

MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 16 April 2012 at 2.00 pm

Present: Councillor JG Jarvis (Chairman)

Councillors: AJM Blackshaw, PM Morgan, RJ Phillips, PD Price and DB Wilcox

In attendance: Councillors RB Hamilton, JA Hyde, AW Johnson, GJ Powell, EPJ Harvey, TM James, RI Matthews and A Seldon

167. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor H Bramer, Cabinet Member Major Contracts.

168. DECLARATIONS OF INTEREST

1. Urgent Item: Supplementary Agreement and Deed of Variation to the Retail Quarter (old livestock market) Development Agreement.
Chris Bull, Personal, Board Member of Hereford Futures.

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Councillor JG Jarvis, Personal, Board Member of Hereford Futures.

169. MINUTES

RESOLVED: That the Minutes of the meeting held on 5 April 2012 be approved as a correct record and signed by the Chairman.

170. SUBSIDIES, FEES AND CHARGES UPDATE

The Cabinet Member Corporate Services and Education presented the report to Cabinet and the following points were made in discussion:

- Herefordshire was in the lower quartile for cost recovery. Officers were looking at ways to increase the percentage of cost recovery achieved.
- Thanks were expressed to Councillor Harvey as the Overview and Scrutiny Vice-Chairman chairing the Task and Finish Group looking into fees and charges.
- Cabinet was informed of the government proposal to give local authorities the power to levy a charge on any company requiring to dig up the roads between the hours of 6.00 am and 6.00 pm to minimise the inconvenience to the public.
- In referring to car parking charges the Cabinet Member, Environment, Housing and Planning requested the review of car parking charges to include on and off street car parking charges. It was confirmed that the six month review was due to commence shortly and would include extensive consultation.

- The Chairman of the Task and Finish Group drew Cabinet's attention to the report of the Task and Finish Group which contained a number of recommendations and highlighted areas of concern.
- There was concern that consultants Price, Waterhouse, Cooper had been asked to carry out a similar piece of work to the Task and Finish Group.
- Cabinet was informed that there would be a formal response by the Executive to the report and recommendations of the Overview and Scrutiny Task and Finish Group.

RESOLVED

THAT:

- a) **the set of revised charging principles included in the report be agreed; and**
- b) **the implementation of any changes to fees and charges covered by the principles and policy direction, including those outlined in this report, be carried out under the overall scheme of delegation.**

171. HEREFORDSHIRE ARMED FORCES COMMUNITY COVENANT

The Cabinet Member Highways, Transportation and Sustainability introduced the report on the Armed Forces Community Covenant. The report has been completed in consultation with the Armed Forces Association and charity organisations.

The following points were made in discussions:

- It was noted the government first put forward guidelines for the Covenant in June 2011, outlining five key aims.
- Pages 17 to 21 of the report outline the action plan for Herefordshire, which will address the five key aims. It was noted that further detail was needed on how the action plan would tie in with the Council's strategies and plans and how the success of delivery would be monitored. Cabinet was advised that part of the plan linked in to the Health and Wellbeing Board.
- The next step is for the formal signing and launch of the Herefordshire Armed Forces Community Covenant, and that details of the launch date would be available by the end of May.
- Cabinet was informed that this was a non-political issue and was supported by all political groups.
- Councillor Sinclair-Knipe would be the lead Cabinet Support Team member and would be supported by Councillors: Matthews and Kenyon.

RESOLVED: That the Herefordshire Armed Forces Community Covenant, which incorporates an Action Plan and delivery arrangements (as set out at Appendix 1 to the report) be approved.

172. HEREFORDSHIRE AND SHROPSHIRE HOUSING STRATEGY 2012/15

The Cabinet Member Environment, Housing and Planning presented the report on the Joint Housing Strategy for Herefordshire and Shropshire. The following points were made in discussion:

- An action plan is being worked up alongside the strategy before cabinet for approval.

- In referring to page 31 of the report, key challenges, the main aspect for Herefordshire was the lower earning income rate for families. Herefordshire was in the lower quartile, which made it very challenging for young people to get on the housing ladder.
- Cabinet noted that basic housing needs and requirements were covered in the overall strategy and the Local Development Framework (LDF) covered the needs of specific local areas. The action plan linked to the LDF.
- It was emphasised that affordable housing in rural areas needed to be appropriate and specific to rural jobs and the incomes afforded from those jobs.
- Cabinet discussed the issues of fuel poverty for rural areas and the need to lobby central government on fuel prices.

RESOLVED: That the Herefordshire and Shropshire Housing Strategy 2012-15 be approved and adopted.

173. HEREFORDSHIRE COMMUNITY SAFETY STRATEGY 2011/14

The Cabinet Member Highways, Transportation and Sustainability presented the report. The following points were made in discussion:

- The Herefordshire Community Safety Strategy is a statutory partnership working with the Herefordshire Partnership Executive Group.
- Page 88 of the report outlines the key considerations and how partner organisations will work together and target resources in the most efficient and effective way. The strategy will be reviewed as part of the Council's Root and Branch Review.
- It was noted that performance had been achieved against most of the targets.
- In response to a comment by the Chairman of Overview and Scrutiny and Member concerns that issues such as speeding / road safety were currently taking two to three years to be resolved; it was stated that the new Crime panels should bring about greater accountability and scrutiny of these issues.

RESOLVED: That Cabinet recommend to Council that the Herefordshire Community Safety Strategy 2011/14 be adopted.

174. URGENT ITEM: SUPPLEMENTARY AGREEMENT AND DEED OF VARIATION TO THE RETAIL QUARTER (OLD LIVESTOCK MARKET) DEVELOPMENT AGREEMENT

The Chairman reminded Cabinet of the report that had been received at the 5 April Cabinet meeting on the Deed of Variation to the Retail Quarter. He advised that following the call-in of that decision and the subsequent Overview and Scrutiny meeting the matter was before Cabinet as an urgent item in order that contractual arrangements could be concluded. The Leader told Cabinet and Group Leaders that questions would only be taken from the Chairman of Overview and Scrutiny and Cabinet Members.

The Chairman of Overview and Scrutiny referred to the five points put forward by the Committee for consideration by Cabinet, which were:

That Cabinet should ensure that:

- a) the procurement processes that have been undertaken are robust, and are content that appropriate steps have been taken to safeguard the Council's position under the EU procurement rules.*
- b) Cabinet be satisfied that a comprehensive risk assessment which identifies mitigation measures has been undertaken.*

- c) *an economic risk assessment, including financial impact statement on the viability of High Town and the surrounding streets, be undertaken before these Variations are approved in order to ensure that there should be no disproportionate effect on the independent trading sector.*
- d) *there has been a complete and robust Equality Impact assessment undertaken.*
- e) *further due diligence be shown to have been undertaken in demonstrating that value for money will be derived from the Variations.*

In response the Cabinet Member Enterprise and Culture stated that Pincet Mason, the legal firm providing advice, had reviewed the retail quarter and had been present at the Cabinet meeting on 5 April. They had also provided advice at the Overview and Scrutiny meeting. The Cabinet Member assured Cabinet that although delegated authority had been given to the Director there would be continuing and appropriate review of risks. The Director would continue to seek the advice of the Section 151 Officer to ensure value for money. He stated the review had identified the risks to the high street shops and the new retail quarter, a copy of that advice had been provided with the Cabinet papers.

The Cabinet Member moved the recommendations, which were seconded by the Leader. The revised recommendations were agreed unanimously.

RESOLVED

THAT:

- a) **regard was given to the matters contained in the exempt report;**
- b) **the terms of the Deed of Variation, Deed of Novation and Option agreement with Stanhope Plc and British Land Plc described in the report was approved; and**
- c) **authority be delegated to the Director for Places and Communities to finalise the necessary documents exercising continued diligence on equalities issues, value for money, risk assessments and mitigation.**

The meeting ended at 3.45 pm

CHAIRMAN