

**MINUTES of the meeting of Council held at The Council Chamber  
- The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday  
13 October 2017 at 10.00 am**

**Present:** Councillor DB Wilcox (Chairman)  
Councillor PJ Edwards (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, CA Gandy, KS Guthrie, DG Harlow, EPJ Harvey, TM James, PC Jinman, AW Johnson, JF Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, PP Marsh, RI Matthews, RL Mayo, MT McEvelly, SM Michael, PD Newman OBE, FM Norman, CA North, RJ Phillips, AJW Powers, PD Price, P Rone, AR Round, A Seldon, NE Shaw, J Stone, D Summers, EJ Swinglehurst, LC Tawn, A Warmington and SD Williams

**Officers in attendance:** Chris Baird, Annie Brookes, John Coleman, Matthew Evans, Geoff Hughes, Andrew Lovegrove, Caroline Marshall, Alistair Neill and Claire Ward.

**22. CHAIRMAN'S INTRODUCTION**

In opening the meeting, the Chairman welcomed Councillor Peter Jinman, the newly-elected Member for Golden Valley South.

**23. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Greenow, Hardwick, Holton, Hyde and Skelton.

**24. DECLARATIONS OF INTEREST**

Councillor Phillips declared a non-pecuniary interest in agenda item no. 7 as a justice of the peace.

Councillor Rone declared a non-pecuniary interest in agenda item no. 12 as the council appointee to Herefordshire Housing Ltd.

Councillor Lester declared a non-pecuniary interest in agenda item no. 5 as the recommended Chairman of the Health and Wellbeing Board.

**25. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 14 July 2017 are confirmed as a correct record and signed by the Chairman.

## **26. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS**

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

The Chairman passed a petition concerning the condition of rural roads in Richards Castle, received from Richards Castle Parish Council to the Cabinet Member Transport and Roads.

The Chairman noted the resignations from the Council of Councillors Patricia Morgan and Mark Mansell. On behalf of the Council, he thanked them for their services and wished them well for the future.

The Chairman announced that the Police and Crime Commissioner for West Mercia had confirmed that a formal proposal had been submitted to the Home Office to assume governance of the local fire service. As the four principal authorities in West Mercia had all objected to the proposal, the Home Office would now refer it to a panel for a proper assessment. .

The Chief Executive introduced his announcements including the following:

- A bid of £95million had been submitted to the Communities Agency for infrastructure funding;
- Preparations for an adverse winter were being undertaken;
- The city link road was on schedule to be opened by the end of the year;
- The next phase of the broadband rollout was progressing;

The target date for the opening of the city link road was questioned, progress on the site appearing to be slow. It was confirmed that the link road was currently ahead of schedule and that work on the new road was undertaken at night.

The distinction between the Chief Executive's announcements and the Leader's report was queried and it was confirmed that ahead of the next meeting it would be assessed to see if any changes should be made.

## **27. COUNCIL MEMBERSHIP AND COMMITTEE APPOINTMENT**

Council considered a report relating to the appointment of the Chairman of the Health and Wellbeing Board and a request to grant a leave of absence to enable Councillor Skelton to resume his duties. The Monitoring Officer introduced the report and Council requested that the Chairman write to Councillor Skelton to express its good wishes.

The recommendations in the report were proposed by the Chairman and seconded by the Leader. The recommendations were approved by a majority of the Council.

Resolved – that:

- (a) Councillor JG Lester is appointed as the Chairman of the Health and Wellbeing Board; and
- (b) An extended period of absence from meetings, pursuant to Section 85 (1) of the Local Government Act 1972, for Councillor WC Skelton, to expire on 12 March 2018, is approved.

## 28. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 13 - 14)

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

## 29. YOUTH JUSTICE PLAN 2017/18

Council considered a report which proposed the approval of the Youth Justice Plan 2017-2018. The Plan was moved by Councillor JG Lester, Cabinet Member Young People and Children's Wellbeing who commented that the rates of youth offending in the county were relatively low and a downward trend in rates of offending was attributed to a greater emphasis on preventative and early intervention programmes.

Council made the comments below in the debate which followed:

- The rate of reoffending detailed in the Plan was a concern.
- Clarification regarding the proportion of looked after children in rates of offending was requested. The re-establishment of the looked after children reference group was commended and further detail was requested as to when this would be completed. *Councillor Lester confirmed that as of 31 July 2017 6.7% of Herefordshire young people on the youth justice service caseload were looked-after children. The Corporate Parenting Strategy included actions to address the issue. A written response regarding the timing of the re-establishment of the looked-after children reference group would be provided.*
- Facilities that young people within the criminal justice system were detained within were queried and whether they were appropriate institutions. *It was confirmed that during the course of the year there had been one custodial sentence. A written response would be provided with detail of the institutions to which young people were referred.*
- A query was raised regarding the outcomes of the review of mental health proposed in an earlier version of the Plan. There was very little mention of the impact of mental health in the current plan. *The impact of mental health on the Plan and youth offending was acknowledged and it was confirmed that there was a part-time Child and Adolescent Mental Health Services (CAMHS) worker in the Herefordshire Youth Justice Team.*
- It was requested that the draft Plan be circulated to the general scrutiny committee at an early stage next year to ensure effective engagement on its content. Further work was needed to ensure effective working arrangements with partners and other local authorities and the notion of joint scrutiny with other councils involved in the Plan was proposed. Greater involvement of scrutiny to assist in policy development in the area of youth offending was also raised. *It was confirmed that an attempt would be made to involve scrutiny at an earlier stage during the production of the Plan in future years.*
- The relative proportions of boys and girls committing offences were queried and why the split was so wide. *This was an important societal question.*

The recommendation in the report was approved by a majority of the Council.

**Resolved – that the Youth Justice Plan (at appendix A) is approved.**

## 30. TRAVELLERS' SITES DEVELOPMENT PLAN DOCUMENT

Council considered a report concerning the Travellers' Sites Development Document which was introduced by the Cabinet Member Infrastructure who confirmed that the report contained the pre-submission documents which would be sent to the Secretary of State for approval. It was confirmed that during the preparation of the document there had been extensive consultations carried out with the gypsy, traveller and travelling show people communities.

Council raised the comments below in the debate which followed:

- The identification of additional stopping places within the document was welcomed, it was felt that an additional stopping site close to Leominster was required but the location proposed in the document was questioned. *The cabinet member explained that there had been significant assessment of the proposed new stopping sites with a lot of comment received. The Council continued to investigate other potential sites in the county and was working with the Showman's Guild.*
- The requirement for the adequate maintenance of existing sites was raised. The proposal at the Turnpike site for an area of grazing or an orchard was queried and the ongoing maintenance that would be involved. It was suggested that the land be let to the adjacent owner of the property recently sold by the Council. *The cabinet member confirmed a response would be provided.*
- The fence between the Turnpike site and the Kington Road required maintenance to ensure it provided adequate protection from the highway. *The cabinet member confirmed a response would be provided.*
- The playground and play facilities proposed in the document needed to ensure they complemented the development of traveller children. *The cabinet member confirmed a response would be provided.*
- Concern was expressed that the targets identified in the document were not sufficiently ambitious and more sites should be taken forward for development.
- The arrangements for monitoring the success of the document were queried and it was recommended that a review of the entire development plan document should be conducted every five years. *The cabinet member confirmed that the document would be subject to continual, ongoing review.*
- The incidence of illegal encampments within the county was raised and enforcement measures. It was queried whether there was sufficient resource in the council to undertake adequate enforcement. *The cabinet member confirmed that the comments of the council would be passed back to officers involved in enforcement.*
- The welfare of animals on sites was raised as a significant issue.

The recommendations in the report were approved by a majority of Council.

**Resolved – that:**

- i. the draft Travellers Sites Development Plan Document 2011 – 2031 at appendix 1 is approved for pre-submission consultation;**
- ii. authority is delegated to the Programme Director Housing and Growth, following consultation with the Cabinet Member Infrastructure, to make any technical amendments required to the draft Travellers Development Plan Document and supporting documents resulting from the completion of ongoing technical work before pre-submission consultation begins;**
- iii. authority is delegated to the Programme Director Housing and Growth, following consultation with the Cabinet Member Infrastructure, to make any**

minor textual or graphical amendments, and to produce a plain English guide regarding the development policy document prior to the submission to the Secretary of State; and

- iv. following completion of the pre-submission publication of the Travellers Sites Development Plan Document and its supporting documents, the documents are submitted to the Secretary of State for Examination in Public.

Councillor Tawn left the meeting at 11.10 a.m.

### 31. THE RESCHEDULING OF DEBT REPAYMENT COSTS

Council considered a report concerning an amendment to the minimum revenue provision (MRP) contained within the Treasury Management Strategy. The Cabinet Member Finance, Housing and ICT introduced and moved the report and explained the statutory requirement on the council to set an MRP. Guidance issued in 2008 proposed four options for establishing a prudent MRP; following guidance from specialist financial advisors it has been recommended that the annuity method was used to calculate the MRP.

The comments below were raised during the debate:

- There was concern that the proposal would place a burden on future generations of taxpayers and local residents by delaying the repayment of debt.
- The proposal was not felt to take adequate account of the capacity of the Council to be able to service debt and make increased repayments from the 2030s onwards. It was noted that the proposal only concerned the debt currently held by the council and not any future borrowing which may occur; the proposed approach would potentially restrict the council's capacity to borrow in the future. It was noted that a number of cells in the last column of appendix 3 should be coloured red rather than green to denote outstanding debts of £14million by 2066. *The Chief Finance Officer confirmed that the underlying loans would not change and loans from the Public Works Loans Board were fixed. It was the accountancy treatment of those loans that would change through the MRP proposal. Inflation had not been taken into account in the calculations in the tables which would reduce the liability to the council in future years.*
- Clarity was required regarding the management and assessment of an assets useful life. It was commented that assets were not necessarily available for their projected life and could become liabilities to the council which was not adequately assessed in the report. There was concern that the proposal would result in greater cost to the council. *The cabinet member finance, housing and ICT explained that inflation would have an effect and the proportion of the budget of the council in future years dedicated to the repayment of debt would be reduced. Assets were reassessed and revalued during the course of their lifetime. Interest costs would be tied to the lifetime of assets.*
- The approach had been adopted at other authorities and surprise was expressed that it had not already been implemented at the Council.
- It was noted that few local authorities had adopted the approach and a significant risk concerned its complexity and impact on staffing. It was not felt that the external auditors had provided a clear endorsement of the proposal. *A large number of councils had adopted the policy and a list could be provided if required. The Chief Finance Officer confirmed the external auditors would form an opinion every year about the MRP.*

- The report outlined a technical accounting issue which had been endorsed by CIPFA. It was felt that members should be focused on the Fairer Funding review report to assess whether the council would be adequately financed in the immediate future.

Councillor AJW Powers proposed and Councillor MD Lloyd-Hayes seconded a motion to include additional wording in recommendation (a): *that the money which becomes available from the change in MRP policy be used to help pay off the council's overall debt more quickly.*

Council debated the motion and raised the following comments:

- The proposed motion would restrict the flexibility of the council in the future.
- The MRP proposal as set out in the report would reduce the payments of the council to service debt and inflation decreased the overall level of debt. *The Chief Finance Officer confirmed that the proposal in the report concerned an accounting adjustment and if changes were required to the processes for the repayment of loans a change to the Treasury Management Strategy would be required.*

The motion to include additional wording in recommendation (a): *that the money which becomes available from the change in MRP policy be used to help pay off the council's overall debt more quickly* was put to the vote and was lost by a majority of Council.

The Chairman informed Council that the item concerned a budget matter and there was a requirement for a recorded vote.

The recommendation in the report were proposed for approval by Councillor NE Shaw and seconded by AW Johnson.

A recorded vote was then held on the motion to approve the recommendation in the report. The motion was carried: 34 votes in favour, 6 against and 5 abstentions.

For (34): Councillors PA Andrews, BA Baker, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, MJK Cooper, PE Crockett, P Cutter, BA Durkin, PJ Edwards, CA Gandy, KS Guthrie, DG Harlow, TM James, PC Jinman, AW Johnson, JF Johnson, J Kenyon, JG Lester, RL Mayo, MT McEvilly, PD Newman, CA North, RJ Phillips, PD Price, AR Round, P Rone, NE Shaw, J Stone, EJ Swinglehurst, DB Wilcox, SD Williams.

Against (6): Councillors JM Bartlett, EPJ Harvey, AJW Powers, A Seldon, D Summers, A Warmington.

Abstentions (5): Councillors MD Lloyd-Hayes, PP Marsh, RI Matthews SM Michael, FM Norman.

**Resolved – that an amendment is approved to the current minimum revenue provision policy within the Treasury Management Strategy to be based on the estimated life of the assets, in accordance with regulations, and the method of repayment to be through an annuity calculation (providing a consistent overall annual borrowing charge).**

Councillor Tawn returned to the meeting at 11.49 a.m.

## 32. COMMUNITY GOVERNANCE REVIEW

Council considered a report to provide approval to eight Community Governance Reviews (CGRs). The Chairman informed Council that the correct version of appendix (a), containing the terms of reference for the individual CGRs had been circulated as part of the correction supplement and that the recommendation had been corrected to seek approval for eight CGRs. Councillor PD Newman OBE, Chairman of the Audit and Governance Committee moved the report and advised Council that such reviews should be conducted every 10–15 years. The Audit and Governance Committee agreed an information gathering exercise in 2015, involving a county-wide assessment of the potential for CGRs. Following this exercise the eight CGRs contained in the report were proposed for approval.

The recommendation in the correction supplement to approve the terms of reference from appendix (a), also in the correction supplement, and commence eight CGRs was agreed by a majority of the Council.

**Resolved – that the terms of reference for eight community governance reviews in the version of appendix (a) contained in the correction supplement is approved.**

### **33. APPOINTMENT OF EXTERNAL AUDITOR**

Council considered a report by the Chairman of the Audit and Governance Committee to appoint an external auditor. The report was moved by Councillor PD Newman OBE, Chairman of the Audit and Governance Committee, who advised Council that the Committee recommended that the appointment proposed by Public Sector Audit Appointments Limited (PSAA) be accepted.

Council voted to accept the recommendation set out in the report and appoint Grant Thornton as the external auditor for a period of five years from April 2018 at fees to be determined by the PSAA.

**Resolved – that Grant Thornton is appointed as external auditor for a period of five years from April 2018 at fees determined by PSAA.**

### **34. LEADER'S REPORT**

The Leader presented his report on the activities of the Cabinet since the meeting of Council on 14 July 2017. An update was provided by the Cabinet Member Health and Wellbeing on the Better Care Fund and Council was informed that the submission recently made to central government with the CCG had been approved by NHS England. The initial concern that funding would be withheld had been assuaged; written evidence was still awaited to provide definitive confirmation.

Questions were invited to the Leader which included those issues raised below:

- The success of companies based at Rotherwas and the contribution played by the access road which had initially faced opposition from element of the Council. It was noted that improvements to the route to Rotherwas were still required and concerns that the height of Green Crize bridge and clearance for large loads intended for the nuclear industry had been raised by businesses at the site. Comments were raised that the construction of a bypass needed to be expedited. *The Leader agreed that the success of companies at Rotherwas*

*attracted funding through the Local Enterprise Partnership and the bypass was a priority.*

- The peer review relating to directorate performance reviews was welcomed. Responsibility for the situation concerning financial irregularities had been attributed by the Leader to officer error and members for not calling-in the issue. Ultimate responsibility was felt to rest with the Leader and the Cabinet Member for Contracts and Assets and a number of questions were posed regarding the tenability of their current positions on the Executive. The unfortunate public perception of the situation was highlighted and the requirement for the Leader to ensure that confidence in the council was restored. *The Leader confirmed that the reasons for the issue at Blueschool House included a lack of scrutiny over the decision and it was confirmed that the Cabinet Member would not have been aware of the actions of officers to appoint the contractor on the project.*
- A query was raised regarding the response to the collective letter from West Midlands authorities to the Secretary of State for Health regarding funding. It was queried if there would be closer working with Worcestershire in future. *The Leader confirmed that the issue would be discussed with Group Leaders and the correspondence would be shared.*
- The tendering process had not been properly followed in respect of Blueschool House. The situation had demonstrated weaknesses in governance arrangements for capital projects which was an issue that internal and external auditors had raised in the past. The Leader was asked for an assurance that the correct tendering process was observed in other areas of the council. Detail was requested concerning the number of contractors listed on the framework agreement. *The Leader confirmed that a framework agreement was in place for Blueschool House which had appointed a preferred contractor; there were a number of examples of framework agreements across the county. The appointment had gone through agreed processes. A written response would be provided regarding the number of contractors listed on the framework agreement.*
- Congratulations were offered to the 29 areas which had established Neighbourhood Plans. However, frustration was expressed regarding the length of time it took to approve the plans. In some circumstances the Planning Committee was considering applications in areas where Neighbourhood Plans were awaiting approval and therefore no weight could be attached to the priorities of the local community contained in the plans. *The Leader understood the frustrations and explained that clearer communication would assist local communities to understand the stages of the process that needed to be observed and the likely timeframes.*
- Disappointment was expressed regarding the Police and Crime Commissioners' (PCC) lack of a response to the comments of the Council regarding the proposed takeover of the fire and rescue authority. *The Leader noted that the PCC had the right to make the application to the Home Office and hoped that there would be strong partnership working between local bodies to ensure that the fire and rescue service continued to meet the needs of the local community.*
- The Leader was asked what process was in place as a contingency for the preferred bidder for Blueschool House failing due diligence. *The Leader and Cabinet Member Contract and Assets explained that the Cabinet Member would return the matter to Cabinet, a second contractor would be identified and the procurement would continue.*
- In relation to the business case for capital investment at Rotherwas a query was raised regarding the impact of the recent opinion from valuers that the Council's holdings at the site had reduced in value by £14 million. *The Leader confirmed a response to the question would be provided.*
- It was suggested that a seminar on procurement processes at the council would be of value to members. *The Leader agreed.*



**Resolved – that the Leader’s report is noted.**

The meeting adjourned at 12.55 p.m. until 1.05 p.m.

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

Council considered two notices of motion. The Chairman informed Council that the third notice of motion concerning blue badges had been withdrawn from the meeting and would be deferred to a future full Council meeting.

Council debated the first motion set out below:

**Motion 1 – Timings of meetings of the council**

In moving the motion Councillor MD Lloyd-Hayes made the following points:

- The timings of meetings during the day did not encourage local residents to engage in local issues or influence decision making. Employment prevented people from attending meetings during the day;
- Day time meetings were also a disincentive to local residents with jobs from standing for election as councillors. As a consequence members on the council were not representative of the local community;
- The chairmen of the committees at the council had the discretion to adjust the timings of meetings outside of core working hours. Since this had been introduced under the new constitution no meetings had been scheduled at times that would be more convenient for local residents;

The following principal points were raised by members in the debate:

- At evening meetings of other public bodies there was limited attendance from members of the public;
- Chairmen of the committees could adjust the timings of their meetings if it was felt appropriate;
- Travelling long distances in the dark following evening meetings posed a risk to councillors;
- The lack of public transport in the evening militated against public attendance at meetings scheduled later in the day;
- Other authorities with evening meetings failed to attract a good turnout from the public;
- There was sympathy for the principles and sentiment that had motivated the motion;
- It was commented that requiring half of all meetings to be outside of the council’s core hours was felt to be excessive;
- The impact on officer time was raised and the cost to the authority of attendance at evening meetings;
- The council covered a large rural area and there were a number of local responsibilities members had in the evenings including parish council meetings;
- The scheduling of meetings in the evening had been attempted before and had not been a success;
- Members were urged to approve the motion for a trial period of six months to assess the effectiveness of evening meetings;
- A members had recently had to resign from the council because work commitments were incompatible with the requirement to attend daytime meetings;

- The current scheduling of meetings during the day discouraged members of the public from becoming councillors or attending meetings; and
- The current scheduling of meetings had resulted in a uniformity of councillors.

In seconding the motion Councillor A Warmington made the following points:

- It was disappointing that the debate had been trivialised;
- Although chairmen had the discretion to adjust the timings they had chosen not to change the time of meetings to accommodate members of the public;
- It was very difficult to be a councillor if you had a full time job. An understanding employer was required;
- The current membership of the Council was not representative of the local community which was attributable to the lack of evening meetings; and
- Members of the Council had resigned because they were unable to attend meetings during the day as a consequence of work commitments.

In summing up Councillor MD Lloyd Hayes made the following points:

- It was a predictable response from members and it was noted that no amendments had been proposed;
- In response to the impact on officers time it was commented that *time off in lieu* could be used; and
- The council needed younger, working age people which evening meetings would help to achieve.

The motion, as published, was put to the vote and a majority of Council voted against the motion. The motion was lost.

## **Motion 2 – Street cleaning and litter**

In moving the motion Councillor EJ Swinglehurst made the following points:

- The motion was intended to support efforts to reduce litter; and
- It was noted that a number of initiatives pursued by local businesses, including reusable coffee cups, contributed positively towards litter reduction.

In seconding the motion Councillor BA Durkin made the following points:

- Local community groups were proactive in addressing litter concerns and council officers had volunteered for litter picks;
- There was a need for young people to be educated to not drop litter; and
- Support from members would help highlight the issue.

The following principal points were raised by members in the debate:

- There was broad agreement with the objectives of the motion;
- The introduction of a social responsibility tax was raised;
- A small addition to paragraph 4 of the motion was requested to include the wording ‘...but encourage the recycling of...’ after the wording ‘disposal of’. The change was acceptable to the proposer and seconder of the motion;
- The amount of litter attributable to packaging was not felt to be significant. Educating people not to drop litter should be the main focus of efforts to reduce the problem.
- There were some companies who offered free-of-charge enforcement services and details would be sent to the cabinet member.
- The removal of litter bins by Balfour Beatty.

A motion that the question be now put was proposed by Councillor RJ Phillips and seconded by Councillor CA Gandy and agreed by Council.

After allowing the proposer to sum up, the Chairman put the motion, including the change outlined above, to the vote. The motion was carried.

**Resolved – that the Executive is asked to write on behalf of Herefordshire Council to government making the following points:**

- 1. The cuts in local authority funding have impacted our ability to deliver non statutory services. The rural sparsity of Herefordshire presents a particular challenge to our street cleaning programme and verge litter clearing which are non-statutory services.**
- 2. The increasing volume of litter being dropped in the county on our streets and both major and minor roads is unsightly and dangerous. We recognise the tremendous efforts made by local people who go on litter picks or who just pick up litter when they see it. However, it is neither practical nor safe to rely on local volunteers to litter pick on busy highways.**
- 3. Therefore we raise this issue with the suggestion that sufficient finances be made available to local authorities to attend to the problem. Such money should be raised from a tax on fast food (take away) outlets, confectionary and crisp manufacturers, alcohol and soft drink companies and tobacco companies since these are the main contributors to the problem. It will not be a pasty tax but a litter tax (although some benefit to health may accrue).**
- 4. Defra should also be encouraged to run a campaign to stop the careless disposal of but encourage the recycling of silage wrappers, fertiliser bags, seed bags, feed sacks, baling twine and mineral buckets.**
- 5. Furthermore, the Executive is asked to consider whether further steps can be taken to support Parish Councils, local community groups and individuals who wish to deal with this problem in their area. The Executive is also asked to look into what can be done to encourage local business to engage with this challenge to reduce waste and litter in our lovely county.**

**36. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 15 - 16)**

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 2.00 pm

**CHAIRMAN**

## Appendix 1 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mrs Morawiecka, Breinton	I note from the Capital Out turn report to Cabinet on 22 <sup>nd</sup> June 2017 that the HCCTP (Hereford City Centre Transport Package), (including Link Road) had cost £27.79million up to 31 <sup>st</sup> March 2017. Would the Cabinet member please confirm how much of the £27.79million spent relates to the City Link road and what the final bill is likely to be for this road when it is completed?"	Cabinet member infrastructure
<p><b>Cabinet member response</b> The £27.79m referred to relates to the design, construction and land acquisition costs of the City Link Road. It is anticipated that the final bill for the road will be in the region of £34.1m, with a further £6.5m cost of the complementary public realm measures.</p>			
<p><b>Supplementary Question – Mrs Morawiecka</b> With the Cabinet Member confirming that the road is now anticipated to cost £34million, £7million more than the original budget of £27million for the road, would the cabinet member please confirm that any overspend on the road will not be deducted from the original money budgeted for other active elements of the city centre transport package and that this overspend will be reported to the audit and governance committee in the interests of clear and transparent governance?</p>			
<p><b>Cabinet member response to supplementary question</b> I can assure you that the budgeted capital spend on the total package is £40.6million there is not an overspend it has been building the business case up over the years from the original conception through to the delivery. There is no overspend we are within the budget and hope to be delivering on the particular aspect of the city link road within the budget that is in the capital plan.</p>			
PQ 2	Mr Palgrave, Hereford	In Sept 2016's consultation on the SWTP Active Travel Measures, the timetable gave late 2016 when Cabinet would consider the Consultation Report. It also showed a further community consultation in "2017 and onwards". Cabinet is now due to consider the Report on 16 November and 14 December this year. Can the portfolio holder please account for the near 12-month delay, and confirm there will be another round of consultation?	Cabinet member infrastructure
<p><b>Cabinet member response</b> Additional time was required to fully consider feedback from the consultation and to assess the package of measures consulted on. The matter is currently scheduled for consideration by Cabinet on 14 December. I can confirm that further consultation will take place during the detailed design and delivery of any active travel measure schemes in coming years.</p>			
PQ 3	Mrs Wegg-Prosser, Breinton	Confusion over the building of the controversial Southern Link Road continues. The Active Travel Measures, on which national funding is conditional, are featured as a Cabinet Key Decision for December 14 as well as November 11. They cannot be considered at two separate meetings. Could the relevant Cabinet member	Cabinet member infrastructure

		please decide which of these two Cabinet meetings should include the necessary permissions for the fully-funded South Wye Transport Package?	
<p><b>Cabinet member response</b>  In November Cabinet is scheduled to consider the making of a Compulsory Purchase Order and Side Roads Order and to approve the procurement of a contractor for the Southern Link Road; in December Cabinet is scheduled to consider consultation feedback and confirm next steps for the South Wye Transport Package Active Travel Measures.</p>			
PQ 4	Mr Stow, Rowleston	The Department for Communities and Local Government (DCLG) has stated that “transparency and openness should be the fundamental principle behind everything councils and other local government bodies do...”. On 20th September the Audit and Governance Committee decided to withhold parish and town council names from the Annual Report on Code of Conduct Complaints. How is this secrecy compatible with DCLG’s fundamental principle?	Leader
<p><b>Leader response</b>  Herefordshire Council is fully committed to openness and transparency. However, the code of conduct and audit and governance committee operation are not functions of the executive. I therefore move that this issue be referred to the audit and governance committee to consider at its next meeting.</p> <p><b>Chairman of Audit and Governance response</b>  The Audit and Governance Committee would be happy to consider the matter at its next meeting.</p>			

## Appendix 2 - Questions from members of the council

Question Number	Questioner	Question	Question to
MQ 1	Councillor Powers	The Council has a statutory duty to demonstrate that 'best consideration' was obtained on the sale of all the farm smallholdings in the Disposal Plan. As landlord until 30 September the Council also had a duty of care to all tenants. What assurance can the Leader give that these statutory duties have been fully undertaken and discharged?	Leader
<p><b>Leader response</b></p> <p>The criteria used in selecting the disposal plan are set out in the report to cabinet on 13 October 2016. The factors taken into account when assessing bids received are set out in the record of officer decision taken on 20 July 2017. Collectively these provide assurance that best value has been achieved and open market value realised. Throughout the process the council has gone beyond its mere statutory duties as a landlord and offered support to tenants as set out in the officer decision taken 3 March 2016. The council, and its agents, have provided tenants with regular updates throughout the process including ensuring that all were aware of the opportunity to submit a bid. All decisions referred to can be found on the council's website.</p>			
<p><b>Supplementary Question – Councillor Powers</b></p> <p>As far as the duty of care to the tenants can the Leader confirm whether his answer is the view of all the affected tenants?</p>			
<p><b>Leader response to supplementary question</b></p> <p>I cannot provide such assurance, were I a gambler which I am not, I suspect there will always be somebody who would be dissatisfied or less than totally satisfied with the arrangements that we have made and that would be predictable I suppose to anybody. But the facts are that we did everything that we were required to do to comply with our responsibility as landlords and additionally offered some money available to each to help with the cost of preparing bids if they wished to buy.</p>			
MQ 2	Councillor Shaw	I understand that the EU target for the recycling of municipal waste is 50% by 2020, what is the current rate for Herefordshire and are we on course to meet the EU target?	Cabinet member contracts and assets
<p><b>Cabinet member response</b></p> <p>It is possible to increase the percentage of recycled waste from 41% towards the government target of 50% but limited funds make this extremely difficult. The most likely route to increase the percentage is for the government to allow the 'bottom ash' from the new energy to waste plant to be counted in the figures. This is because this ash is re-used for other purposes and does not go to landfill. It is worthy of note that councils within Wales are allowed to include this but at present authorities in England are still precluded from so doing.</p>			
MQ 3	Councillor Harvey	Please will the Leader provide this council with his assurance that the decision made on any code of conduct complaint which is formally determined by the Monitoring Officer – whether upheld or dismissed – can be relied upon in	Leader

		exactly the same manner as a complaint determined by a full Standards Panel; and that therefore this council's adopted Standards Procedure meets all of the objectives for the changes to the standards process which were intended under the Localism Act 2011?	
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**Leader response**

The code of conduct and the associated standards procedure are not functions of the executive, I therefore am not in a position to provide the assurance that you refer to and I move that this issue be referred to the audit and governance committee, of which Councillor Harvey is a member, to consider at its next meeting.

**Chairman of Audit and Governance response**

The Audit and Governance Committee would be happy to consider the matter at its next meeting.