

**MINUTES of the meeting of Council held at Council Chamber,
The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday
15 July 2016 at 10.00 am**

Present: Councillor DB Wilcox (Chairman)
Councillor PJ McCaull (Vice Chairman)

Councillors: PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, MJK Cooper, PE Crockett, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, DW Greenow, KS Guthrie, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, JA Hyde, TM James, AW Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, RI Matthews, MT McEvelly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, P Rone, AR Round, A Seldon, NE Shaw, WC Skelton, J Stone, EJ Swinglehurst, LC Tawn, A Warmington and SD Williams

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Harlow, JF Johnson, MN Mansell, RL Mayo, R Phillips and D Summers.

16. DECLARATIONS OF INTEREST

Councillor PD Newman OBE declared a pecuniary interest for item 10, appointment of Chairmen of Committees.

17. MINUTES

RESOLVED:

That

- a) the minutes of the Annual General Meeting, held on 20 May at 10.30am be confirmed as a correct record and signed by the Chairman.**
- b) the minutes of the Extraordinary General Meeting, held on 20 May at 2pm be confirmed as a correct record and signed by the Chairman**

18. CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman reported that he had received two petitions. The first related to the perceived closure of the Citizen's Advice Bureau. The cabinet member, health and wellbeing, received the petition.

The second petition related to Traffic calming measures outside Burghill Community Academy. The cabinet member, transport & roads, received the petition.

19. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

20. NOTICES OF MOTION UNDER STANDING ORDERS

Notice of motion 1 – national planning policy framework

Councillor BA Baker proposed the motion and made the following principal points:

- The Herefordshire Local Plan Core Strategy (HLPCS) laid out in detail how the county would develop, up to 2031 and included planned domestic housing growth of 16,500 units within the plan period.
- in accordance with national policies and guidance, the personal circumstances of residents could not form part of planning policy and could not be taken into consideration when determining a planning application as defined under policy RA3 - Herefordshire's countryside.
- people living with any number of long term medical conditions or other special needs were having these needs and circumstances ignored by the planning system, through no wish of the council.

Councillor KS Guthrie seconded the motion and said that there had been times that local Herefordshire families in rural areas had required a new home for an ill or disabled close relative in the proximity of their local community. These types of planning applications were within small hamlets considered to be in “open countryside” and therefore were not supported by the current policy. If medical evidence were to become a material planning consideration, those who were unwell or disabled would not be disadvantaged as they presently were and would have the opportunity to live locally with the support of family and friends.

In the ensuing debate the following point was made:

- That the National Planning Policy Framework had a number of health and wellbeing references, and it was unlikely that such a motion would be considered by Whitehall, who would view it as a matter for each local authority to resolve.

The motion was carried unanimously.

RESOLVED: That The executive be requested to consider lobbying central government for a change to the national planning framework to enable local planning authorities to take personal circumstances into account as material planning considerations where proportionate residential development is considered necessary for a person suffering from a serious disability, or some other unusual or exceptional circumstances, and is supported by professional medical or other evidence, to enable that person to maintain and enjoy an acceptable quality of life.

Notice of motion 2 – mental health day

Councillor MD Lloyd-Hayes proposed the motion on behalf of Councillor Summers.

Councillor PE Crockett seconded the motion commenting that this was a matter that was not sufficiently well recognised within the health sector.

In discussion the following principal points were made:

- That mental health was a serious issue within the county and at the recent meeting of the health and social care overview and scrutiny committee it had been reported that the 2gether NHS Trust had received a good report from the Care Quality Commission for its work.
- The cabinet member, health and wellbeing said that she was prepared to consider any additional initiatives in this area, but that they would have to be set against the need to achieve value for money and the work that was already being undertaken. She highlighted a number of initiatives that were already underway in the county.
- That a mental health day would provide the council with an opportunity to highlight and publicise initiatives that were being undertaken without additional costs to the council.
- That the mindSCAPE Project had been developed by the Wye Valley Area of Outstanding Natural Beauty to enable people living with dementia, their carers both family and professional, to reconnect with the landscape in a sociable and creative way.

The motion was carried unanimously.

Resolved: That the executive be asked to consider the establishment of an annual designated mental health day to be called ‘Lets Listen Herefordshire’ and to be held every ‘blue Monday’ (that being the third Monday of each new year) from January 2017 onwards.

Notice of motion three – support of *count them in*

Councillor MT McEvelly proposed the motion, and made the following principal points:

- that the armed forces community within the county should not face disadvantage in the provision of services and that special consideration was appropriate, as enshrined in the Armed Forces Covenant.
- The provision of more accurate data on the size or demographics of the armed forces community was important and should, where possible, include serving regular and reserve personnel, veterans, and their families.
- That the availability of such data would greatly assist the council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the armed forces community within Herefordshire.
- The cabinet member, health and wellbeing reiterated the number of initiatives that were already underway in the county in this area.

Councillor BA Durkin seconded the motion.

The motion was carried unanimously.

Resolved: that the executive be requested to support and promote the Royal British Legion’s call to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community; and to call upon the UK Parliament, which will approve the final census questionnaire

through legislation in 2019, to ensure that the 2021 census includes questions concerning our Armed Forces community.

Notice of motion four: combating racism

Councillors JM Bartlett, TM James, RI Matthews, PM Morgan and AJW Powers proposed the motion and it was supported by all members. During the discussion the following principal points were made, that:

- whilst it was recognised that it did take place, it should be made clear that hate crime was unacceptable in the county. There had traditionally been under reporting of such incidents and the fact that they appeared to be increasing might be a positive sign as it showed that more people were taking the issue seriously.
- That the city council was taking positive steps to address this issue, which included the Herefordshire Pride event and twinning with a Polish city.

Resolved: That this council wishes to state unequivocally that Herefordshire welcomes people from all walks of life - and will continue to do so.

We want Herefordshire to be known for being a diverse and tolerant society. Unkind speech and acts of prejudice have no place in our county or our country.

This council continues to promote and celebrate difference and we condemn all forms of racism, xenophobia and hate crime. We encourage respect for one another in all that we say and do, and wish to reassure all people visiting and living in this area that they are welcome and valued members of our community

21. TREASURY MANAGEMENT OUTTURN 2015-16

Council received a report on the treasury management outturn for 2015/16.

In the ensuing debate the following points were raised:

A member said that there appeared to be a variance of £800k on the total borrowing figures in this report, compared to the report that had been presented to cabinet. The leader undertook to provide a written reply to explain the apparent disparity, and pointed out that a substantial amount of the increase in borrowing was as a result of capital spend that would provide a return on the investments made. These included the following:

- A loan of £17.4m for the energy from waste plant which would be funded by future loan repayments
- Road investment of £5.2m; the cost of borrowing would be financed by revenue maintenance cost savings
- £4m investment in LED street lighting, to be financed by energy cost savings
- £2.8m Investment in leisure centres which would be financed by rental charges
- £1.8m for the purchase of the three elms trading estate which would be funded by rental income

A member asked why there was an expenditure on removing asbestos from Elgar House, as this was surely the responsibility of the landlord, not the local authority. The leader replied that property management would provide a written response to this question.

- Whilst it was not possible to guarantee that the investment in the leisure centres would be funded by rental charges, but that based on the past performance of the centres, it was reasonable to assume that this would be the case.
- That if the council were to undertake no further borrowings, then there were many areas of operation that it would no longer be involved in.

A member said that treasury management was viewed in terms of investment and that the landscape had changed dramatically since the 23 June. He asked whether the council could be assured that the management of resources would continue during the Brexit negotiations. Assurance was sought that in managing future investment account would be taken of this new landscape, mindful that the Council had relied on yields from its treasury management to help finance investment and that such income might be less secure in the future.

The leader replied that the shape and scope of the uncertainty had been laid out at a recent meeting in London by a senior civil servant. The leader's personal view was that even greater prudence than usual should be exercised in both treasury management and capital projects until the situation became clearer

Resolved: that the treasury management outturn for 2015/16 be approved.

22. LEADER'S REPORT

The Leader presented his report on the activities of cabinet since the meeting of Council in March 2016

In the ensuing discussion, the following issues were raised:

It was suggested that resolution a and resolution b of the cabinet member, infrastructure's decision of 24 June on the adoption and maintenance of new public open space were contradictory and the decision should be reviewed. Ensuring finance for the management of public open space had been an ongoing issue for the Planning Committee with several applications referring to that future provision being made through the formation of a management company. Developers should be required to meet the ongoing cost of managing public open space provided as part of any new development.

The cabinet member, infrastructure replied that the decision was clear that the council would no longer actively adopt or take on the maintenance of new public open space, except in exceptional circumstances in which case the cost would be recovered from the developer. He would ensure that officers were applying this policy to all relevant planning applications.

A member asked how the management of the policy was to be taken forward and suggested the formation of a Public open Space Management Company be included in the draft heads of terms in any planning agreement for housing developments. The cabinet member, infrastructure, replied that there was no intention to adopt the open spaces within a development unless mitigated by the costs of that development. The question would be referred to the Planning Officers for a written reply.

A member said that there had been no meaningful debate around the 100% retention of business rates. This was an issue that needed to be addressed as, he believed, it fell under objective four of the chief executives objectives, as outlined in appendix 2 of the report, and that the chief executive needed to be empowered to address this issue. The Leader replied that it was not clear at this point whether business rate retention would

impact local authorities. It would impact the choices that a local authority would make. A further report on the issue would be made when there was a definitive answer.

The chief executive agreed with a member's comment that objective eight should be extended to all elections and referendums, rather than just those held in May and June.

In reply to a question, the cabinet member health and wellbeing said that the award of contracts for learning disability services would provide a comprehensive service that would include respite care.

A member questioned whether objective seven had been met, as there was currently an overspend in adult social care. The cabinet member health and wellbeing replied that action was being taken to address this overspend in order to ensure that the budget was brought in on target.

In reply to a further question, the leader said that the chief executive's objectives were monitored on a daily basis, but that by their very nature they were not easy to split down further. He would be happy to discuss any other form of dissemination of this information with members and group leaders.

RESOLVED: That the report be noted.

23. NEW MODEL IN TECHNOLOGY AND ENGINEERING (NMITE) UNIVERSITY

Council received a report to approve an amendment to the current year's capital programme in order to allow the council to support the development of the new university in the county.

The Leader reported that the Government had pledged support to secure launch funding to create the NMiTE university. Funding of circa £18m had been earmarked but access to this was dependent upon the Herefordshire Tertiary Education Trust (HTET) submission of a sound Green Book business case, the Office of Government Commerce's recommended standard for the preparation of business cases.

In order to achieve this, HTET had requested the council to provide loan support of up to £300k, repayable once government and/or private funding had been secured. The cabinet member had given in principle approval to this request for loan funding subject to Council approval of the amendment to the capital programme and to a number of conditions to be determined by the joint university project board.

In the ensuing debate, the following points were raised:

A member commented that Welsh Water were keen to be involved in the NMiTE in order to be able to train engineers there, but had not been approached. The leader undertook to pass this request on to the project team.

- That following the referendum vote to leave the EU, it should be noted that it was intended that the majority of students would be recruited within the UK and would be learning technical skills for British job. There would be issues for the Russell Group of Universities, who would be exposed to issues around EU research funding. This would not apply to the NMiTE.

Resolved: that provision of £300k be made in the current year's capital programme to support the development of the new university.

24. APPOINTMENT OF CHAIRMEN OF COMMITTEES

Council received a report to exercise powers reserved to it to appoint chairmen of committees.

The Leader proposed councillor PD Newman OBE as chairman of the Audit and Governance Committee. Councillor Newman was seconded by councillor ACR Chappell and he left the room for the duration of the vote.

Councillor PD Newman was elected unanimously.

It was noted that when appointments were made in May to the positions of chairman and vice-chairman of committees, the position of Chairman of the Health & Wellbeing Board was inadvertently omitted from the report to annual council. Councillor PM Morgan, being Cabinet Member Health and Wellbeing, was confirmed as chairman of the health and wellbeing board.

Resolved

That

- a) Councillor PD Newman OBE be appointed as chairman of the Audit and Governance Committee; and;**
- b) Councillor PM Morgan, being Cabinet Member Health and Wellbeing, be confirmed as the chairman of the Health and Wellbeing Board**

25. ANNUAL REPORTS FROM COMMITTEES

The annual reports from committees were noted.

In the ensuing discussion, the following points were made:

The cabinet member, health and wellbeing said that the council's Sustainability and Transformation Plan (STP) had been discussed by the health and wellbeing board on two different occasions, and that the plan was not yet public. Active discussions were hand with the local authority and the clinical commissioning group leading the way for the county. The One Herefordshire plan was being actively promulgated, and that there had been an officer team working on this since December 2015. The authority was actively engaged in the process and was bringing forward ideas for working together more efficiently within the county.

The cabinet member went on to say that the health and wellbeing board did not report to the health and social care overview and scrutiny committee (HOSC) but to the constituent agencies of the board. The board did provide an annual update to HOSC on progress over the year.

In reply to a question, the chairman of the planning committee said that the issue of the five year land supply would be addressed at an all members seminar to be held in the Shire Hall on the 25 July.

In reply to a further question, he went on to say that he would provide members with a written answer as to how many allowed appeals had been passed on officer recommendations.

A member asked that a strategic overview of the work of the planning committee should be provided to members.

The chairman of the regulatory committee thanked all members who had turned up at short notice to regulatory subcommittee meetings. He went on to thank officers for their work for the committee including the recently retired legal adviser.

Resolved: that the annual reports from committees be noted.

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

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

The meeting ended at 1.03 pm

CHAIRMAN