

MINUTES of the meeting of Council held at The Shire Hall, St Peter's Square, Hereford HR1 2HX on Friday 26 September 2014 at 10.00 am

Present: Councillor J Stone (Vice –Chairman in the Chair)

Councillors: AM Atkinson, CNH Attwood, JM Bartlett, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, ACR Chappell, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, 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, GA Vaughan-Powell, TL Widdows and DB Wilcox

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, LO Barnett, PJ Bettington, DW Greenow, JW Hope MBE and J Knipe.

(The Chairman indicated that because of the large agenda he intended to take agenda item 16 after agenda item 9 followed by agenda item 15 before returning to agenda item 10 and the subsequent items.)

25. DECLARATIONS OF INTEREST

Agenda item 8: Notices of Motion

Notice of Motion 1 - Rotherwas Rail Link

Councillor AN Bridges declared a pecuniary interest as an employee of Network Rail.

Councillor RJ Phillips declared a non-pecuniary interest as a Director of the Enterprise Zone.

Notice of Motion 3 – Car Parking

Councillor JW Millar declared a non-pecuniary interest as signatory to the original contract.

Councillor SJ Robertson declared a disclosable pecuniary interest because relatives owned a car park adjacent to the hospital and left the room for the duration of this item.

Agenda item 9: Youth Justice Plan

Councillor AJM Blackshaw declared a non-pecuniary interest as Vice-Chairman of West Mercia Police Audit Committee.

Councillor RJ Phillips declared a non-pecuniary interest as Justice of the Peace and a Youth Panel member.

Councillor DB Wilcox declared a non-pecuniary interest as a youth magistrate.

Agenda item 10 Review of the Implementation of the Licensing Policy and Cumulative Impact Policy – Licensing Act 2003

Councillor MAF Hubbard declared a pecuniary interest as he was applying for a licence.

Councillor JLV Kenyon declared a Disclosable Pecuniary Interest as a licensee and left the meeting for the duration of this item.

Councillor RL Mayo declared a pecuniary interest as a licence holder.

Councillor P Rone declared a pecuniary interest as a holder of various licences.

Agenda item 13: The Ross-on-Wye Community Governance Review

Councillor AM Atkinson declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

Councillor CM Bartrum declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

Councillor PGH Cutter declared a non-pecuniary interest as a member of Ross-on-Wye Town Council and Chairman of the Working Group that undertook the review.

Councillor JA Hyde declared a non-pecuniary interest as member of the Working Group that undertook the review.

Councillor RL Mayo declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

26. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 July 2014 be confirmed as a correct record and signed by the Chairman, subject to the paragraph at the second bullet point of Minute no 19 being amended to clarify that the question related to what assets were included in the book balancing, not only smallholdings.

27. CHAIRMAN'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda papers.

The Chairman added that Herefordshire Council had been presented with a bronze award for payroll giving. This was wonderful recognition for the support provided by employees to UK charities.

28. THE PLEDGE TO CHILDREN AND YOUNG PEOPLE LOOKED AFTER BY HEREFORDSHIRE COUNCIL

Council was invited to endorse the Pledge to Children and Young People looked after by the Council.

The Cabinet Member – Young People and Children’s Wellbeing introduced the item which offered council an opportunity to learn more of the work being undertaken with Children and Young People, the work of the Children in Care Council and of Children’s Champions.

Three young people attended the Council meeting to present the film ‘It’s Our Turn’, made by some Herefordshire young people in care with professional film makers, comment on their experiences and answer questions. They explained how young people had been engaged in designing the pledge and the aspiration that every young person had the same opportunities as others and was supported to realise their potential.

Members complimented the young people on their presentation and wished them well for the future.

An assurance was sought that systems were in place to ensure that the pledge was delivered. The Cabinet Support Member Young People and Children’s Wellbeing outlined actions being taken to ensure that the voice of young people was heard including the role of the Children in Care Council. She acknowledged the need for review if there were shortcomings.

The Chairman recorded Council’s thanks to the young people, staff, Cabinet Member and Cabinet Support Member.

RESOLVED: That the Pledge to Children and Young People Looked After by Herefordshire Council at Appendix 1 to the report be adopted.

29. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

30. NOTICES OF MOTION UNDER STANDING ORDERS

Council considered the three Notices of Motion that had been received.

Notice of Motion one – Rail Link to Rotherwas

The Leader moved an amendment which was seconded by Councillor GJ Powell.

The amendment was as follows:

“The proposals submitted by the Independent Group, comprising a re-instated rail link to Rotherwas with passenger station and rail freight facility, are not currently supported by a business case.

The Council is due to discuss these proposals at a meeting of key stakeholders in October. The key stakeholders invited to this meeting include train operating companies, Network Rail, the Managing Director of the Hereford Enterprise Zone and the scheme promoters.

The Council agrees to review the merits of progressing an appraisal of the business case for these proposals following the meeting with the key stakeholders, having regard to the level of support.”

The Leader stated that his Group did not oppose the development of rail facilities. Public transport proposals that relieved congestion and benefitted the environment were to be welcomed and merited consideration. However, the original motion would involve expending £600k to undertake a feasibility study and the estimated cost of completing the rail facility was at least £10m. There was no business case and it was irresponsible to commit to such expenditure without business support.

A high level feasibility study could be produced for £10k which would show whether further expenditure was justified. The meeting on 7 October with key stakeholders would inform such a study. Council should await the outcome of that meeting and the high level feasibility study, if in the light of the meeting that was considered worthwhile to undertake one, and then consider how it wished to progress.

In debate the following principal points were made:

- It was contended that the estimated costs quoted by the Leader were out of date. The project was deliverable at a fraction of those costs.
- Councillor GJ Powell commented that, when he had been Cabinet Member with responsibility for transport, the proposer and seconder of the original motion had requested him to explore the possibility of a rail link in March 2012. He had been keen to establish whether there was evidence of demand and whether such a proposal would be affordable and sustainable. Because of the cost of a feasibility study a high level business study had been undertaken. The Jacobs report had been produced in 2012. The findings were that the infrastructure costs would be £10.7m, with an annual revenue subsidy of £2.5m equating to £15.78 per passenger. Network Rail Wales had considered the capital estimates to be low. Given the cost of the development plan proposed in the original motion, evidence should be obtained from stakeholders to establish if the position had changed since the 2012 Jacobs report before proceeding.
- The matter had been under discussion since 2012. There should be no further delay.
- It was confirmed that the Enterprise Board had agreed to protect the land at Rotherwas for a rail development if that were proved to be feasible.
- The Local Enterprise Partnership's (LEP) support for the scheme was required if it were to progress. More evidence would need to be obtained before that support could be sought and the LEP could endorse any submission for funding to the Government. The national focus was currently on connectivity with the High Speed Rail project. A strong case would be needed for any other development.
- The infrastructure bids to the LEP should have included a rail facility at Rotherwas as a priority.
- It was disappointing given the emphasis on the need for a business case for this project that Councillors had not been provided with the latest submissions in relation to the draft Core Strategy and had not seen any infrastructure delivery plan.
- A rail link had used to exist to Rotherwas and, with the development of the Enterprise Zone, reconsideration of a rail link proposal was surely merited.
- The original motion did not commit the Council to the project. It sought support not finance. In response to this it was reiterated that a development plan as proposed in the motion would cost £600k.

- The Council needed to demonstrate its commitment to the proposal in principle and to progressing it soon. This would help to generate evidence for the business case.
- The Local Transport Plan identified projects in Leominster and Ross as priorities for which support had been sought through the Local Enterprise Partnership not rail. If rail were now to be prioritised a business case was required.
- London Midland had indicated that it would support a rail facility at Rotherwas because it would generate extra revenue. It would not require extra trains. The Council would not have to provide a subsidy. Network Rail would be responsible for the track. In response to this assertion the view was expressed that the letter from London Midland contained a number of caveats and could not be considered to represent a commitment to support a proposal.
- The local Chamber of Commerce had discussed a rail link some 5-6 years ago and there had not been support for it.
- The nature of the businesses in the Rotherwas Enterprise Zone did not require a rail facility. There had been no requests from businesses located there for a rail link.

In conclusion the Leader stated that the amendment was not opposing a development; it was simply requesting that any decision should await the meeting with stakeholders on 7 October.

The amendment was defeated with 23 votes in favour of it and 26 votes against it.

In debating the original motion the following principal points were made:

- Councillor Matthews proposed the motion. He stated that a business plan could be prepared for £200k. The population of Hereford was due to increase, putting pressure on the highway network. The railway would provide an environmentally sustainable mode of transport and reduce pressure on roads in the City, not least on the two bridges. It would provide a valuable link to the enterprise zone and help economic growth. Businesses and local MPs were supportive. The proposal would be consistent with the LTP key objectives as set out at paragraph 1.1 of the Strategic Overview: reducing congestion in Hereford City and increasing accessibility by less polluting and healthier forms of transport than the private car.

Preparations needed to be made now to cope with the transport demands that would be generated by housing development and the proposed University.

- Councillor Bridges commented that the letter from London Midland had clearly indicated support for the proposal. The development would extend employment opportunities at Rotherwas to people in Worcestershire and Shropshire. It would encourage visitors to the City. It was cost effective and sustainable. Rail development in Pembrokeshire was bringing growth to the local economy. Permitting retail units at Rotherwas would similarly generate revenue. London Midland had found that local rail use was rising 10% year on year and was predicted to rise by 59% in the next 10 years. Network Rail and the operator would meet the running costs.

A motion that the question be now put was carried.

The original motion was carried with 29 votes in favour of it, 18 against it and four abstentions.

RESOLVED: That the executive take urgent and positive action, by working with the appropriate rail authorities and other interested bodies, to produce a development plan to deliver these improvements. This plan and an associated funding proposal should be placed before the council at the earliest opportunity so that it can be progressed through the Local Enterprise Partnership and government funding routes with the minimum of delay.

Notice of Motion 2 – Fairer Funding For Schools

Councillor JW Millar, Cabinet Member Young People and Children's Wellbeing, proposed the motion. He noted that Council had previously approved a motion in favour of fairer revenue funding. This motion related to the need for fairer capital funding.

RESOLVED UNANIMOUSLY: to press government for fairer funding for Herefordshire schools.

Notice of Motion 3 – Hospital Car Parking

Councillor GJ Powell, Cabinet Member – Health and Wellbeing proposed the motion which was seconded by Councillor KS Guthrie.

It was stated that the contractor was neither taking account of local conditions, nor setting charges that were reasonable for the area. New guidance had been issued that stated that NHS organisations were responsible for the actions of private contractors who ran car parks on their behalf. The local NHS should be urged to apply the new parking principles as quickly as possible.

It was noted that the Health and Social Care Overview and Scrutiny Committee had made representations on the matter.

RESOLVED UNANIMOUSLY: That it be requested that the NHS patient, visitor and staff car parking principles as published by the government on 23rd August 2014 be applied in Herefordshire.

31. LOCAL TRANSPORT PLAN

Council was invited to approve extension of the current Local Transport Plan (LTP) until after the Council's Core Strategy is adopted, or to 31 March 2016, whichever is the earlier.

The Cabinet Member – Infrastructure presented the report. He listed schemes that had been completed to date and future projects.

In response to comments the Cabinet Member acknowledged the importance of consultation with Members. As part of the consultation process he intended to hold a seminar at which consideration could be given to the content of the new LTP alongside the Annual Plan for the Public Realm Services Contract with Balfour Beatty Living Places. He requested that Members informed officers of matters of concern to them in advance of the seminar so these could be taken into account.

RESOLVED UNANIMOUSLY: That the current Local Transport Plan (2013/14 – 14/15) time period be extended until after the Core Strategy is adopted, or to 31 March 2016, whichever is the earlier, to enable a refreshed Local Transport Plan to reflect the adopted Core Strategy.

32. YOUTH JUSTICE PLAN

Council considered the Youth Justice Plan.

Councillor JW Millar – Cabinet Member Young People and Children’s Wellbeing presented the report.

He agreed to provide a written response on how the new Probation Service fitted into the Youth Justice Plan.

In the light of Council’s decision to endorse a pledge to children and young people looked after by the Council, concern was expressed that of the total case load of the Herefordshire Youth Offending service team 45% were looked after children from Herefordshire and other counties. In response the Cabinet Member stated that work was being undertaken to reduce this figure.

RESOLVED UNANIMOUSLY: That the Youth Justice Plan attached at appendix A to the report be approved.

33. REVIEW OF THE IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003

Council considered the adoption, for consultation, of the draft licensing policy to be used by Herefordshire Council in carrying out its functions under the Licensing Act 2003 and of a draft special licensing policy for the cumulative impact of premises in the vicinity of Hereford City.

Councillor A Seldon, Chairman of the Regulatory Committee, presented the report.

RESOLVED: That the draft policies appended to the report, incorporating amendments proposed at paragraph 11 of the report, be approved for consultation.

34. A REVISED 'STATEMENT OF PRINCIPLES' POLICY UNDER THE GAMBLING ACT 2005.

Council was invited to approve the draft Gambling Act Policy Statement of Principles for consultation.

Councillor A Seldon, Chairman of the Regulatory Committee, presented the report.

RESOLVED: That the draft Gambling Act Policy Statement of Principles, as appended to the report, be approved for consultation.

35. ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - REGULATIONS AFFECTING SEX ESTABLISHMENTS AND APPROVAL OF DRAFT SEX ESTABLISHMENT POLICY

Council was invited to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 and approve a draft sex establishment licensing policy for consultation.

Councillor A Seldon, Chairman of the Regulatory Committee presented the report.

RESOLVED:

- That
- (a) **Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 be adopted; and**
 - (b) **the draft sex establishment licensing policy appended to the report, incorporating the amendment proposed at paragraph 18 of the report, be approved for consultation.**

36. THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW

Council was invited to consider the recommendations of the Audit and Governance Committee on 9 September 2014, following the Ross-on-Wye Community Governance Review.

Councillor JG Jarvis, the Chairman of the Audit and Governance Committee, presented the report.

RESOLVED: That with effect from 1 April 2015 ('the effective date'):

- (a) **The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;**
- (b) **The new parish shall be known as 'Ross-on-Wye';**
- (c) **The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;**
- (d) **The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;**
- (e) **There shall be a parish council for the new parish of Ross-on-Wye;**
- (f) **The name of that new council shall be 'Ross-on-Wye Parish Council';**
- (g) **The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;**
- (h) **The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;**
- (i) **The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;**
- (j) **The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;**
- (k) **The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;**
- (l) **The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;**
- (m) **All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council;**
- (n) **From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented**

by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council;

- (o) That no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council;
- (p) The Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the Reorganisation Order') (to be substantially in the form set out in Annex 3 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007; and
- (q) The Electoral Registration Officer be requested to commence preparatory electoral administrative work from 15 October 2014 as a consequence of the above changes; and that the Reorganisation Order shall have effect from that date for those purposes.

37. REVIEW OF POLLING PLACES, POLLING DISTRICTS, AND POLLING STATIONS

Council was invited to approve a new scheme of polling places, polling districts and polling stations.

The Assistant Director, Governance presented the report.

A number of members identified minor anomalies that they considered required further consideration. The Assistant Director invited all Members to submit further comments on the proposals if they had concerns. These would be considered and a further report made to Council if necessary.

RESOLVED: That the polling districts, polling places and polling stations scheme as set out in Appendix B to the report be approved, subject to further review of any details if necessary.

38. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of council in July.

In discussion the following principal points were made:

- Concern was expressed about ongoing issues with the roll out of the Maas360 IT system. The Cabinet Member – Corporate Services acknowledged shortcomings with the system and that it was intended to implement better arrangements following the election. In the meantime arrangements had been made to provide an opportunity for everyone to sort out issues on an individual basis with IT staff.
- The Leader acknowledged a comment on the brevity of his report.
- It was asked in respect of Hereford United Football Club whether the Council would undertake a schedule of dilapidations so that buildings were kept in the

appropriate condition. The Assistant Director, Governance replied that the leases provided that buildings were maintained in the condition that they had been in at the commencement of the current leases.

- In response to a question, the Cabinet Member Young People and Children's Wellbeing agreed to revisit the recommendations made following a scrutiny review of safeguarding to ensure that the recommendations were being implemented as had been agreed.
- In relation to Hereford Racecourse the Cabinet Member – Contracts and Assets commented that there was no intention to permit house building on the course. The state of dilapidation was being kept under review. It did not currently merit action. It was suggested that careful attention need to be given to the next review of the lease. The Leader commented that he and the Cabinet Member were mindful of the situation and would inform Members if there were any particular issues.

RESOLVED: That the report be noted.

39. 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 asked at the meeting and the answers to them is attached to the Minutes at Appendix 2.

The meeting ended at 1.25 pm

CHAIRMAN