

## **MINUTES of the meeting of Council held at Council Chamber - Brockington on Friday 17 January 2014 at 10.00 am**

**Present:** Councillor LO Barnett (Chairman)  
Councillor ACR Chappell (Vice Chairman)

**Councillors:** AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, JW Hope MBE, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor and DB Wilcox

### **49. PRAYERS**

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

### **50. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, AN Bridges, DW Greenow, Brig P Jones CBE, JF Knipe, J Stone, GA Vaughan-Powell and PJ Watts.

### **51. DECLARATIONS OF INTEREST**

Councillor JG Jarvis declared a non-pecuniary interest in agenda item 12, General Overview and Scrutiny Committee Task and Finish Group Report – Hereford & Worcestershire Fire and Rescue Authority (FRA) Consultation response. As ward Member for Whitchurch he had been actively involved in the Parish Council's response to the consultation document.

### **52. MINUTES**

The Minutes of the meeting held on 18 October 2013 were approved.

### **53. CHAIRMAN'S ANNOUNCEMENTS**

In the Chairman's announcements, the Chairman:

- Welcomed two new Members to Council. Councillor Cath North, Tupsley Ward and Councillor Jon Norris, Pontrilas Ward.
- Reported that the Vice Chairman of the Council had officially opened the new Greenway Bridge in mid December.
- Announced that the launch of the 2014 Diamond County Awards would take place the following week, and that there would be an additional award for 'Outstanding Apprentice', the winner of which would receive a cash prize of £750 to help their career.
- Reported that the Princess Royal visited the new Livestock market on 15 January, where she met with dignitaries, staff and other representatives. At the conclusion of her visit she unveiled a plaque to officially open the market.
- Announced that the Vice Chairman had attended the Road Peace Service at Hereford Cathedral, a very moving service of remembrance for the victims and families of those who had lost loved ones in accidents on Herefordshire's roads.

- Congratulated the Children’s Wellbeing Directorate in meeting the Government’s “Action Plan for Adoption” targets for 2010-13. Herefordshire Council was one of only 36 local authorities to have met these targets..

#### 54. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the Public Questions and written answers is attached to the Minutes at Appendix 1. There were no supplementary questions asked.

#### 55. NOTICES OF MOTION UNDER STANDING ORDERS

There were two Notices of Motion for consideration by Council. The Chairman proposed that the second Motion be taken first. This was agreed unanimously.

Proposed by Councillor PM Morgan and Seconded by Councillor ARC Chappell.

**This Council resolves to amend the Constitution, with immediate effect, so that a named vote at Council will only be required if eight or more members present so request it.**

The Cabinet Member, Health and Wellbeing said that she had proposed this motion as she was responding to concerns from members that the named vote system was proving unwieldy. Accountability could still be achieved either by a specified number of members requesting a named vote and/or an individual member requesting that their vote be recorded. The Vice Chairman added that he could think of no other local authority that had a named vote system of this nature.

- In the ensuing debate a number of members expressed the view that the Council needed to be seen to be democratic, and as a result it was important to know who had voted for items on the Agenda at meetings.

Councillor TM James proposed an amendment that ‘a named vote at Council will only be required if five or more members present so request it’. The amendment was not moved.

After further discussion, the Motion was carried.

For the motion 38		Against: 10	Abstained:1
CNH Attwood	JLV Kenyon	AM Atkinson	EMK Chave
CM Bartrum	JG Lester	EPJ Harvey	
LO Barnett	RI Matthews	MAF Hubbard	
PL Bettington	RL Mayo	MD Lloyd-Hayes	
AJM Blackshaw	PJ McCaull	SM Michael	
WLS Bowen	JW Millar	FM Norman	
H Bramer	PM Morgan	J Norris	
ACR Chappell	NP Nenadich	GJ Powell	
MJK Cooper	C Nicholls	AJW Powers	
PGH Cutter	CA North	A Seldon	
BA Durkin	RJ Phillips		
PJ Edwards	R Preece		
KS Guthrie	PD Price		
J Hardwick	SJ Robertson		
JW Hope MBE	P Rone		
JA Hyde	P Sinclair-Knipe		
TM James	GR Swinford		
JG Jarvis	DC Taylor		
AW Johnson	DB Wilcox		

**RESOLVED:** That with immediate effect, the Constitution be amended so that a named vote at Council would only be required if 8 or more members present so requested it.

Proposed by Councillor BA Durkin and seconded by Councillor NP Nenadich.

**This Council welcomes the Government's intention to introduce a national funding formula for schools from 2015-16.**

**Herefordshire funding is £244.10 per pupil below the national average despite the additional costs we face in maintaining a network of small schools to support our rural communities.**

**We are anxious to see greater fairness and consistency in the way schools and academies are funded and support the approach taken by the Cabinet Member for Children's Wellbeing, working with local authority colleagues through the f40 group, in seeking a national funding formula as the way to achieve this.**

**We believe that the funding formula should:**

- **Have at its core a basic unit of funding per pupil that is based on a clear expectation of what schools are expected to deliver.**
- **Allow a degree of local discretion to cover those local circumstances that a formula covering more than 24,000 schools cannot be expected to embrace.**
- **Include support for rural primary schools through a lump sum and a an allowance for 'sparsity'.**

**We join with the Cabinet Member for Children's Wellbeing in urging the Government to work closely with local authorities, and the f40 group in particular, in developing an appropriate funding model for schools.**

**We acknowledge that a redistribution of the budget for schools will need to be implemented over time in order for the change to be manageable for those areas where funding is currently more generous.**

Councillor B Durkin said that whilst schools in the county performed well, they should be provided with realistic budgets that would allow them to focus on teaching.

Councillor NP Nenadich added that whilst funding for schools was below the national average, Herefordshire operated in a global economy and the business development of the county should be considered as paramount. The presence of an able and capable young workforce would be important in attracting businesses into the business development zone.

**RESOLVED:** That the Motion be unanimously agreed.

## **56. LEADER'S REPORT**

The Leader of the Council, Councillor AW Johnson, presented the report on the activities of Cabinet since the meeting of Council on 18 October 2013. The Leader highlighted the following issues in his report:

- That he had met with the Minister in December to discuss issues regarding the Waste contract. DEFRA officials met with a joint Herefordshire/Worcestershire team to resolve final details and joint and separate meetings of the two councils' Cabinets were held in early December. Agreement with DEFRA was reached on 20<sup>th</sup> December. Alternative solutions had been considered and rejected in favour

of one with the necessary conditions in place including control of a site, planning permission, proven technology and finance.

During the subsequent debate the following issues were raised:

- That when the waste contract with Worcestershire expired in 2023, it was the Leader's understanding that it would be at the behest of the council to decide how it wanted to continue with the site, and to look at whatever technologies were available at that time and decide on the most appropriate way forward. In answer to a further question, he went on to say that he would check what the possible areas of vulnerability were for the council at the end of the contract period;
- That consideration would be given to the possibility of revitalising the Rural Members Forum;
- That members would be contacted to ensure their involvement in the actions contained within the Town Centres Motion passed by Council in July 2012.
- That, as the consultation to raise Council Tax above 1.9% had been county wide and not limited to a specific local issue, the response rate had been appropriate.
- Whether the state of the highways drainage system should be carefully considered;
- That a list of the organisations to be involved in the Summit Meeting to encourage economic growth in the county would be circulated to Members;
- That no action had been taken to move forward the Retail Impact Study motion passed at Council in July 2012. Co-ordinated assessment was needed of the impact on the historic core of the city of the Old Cattle Market development. The Leader undertook to discuss the matter further with the Chief Finance Officer;
- The Leader reassured Council that whilst the Cabinet Members were subjected to a high workload, this was a reflection of the period of transition that the council was going through, and if the quality of work from Cabinet suffered as a result, he would ensure that changes were made;
- That a meeting between the Leader and the Chairmen of the General Scrutiny and the Health and Social Care Committees would be held in order to establish how the Executive could work most effectively with Scrutiny;

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

**57. APPOINTMENT OF MONITORING OFFICER, RETURNING OFFICER, ELECTORAL REGISTRATION OFFICER, STATUTORY SCRUTINY OFFICER AND PROPER OFFICER FOR REGISTRATION SERVICES**

((Mr A Neill, Chief Executive, Mr G Hughes, Director for Economy, Communities and Corporate and Mr B Norman, Solicitor to the Council, left the meeting for this item).

Council received a report to designate specific posts to discharge the functions of Monitoring Officer, Returning (and Acting Returning) Officer, Electoral Registration Officer, statutory Scrutiny Officer and Proper Officer for Registration Services (including responsibility for the Coroners Service).

**RESOLVED:**

**THAT with immediate effect:**

- (a) the Solicitor to the Council be designated Monitoring Officer;
- (b) the Chief Executive be designated Returning Officer (Acting Returning Officer in respect of European elections) and Electoral Registration Officer;
- (c) the Director for Economy, Communities & Corporate be designated Scrutiny Officer; and
- (d) the Solicitor to the Council be designated Proper Officer for Registration Services (including responsibility for the Coroners Service).

## **58. APPOINTMENTS TO COUNCIL COMMITTEES**

Council received a report on appointments to council committees. The Solicitor to the Council reported that, in light of changes to the political balance to the Council following by-elections, it was necessary to change the composition of the committees in order to reflect the proportionality of the council. During the ensuing debate, the following points were made:

- that it would be preferable to use Table 1 in the appendix, which increased the size of the committee. The cost difference would be miniscule between the two options, and the public would be better served by this option, which would be more democratic and accountable.
- local members had a heavy workload, and increasing the size of the committee would help to share that load.
- that this was a particular issue for the Planning Committee, where the numbers of Members eligible to vote on a particular issue was reduced if there were more than one local Member present to address an issue whilst at the same time serving on the Committee.
- that the position of the It's Our County! group had not changed, and had always been in favour of rounding up the number of members serving on committees.
- That whilst there was concern across most committees regarding attendance, it was the job of the Chairman to ensure that committee members were actively involved in the work of a given committee.

The resolution that the 'size of ordinary committees and the allocation of seats on those committees to political groups be increased as shown at table 1 in appendix 1' was put to the vote and carried by 25 in favour to 21 against. Resolutions (b), (c) and (d) below were carried with no member voting against.

### **RESOLVED:**

**That:**

- (a) the size of ordinary committees and the allocation of seats on those committees to political groups be increased as shown at Table 1 in appendix 1;
- (b) the political groups provide names of Members to the Solicitor to the Council to fill their respective increased allocations of seats;
- (c) should the membership of committees at appendix 2 result in any vacancies the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with appendix 2; and

- (d) **the partial suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, remain in place.**

## **59. REVISION TO THE CURRENT COUNCIL TAX REDUCTION SCHEME**

Council received a report on amendments to the Council Tax Reduction Scheme as recommended by the Cabinet Member.

The Leader said that the rationale behind the decision to amend the scheme was that where appropriate, those who were able to make a contribution to Council Tax should do so. There was a hardship fund in place to ensure that those who were not in a position to pay would not be penalised. He pointed out that neighbouring councils had brought in a figure of 20% for those currently receiving support, rather than the 16% proposed by the council. During the ensuing discussion, the following points were raised:

- That residents in South Wye lived in one of the twenty five most deprived areas in England, and were still adjusting to the impact that the 'Bedroom Tax' had as a result of the changes in housing benefit rules by central government. They would need time to readjust, possibly into smaller accommodation, before being asked to pay additional costs through Council Tax.
- That the benefits of such a policy would be far outweighed by the damage that would be done to households on low incomes.
- The amendments would not be cost effective in the long run as additional charges of this nature on those least able to pay would mean that the collection rates for Council Tax would drop, and that there would be a rise in court cases for collection, with all that the costs that this would entail for the council.
- That consideration be given to admitting that the attainability of a balanced budget was less likely. Council could give consideration to a rise in council tax in order to protect the most vulnerable within the community.

In reply to a comment, the Cabinet Member (Health and Wellbeing) said that there were no further savings to be had in the Adult Social Care budget for the year. He had explained to service users that the council was no longer in a position to be able to provide care to all those who had received it, as some users would no longer be eligible for the level of care that they had received.

- That an additional five thousand people in the county had been asked to pay Council Tax in 2013, and the default rate had not increased. Should this measure not be taken, the necessary £400k to balance it would have to be found elsewhere in the budget.
- That there would be funds available to support the most vulnerable, as they would be available to apply to the hardship fund.
- That secure continuity of the tax base was required in order to provide services for the residents of the county, and especially for those who needed care and support.
- That this was a decision for one year only in the first instance, and Council would be in a position to reverse it for the financial year 2015-16.
- Concern was expressed that the figures for the hardship fund were not available for members as part of the report, as many members did not feel that they had all the information required to allow them to vote on the recommendations.

After further discussion, the Leader said that whilst recommendation (b) in the report before Council did not have to be agreed at this meeting, Recommendations (a) and (c) would have to be agreed by the end of January.

Councillor A Seldon proposed that the item be deferred to a future meeting of Council, to allow officers time to provide the relevant information. The proposal was seconded by Councillor JLV Kenyon, who asked how well the fund was publicised as he had been unaware of it and would like to be in a position to tell the public in his ward of its existence. It was resolved unanimously that resolution (b) 'Agreement is given to further phased reductions, in support in the following two financial years, 76% from 1<sup>st</sup> April 2015 and 70% from 1<sup>st</sup> April 2016' should be deferred to a future meeting.

It was proposed that there should be a named vote on resolution (a) 'the minimum support rate for those working age applicants who currently receive 91.5% council tax support is reduced to 84% from 1st April 2014. Claimants having a maximum liability of 16% of council tax'. The resolution was put to the vote and was passed on the Chairman's casting vote.

For: 23

Against: 23

LO Barnett	AW Johnson	CM Bartrum	PJ McCaull
AM Atkinson	JG Lester	WLS Bowen	SM Michael
PL Bettington	RL Mayo	ACR Chappell	C Nicholls
AJM Blackshaw	JW Millar	EMK Chave	CA North
H Bramer	PM Morgan	PJ Edwards	FM Norman
MJK Cooper	NP Nenadich	J Hardwick	J Norris
PGH Cutter	GJ Powell	EPJ Harvey	AJW Powers
BA Durkin	PD Price	MAF Hubbard	R Preece
KS Guthrie	P Rone	TM James	SJ Robertson
JW Hope MBE	P Sinclair-Knipe	JLV Kenyon	A Seldon
JA Hyde	DB Wilcox	MD Lloyd-Hayes	GR Swinford
JG Jarvis		RI Matthews	

It was proposed that the resolution 'Further changes to the scheme are approved which caps the council tax reduction to a level of Band D for working age claimants' should be put to the vote. It was passed with 25 for, 4 against and 14 abstentions.

**RESOLVED:**

**THAT:**

- (a) The minimum support rate for those working age applicants who currently receive 91.5% council tax support is reduced to 84% from 1st April 2014. Claimants having a maximum liability of 16% of council tax;**
- (b) Further changes to the scheme are approved which caps the council tax reduction to a level of Band D for working age claimants.**

**60. GENERAL OVERVIEW AND SCRUTINY COMMITTEE TASK AND FINISH GROUP REPORT - HEREFORD AND WORCESTER FIRE AND RESCUE AUTHORITY CONSULTATION RESPONSE**

Councillor A Seldon, as Chairman of the General Overview & Scrutiny Committee, presented a report on the Hereford & Worcester Fire and Rescue Authority (FRA) Consultation Response. In the ensuing discussion, the following points were made:

- That the report was one sided, and lacked authoritative opposing and contrary views, and no opposing evidence appeared to have been read.
- That the recommendations were contrary to the FRA's draft Risk Management Plan.
- A member reported that ten parishes in the Whitchurch area had met on six occasions to discuss the options in the consultation. They had also met with the Chief Fire Officer and had submitted a report to the consultation process.
- That an additional recommendation had also been made which had not been included in the Task and Finish Group which expressed concern over whether there would be sufficient cover in Ledbury with only one pump as, at the moment, the second pump was frequently called away to deal with motorway incidents.

**RESOLVED: That the report be noted**

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

A copy of the Member Questions and written answers, together with the supplementary questions and answers asked at the meeting is attached to the Minutes at Appendix 2.

The meeting ended at 1.12 pm

**CHAIRMAN**

## PUBLIC QUESTIONS TO COUNCIL – 17 JANUARY 2014

**Question from Mr P McKay, Leominster**

## Question 1

*Reported in Hereford Times on 13 November 2013 is fact that back in 2009 a review of the backlog of Definitive Map modification orders advised the cost as £200,000 per year plus £300,000 per year for factors like legal support, whereas I am advised in reply to question 19 July 2013 that the Local Street Gazetteer will be online in coming months, this data comprising roads, both adopted and unadopted highways, cycleways and paths, not all of which are dual recorded on the Definitive Map, and by Grant Thornton, your auditor, that it only costs about £10,000 per year to maintain this data. Whilst the volume of work covered by these reports may not be identical I think it fair to conclude that the cost of maintaining the Definitive Map is significantly more than maintaining the Local Street Gazetteer, with the main reason for this being that the Definitive Map is a legally conclusive document subject of more stringent procedures. Yet when I ask for copies of the "Protocol for Processing Requests for Determination of Highway Status", the title given to the procedure for modifying the Local Street Gazetteer, it is not available, with only procedures for modifying the Definitive Map being available.*

*So may I ask when the "Protocol for Processing Requests for Determination of Highway Status" can be expected to be made available enabling errors and omissions to be reported maximising the most cost efficient procures, and keeping dual recording to the minimum ?*

**Answer from Councillor PD Price Cabinet Member Infrastructure**

## Answer to question 1

Herefordshire Council is currently finalising a draft protocol for processing requests for Determination of Highway Status and it is anticipated that the draft will be available for consultation in March 2014. Mr Mackay and other interested individuals and organisations will be able to comment on it at that time. Once adopted following consultation the protocol will be published on the Council's website.

**Question from Mr V Wegg-Prosser, Breinton**

## Question 2

*Herefordshire Council Local Plan / Core Strategy*

*In the light of recent Transport Modelling for the Core Strategy which indicates that the County's Local Transport Plan objectives have a greater chance of being met without a Western Relief Road, when will the Council abandon its endorsement of this proposal?*

*The results reported in the Summary Report include:*

- *Up to 69% increases in journey times through the urban area*
- *Up to 58% increases in CO2 emissions*
- *Up to 38% increase in junctions above capacity*
- *Up to 27% increase in traffic crossing the river*
- *Modal shift of only 5 percentage points away from car use in 20 years*

[https://www.herefordshire.gov.uk/media/7020236/summary\\_report\\_of\\_core\\_strategy\\_modelling.pdf](https://www.herefordshire.gov.uk/media/7020236/summary_report_of_core_strategy_modelling.pdf)

**PUBLIC QUESTIONS TO COUNCIL – 17 JANUARY 2014**

**Answer from Councillor PD Price Cabinet Member Infrastructure**

Answer to question 2

The council will not be abandoning proposals for a Western Relief Road for Hereford.

The purpose of the modelling was to confirm that there was a need for a western relief road for the city if we are to deliver the growth ambitions contained in the Core Strategy. The modelling showed that journey times using the old and new routes of the A49 would nearly halve with the delivery of a Western Relief Road – a reduction of 43% in the morning peak and 48% in the evening. Such a reduction would make a significant contribution to economic growth. The summary report makes a clear statement that these initial results demonstrate that the ‘with road’ option is the only option which can help deliver the Core Strategy and meet capacity and technical requirements.

In the light of these results the council now has the support of the Highways Agency for the delivery of a transport strategy for the city which includes a Western relief road. JMP Consultants have been commissioned to refine our transport strategy so that it delivers improved outcomes against the metrics set out above. The work to refine the strategy, undertake further modelling and appraisal is ongoing and a final report will be made available when the work is completed.

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## MEMBER QUESTIONS TO COUNCIL – 17 JANUARY 2014

**Question from Councillor N Nenadich**

### **NATIONAL HUNT RACING**

1. *Is there any realistic development in the negotiation with ARC Northern Racing that will see National Hunt Racing return to Hereford in the foreseeable future?*

**Answer from Councillor H Bramer Cabinet Member Contracts & Assets**

Answer to question 1

ARC Northern Racing has not advised us that there is any immediate prospect that National Hunt Racing will return to Hereford in the foreseeable future.

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### **Supplementary Question**

Have ARC Northern Racing intimated that they might give up their lease entitlement?

### **Cabinet Member response**

ARC Northern Racing have not intimated that they might give up their lease entitlement.

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**Question from Councillor AJW Powers**

### **HOME FARM, BELMONT**

2. *Whilst I am delighted that the Home Farm, Belmont Planning Appeal has been dismissed, will the Cabinet Member responsible please comment on the Inspector's judgment in the Appeal Decision published on 10 January in which, contrary to the Council's assertion that "6.9 years HLS (Housing Land Supply) exists" (Appeal Decision Para.20), he concluded that "the Council is unable to demonstrate five years HLS against the emerging CS (Core Strategy) housing requirement" (Para.22)?*

**Answer from Councillor PD Price Cabinet Member Infrastructure**

Answer to question 2

It is pleasing to note that the planning appeal at Home Farm, Belmont has been dismissed, demonstrating that a temporary absence of a current 5 year land supply does not of itself leave the county open to unrestrained development.

The Inspector's judgement does reinforce the importance of adopting the Local Development Framework as swiftly as possible.

