maintenance of unrecorded ways discourages corrective action, i.e., there is a conflict of interest between your duty to protect the public right of passage v the possible cost of maintaining that passage, with the latter concern appearing to dominate.

- 5.1 *I have suggested in my feedback responses, and by means of question of scrutiny committee re: agenda item, both as yet without reply, that Council raises a report concerning the accuracy of its highway records, along with questionable errors and omissions, in order that the issues raised may be fully understood, discussed and policies concerning them agreed in a proper open and democratic manner, and I now ask the full Council if you will raise such a report?*

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation**

- 5.1 Herefordshire Council have a substantial network of highways to maintain including public rights of way and roads. The focus of resources is to ensure the safe and unhindered passage of users along the existing network. There are generally clear procedural methods by which applications can be made to amend that network either through the planning processes or the production of evidence which brings the current records, being the list of streets and the definitive map, into question. The council does not have the resources to go searching for changes to the current highway records, but application made by members of the public are investigated through the Definitive Map Modification Order process on a prioritised basis and changes are made to the network accordingly.

### **Supplementary question from Mr P McKay**

It was noted that the duty to comply with and correct definitive map records would be moving from the Council to Amey. When would the records be made available on-line?

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation**

The detail of the contract was currently being negotiated, however it was expected that current levels of service available would be at least maintained if not improved.

## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

### **Question from Ms P Roberts, Leominster, Hereford.**

- 6.1 *Road traffic is clearly a problem in Hereford, so why is the redevelopment of the train station and 'transport hub' only the third and final stage of the ESG link road plan?*

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation**

- 6.1 It is acknowledged that the amount of traffic on Hereford's roads can be problematic, however the ESG scheme is not designed, or expected, to alleviate the city's traffic issues, rather it will enable the smoother flow of traffic around the city and mitigate the traffic impact created by the development itself.

Solving the longer term transport issues in Hereford will only be achieved by using a combination of methods – for example Park and Ride, sustainable transport options, new cycle paths, and an Outer Distributor Road.

The Transport Hub proposals are one of the ESG scheme's key elements. However its achievement is strongly linked to the construction of the Link Road given that access to the station and "Hub" will be via the new road.

It is likely that the Link Road will be constructed on a West to East basis. One reason for this phasing is that it will enable road linkages between Edgar Street and Widemarsh Street to be constructed early in the development programme.

However there is also a wider issue to be considered with the Link Road and Transport Hub. The Link Road as a project has a local impact given that it will improve traffic movements around the city, whilst the Transport Hub has city, county and region wide impacts given that it will become the focal point for rail and bus access to the city.

This status requires dealing with a number of key stakeholders and interest groups, including the train operators and rail network operators, bus companies, passenger groups etc. Inevitably incorporating everyone's views and reaching an appropriate consensus will be a complicated process taking a considerable amount of time, hence the necessity for placing this element towards the final stages of the development process.

### **Supplementary question from Ms P Roberts**

Glad that the Cabinet Member supports the twin tracking and the 20% increase in the number of train passengers especially in light of the recent announcement that the outer distributor road may have a significant delay. However, as it appeared that the investment in the transport hub remained in the third and final stage of the ESG link road plan project, should this be reconsidered?

### **Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation**



## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

The Cabinet Member highlighted paragraph four of the answer which stated that the phasing enabled road linkages between Edgar Street and Widemarsh Street to serve the retail quarter. There was currently no exact date for the transport hub implementation, but it would be progressed as fast as possible within the current economic climate. Discussions were underway regarding issues around the transport hub with stakeholders, which included both bus and train franchises and the public in general. A public exhibition had recently been held in Aylestone on the transport hub.

## **PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009**

### **Question from Mr M Wilson, Lugwardine, Hereford.**

Questions 7.1 to 7.4 refer to questions raised by Mr Wilson at the reconvened meeting of Council on the 17 February 2009.

- 7.1 *When is this Council going to require the Chairman of the Standards Committee to act in an open and transparent manner that allows Members and the public to have confidence in the reports and answers that he places before them?*
- 7.2 *What actions have been taken to ensure it does not happen in the future?*
- 7.3 *Were the decision notices valid?*
- 7.4 *Surely it is time that some scrutiny should be given to the work of these committees and their supporting officers?*

At the Standards Committee quarterly meeting on 10 July agenda item 8 was 'to consider the adoption of the Council's Stage 3 complaints procedure as a means of assisting aggrieved complainants.'

- 7.5 *Why were the first two key points on the agenda never even discussed?*

### **Advice to Council from the Monitoring Officer**

I am taking the step of providing advice to Council on this question. I am the relevant statutory officer and it is appropriate for me to do so.

I would advise the Council not to answer these questions. The operation of the standards framework is a matter for the Monitoring Officer, the local Standards Committee and the Standards Board for England.

I have seen the previous questions put to Council and the answers given.

I have also seen the recent correspondence sent by Mr Wilson to the Council that contained these questions and some of the earlier correspondence with the Council on this subject. I am concerned about the content. There is material in that correspondence that attacks the motives of Council officers and officials and is potentially defamatory.

As the Council's new Monitoring officer I have called for all the relevant papers and will review these issues on the Council's behalf. It is important that the Council has confidence in the local standards regime and accordingly I will report back my findings to the appropriate person or body within the Council. I do not believe it is appropriate for the Council to continue to receive and answer questions on these matters.

If any member has any question about this they should contact me.

**A supplementary question was not permissible.**