

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Council held at The Council Chamber
- The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday
12 July 2019 at 10.00 am**

Present: Councillor Sebastian Bowen (Chairman)
Councillor Kema Guthrie (Vice Chairwoman)

Councillors: Graham Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Bernard Hunt, Helen I'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Millin, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Chris Baird, Richard Ball, Annie Brookes, John Coleman, Matthew Evans, Andrew Lovegrove, Alistair Neill and Claire Ward

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Andrews, Christy Bolderson and Alan Seldon.

11. DECLARATIONS OF INTEREST

Councillor Paul Rone declared a schedule one interest in agenda item no. 9, Review of taxi and private hire policy as a holder of taxi licences with Herefordshire Council. Councillor Rone left the meeting room for the entirety of the item.

12. MINUTES

RESOLVED: That the minutes of the meeting held on 24 May 2019 be confirmed as a correct record and signed by the Chairman.

13. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

The Chairman outlined a recent tug of war championship he had attended and informed Council of the armed forces covenant signing and flag raising ceremonies he had attended. In addition he spoke about the recent citizenship ceremonies he had attended and the shortlisting of a new Herefordshire flag which had taken place at the Cider Museum.

The Chief Executive highlighted the introduction of a new bike hire scheme in Hereford which had been arranged between the Council and the scheme operator Beryl. He noted the award from St John's Ambulance to Caryn Cox, public health consultant, as an

Officer of the Order of St John and highlighted a recent national study which had concluded that Herefordshire was the second highest performing area in respect of children with higher needs.

A member asked a question concerning the cyber centre, whether a business plan was available and in the event of the initiative becoming loss-making who would be responsible for costs. *The Chief Executive explained that further detail would be provided to the member.*

14. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no supplementary questions from members of the public. A copy of the public questions and written answers, is attached to the Minutes at Appendix 1.

15. QUESTIONS FROM MEMBERS OF THE COUNCIL

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

16. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES

Council considered a report by the solicitor to the council concerning the political composition of the Council and appointments to Council committees and outside bodies. The Chairman informed the meeting of the publication of the supplement containing details of the Council's political composition and the political proportionality calculations determining the allocation of seats on committees and outside bodies.

Recommendation (a) in the report was proposed by Councillor David Hitchiner and seconded by Councillor Bernard Hunt and agreed by a simple majority of the Council.

RESOLVED: That the allocation of committee seats to political groups as set out at appendix 2 in the supplement is approved.

Recommendation (b) in the report was proposed by Councillor David Hitchiner and seconded by Councillor John Harrington and agreed by a simple majority of the Council.

RESOLVED: That the allocation of committee seats to outside bodies to political groups as set out at appendix 3 in the supplement is approved.

17. CHILDREN AND YOUNG PEOPLE'S PLAN 2019 - 2024

Council considered a report by the cabinet member for children and families containing the children and young people's plan 2019-2024 for approval. The cabinet member children and families proposed the children and young people's plan 2019 – 2024 and made the following comments:

- The Plan was an overview; the priorities outlined in the Plan would be taken forward with action plans that would be completed following its approval;
- Tribute was paid to the involvement of the previous cabinet member and support provided in the transition to the new administration;
- A wide consultation had informed the Plan which had consisted of engagement events with children and young people, partners and other stakeholders;
- The Plan set out a vision and contained priorities to: keep children and young people safe; keep children and young people healthy including physical and mental health; childhood development and educational attainment; and enabling community participation and the involvement of children and young people;

- There were challenges faced by the council including reduced funding, the number of looked after children, the cost of special education needs and the recruitment of social workers. There were however a number of positive elements including children's enjoyment of living in Herefordshire, improvements in educational attainment and jobs and development opportunities that were available.
- The role of members as corporate parents was highlighted.

Councillor Elissa Swinglehurst seconded the Plan and explained that it provided a sense of direction for the future of services for children and young people in Herefordshire. She explained that the action plans would bring the vision contained in the Plan into reality. The involvement of children and young people in the production of the Plan had been essential.

Council made the points below in the discussion that followed:

- The risk to children's health services posed by the potential merger of Herefordshire and Worcestershire Clinical Commissioning Groups.
- The importance of pastoral care in schools and the need to provide assistance and support to schools to realise an effective level of service. It was felt that provision of pastoral care was inconsistent between schools which needed to be reviewed.
- The children's scrutiny committee had considered the Plan and agreed with its priorities and focus. The issue of transport for children in remote rural communities had been identified and the need to ensure that a robust monitoring framework was established to assess the success of the objectives in the Plan and the action plans.
- It was important that all partners with areas of responsibility in the Plan were notified once the Plan was approved and that schools were involved in the formal launch of the Plan.
- It was suggested that the detailed action plans should include mentoring as a method to assist children and young people to achieve their potential.
- It was important that in five years time a review of the Plan was undertaken to establish if it was achieving its aims.
- It was noted that there was a small proportion of children and young people in the criminal justice system. It was queried what work was ongoing with the youth offending team to undertake early intervention work designed to prevent young people falling into the criminal justice system.
- It was reported that the cabinet would be looking at existing assets and the potential of providing accommodation and safe spaces for children and young people.

The Plan was put to the vote and Council agreed it by a simple majority.

RESOLVED: That the Children and Young People's Plan 2019 – 2024 is approved.

Councillor Paul Rone left the meeting at 10:51 a.m.

18. REVIEW OF TAXI AND PRIVATE HIRE POLICY

Council considered a report by the chief executive concerning a review of the taxi and private hire policy. The chief executive introduced the report and explained that the policy was being updated to include a number of revisions including mandatory safeguarding training for licence applicants. The training would enable license holders to recognise where there could be signs of safeguarding concerns and know how to report such concerns.

Councillor Barry Durkin proposed and Councillor John Harrington seconded the recommendation in the report.

Those points below were raised by Council in the discussion that followed:

- It was queried how appeals against the granting of licenses were handled. *The solicitor to the council explained that appeals were delegated to officers to consider.*
- It was commented that the estimated cost of undertaking the training was £30 - £50 which was a significant sum and it was queried whether it could be provided free of charge. *The chief executive explained that there was a requirement to ensure that licensing was cost-neutral to the Council.*
- There was no reference in the Policy to vehicle fleet and the climate emergency and encouragement to migrate to electric vehicles. *The chief executive explained that the current update related to revisions to the policy including safeguarding training. It was a matter for the Council to determine any future changes to the policy.*
- There appeared to be an anomaly in the law which did not require the restraint of children under three in a vehicle if no appropriate restraints were fitted. It was asked whether a bylaw could be introduced to ensure that children under three were restrained. It was further asked how new legislation regarding the restraint of animals was being taken into account. *It was explained that a written response would be provided to these queries.*
- It was important that young and vulnerable people were protected from sexual exploitation and trafficking. Taxi drivers would be equipped to recognise the signs of abuse and understand how to report concerns.

The recommendation was put to the vote and was approved by a simple majority of the Council.

RESOLVED: That the policy at appendix 1 is approved.

Councillor Paul Rone returned to the meeting at 11.05 a.m.

19. TREASURY MANAGEMENT - 2018/19 OUTTURN

Council considered a report by the cabinet member finance and corporate services concerning the treasury management 2018/19 outturn. The cabinet member finance and corporate services introduced the report and proposed the recommendation. She explained that the outturn position consisted of a surplus of £1.9 million which increased cash reserves for capital projects and reduced the need for prudential borrowing. The cabinet member explained that there would be a review of the minimum revenue position and referred to a breach of the treasury management strategy to place an investment with a building society that was not on the council's approved counter party list. Internal audit had conducted an investigation with the resulting recommendations implemented by officers. It was requested that the audit and governance committee include an update report on the matter.

The recommendation was seconded by Councillor Trish Marsh and put to the vote. Council approved the treasury management outturn for 2018/19 by a simple majority.

RESOLVED: That the treasury management outturn 2018/19 is approved.

20. LEADER'S REPORT TO COUNCIL

Council received a report from Leader setting out the work of the cabinet since the previous meeting of Council on 8 March. The Leader introduced his report and updated the meeting on a forthcoming decision which would be taken by the cabinet member for infrastructure and transport on the future of large infrastructure schemes in Herefordshire. It was recognised that transport infrastructure in Herefordshire elicited strongly held views and since the elections the cabinet had been reflecting on the schemes currently in progress. An update on a meeting with Jesse Norman MP was provided which included discussions on care, children and roads. The Leader outlined a change to the cabinet portfolios and explained that governance arrangements were being reviewed to look at methods of ensuring that new councillors would have a greater awareness of developments at the council.

The Leader was asked the following questions:

- It was asked what the true cost of cancelling the bypass would be to Herefordshire. *The Leader replied to explain that he was mindful of the expense incurred to date. It was important that costs also take account of impacts on the environment and employment.*
- The importance of the Leader's report containing all the detail to be discussed at a meeting was emphasised. *The Leader explained that the new administration had been elected on a commitment to be more open and would be more outward looking.*
- The number of local partners whom the Leader had met was queried and whether he had met the leaders of Powys, Shropshire or Telford Council and the Marches Local Enterprise Partnership. *The Leader explained that he had not met those individuals but would do so in due course.*
- It was queried whether the chief executive's objectives could include a priority to achieve high levels of staff and customer satisfaction. *The Leader confirmed that the inclusion would be investigated.*
- The Leader was asked whether the location of his place of residence and its proximity to the red route of the Western bypass meant he should report himself to the standards board. The redaction of the Leader's address from his register of interests was queried. *The solicitor to the council explained that the redaction of personal interests on the register of interests form was permitted if there were sensitive circumstances but that did not mean that a member did not hold the interest.*
- The importance of Herefordshire Council retaining its independence and being able to provide services in the future was raised. The Leader was asked to ensure that any alternative to the bypass would have the same beneficial economic impact as the proposal in the current core strategy. *The Leader confirmed that this was a factor that needed to be considered in the debate over the future of infrastructure in the county.*
- The Leader was asked how members would be involved in shaping the future governance arrangements at the Council. *The Leader confirmed that options on how to proceed with reviews of potential future governance arrangements were being considered including moving from a cabinet to a committee system. The solicitor to the council confirmed that all members, through full Council, would determine the constitution of the Council.*
- The Leader was asked if he had a plan to address the health impacts of lorry movements in Hereford. *The Leader explained that a balancing act of issues concerning traffic and congestion was required.*
- The Leader was asked whether a decision concerning the future of infrastructure in the county was of such significance to require a decision by full Council rather than cabinet. *The Leader confirmed that there would be a decision by the cabinet member infrastructure and transport in the next two weeks and if a decision was required of Council this would take place.*

- The Leader was asked if the Cabinet would consider the problem of congestion and pollution on the A44 through Leominster and the continuing safety issues on the A49 between Hereford and the Shropshire border. Further he was asked if Cabinet would maintain meetings between local councillors and Highways England. *The Leader confirmed that a response would be provided following the meeting.*
- Investment on the Western bypass was part of a scheme to reduce lorry movements from Hereford. If this scheme did not go ahead it was likely that the current level of lorry movements would persist for a further 20 years. *The Leader explained that the passion evinced by the member was evidence of the division of opinion on the subject of the Western bypass.*
- It was important that members consider future infrastructure projects without bias and emotion. *The Leader agreed that it was important to assess the future of infrastructure on the basis of factual detail.*
- It was questioned whether an evening meeting of cabinet, the date and venue of which were not known, was evidence of a lack of transparency. *The solicitor to the council confirmed that the next meeting of cabinet on 25 July would be held in the evening at Shire Hall.*

RESOLVED: That the Leader's report is noted.

There was a brief adjournment at 11.49 a.m. The meeting reconvened at 12.01 p.m.

21. NOTICES OF MOTION UNDER STANDING ORDERS

Motion 1 – Zero Carbon Citizens Assembly

In moving the motion Councillor Ellie Chowns made the following points:

- The motion was intended to encourage and facilitate public engagement in the Council's transitioning to zero carbon.
- The growing urgency and recognition of the climate emergency was welcomed and the need to move to zero carbon.
- It was noted that the commons select committees had recently utilised citizens' assemblies as an effective form of consultation.
- The motion sought to convene a democratically and demographically representative assembly to provide an opportunity for thoughtful and well considered proposals for the move to zero carbon.
- It was intended that the motion would ensure that work was undertaken between officers and colleagues from across the chamber.
- The citizen assemblies would assist in determining how zero carbon could be operationalised.

In seconding the motion Councillor Louis Stark made the following points:

- Climate change was an existential threat.
- The declaration of a climate emergency by the previous administration was welcomed and now it was important to seek to implement measures to move to zero carbon.
- A citizens' assembly would be an important element of the process of transitioning to zero carbon.

The following principal points were raised during the debate:

- The motion was timely in light of the report from the committee on climate change which highlighted the problems of carbon emissions from industry and transport.

- The motion dealt with the critical subject of how the Council could respond to the climate emergency.
- The citizens' assembly needed to ensure that it represented a broad cross section of opinion in order to find practical methods to address the climate emergency. To ensure credibility the widest possible involvement of people was required and the involvement of young people.
- The response to the climate emergency and the move to zero carbon needed to demonstrate how it could be applied to rural areas and the farming community. It was important to avoid an excessive focus on the urban environment.
- The legal grounds for a Council to call a citizens assembly and an appropriate budget were queried. *The solicitor to the council explained that if a specific power was not available then the legal authority could be found in the Localism Act and the chief finance officer explained that there were budgets for public consultations.*
- It was recognised that there were a number of existential threats including those posed by insecticides and soil security. It was queried whether the remit of the assembly could be broadened to include other critical, environmental elements.
- It was queried how the assembly would operate; whether it would consist of a single session or be an ongoing exercise. It was hoped that the assembly could be a mechanism to facilitate ongoing engagement and consultation with local residents on how to accomplish change.
- It was important that individuals take personal responsibility to change their behaviour and lifestyles.
- The Council needed to understand the key ecological damages in the county and then determine how it could influence improvements and lower carbon emissions.

In closing the debate Councillor Chowns explained that it was important for the council to act on measures to move to zero carbon given the findings of the report from the committee on climate change. The assembly would be focused on finding solutions and in composition its members would be carefully sampled to ensure it was democratically representative. The involvement of youth was also important and to ensure there was a rural element there needed to be a demographic balance on the assembly. The cost of the assembly would be met through public engagement budgets. Following this initial citizen assembly on transitioning to zero carbon, future citizen assemblies on topics including biodiversity and the capital programme would be welcomed.

The motion was put to the vote and agreed unanimously.

RESOLVED: That this Council asks the executive to conduct a citizens assembly on how Herefordshire can transition to zero carbon, timetabled to coordinate with the national citizens assembly on the same topic.

Motion 2 – Community Infrastructure Levy (CIL)

In moving the motion Councillor Paul Symonds made the following points:

- Councils had had the ability to introduce CIL since 2010 and a number of authorities had chosen to implement the scheme.
- CIL was an alternative to section 106 contributions and was a simple scheme to secure a levy which represented a percentage of a new housing development.
- Section 106 contributions were not due on developments that consisted of fewer than 10 houses therefore a number of local areas that had completed neighbourhood development plans (NDPs) were not benefitting from section 106. The introduction of CIL would help to empower local communities.
- The date of implementation contained in the motion of 1 April 2020 was acknowledged to be unrealistic and an alternative timeframe would be proposed.

In seconding the motion Councillor Jenny Bartlett made the following points:

- A task and finish had been undertaken on the introduction of CIL and on balance it had concluded that CIL was preferable to section 106.
- The motion was timely and contained a proposal for the introduction of CIL that could be considered alongside the review of the Core Strategy.
- CIL was a fairer system particularly with respect to smaller developments.

The following principal points were raised during the debate:

- In principle the introduction of CIL was positive but it required significant levels of detail to be determined by the authority including what exceptions and rates would be implemented.
- A finding from the task and finish group had been over the inflexibility of the scheme. Rates that had been agreed were not negotiable therefore if developers felt housing schemes were unviable they might be abandoned or affordable housing elements reduced. There was concern that CIL could impact on the construction and availability of affordable housing in the county.
- It was timely for the Council to review the potential implementation of CIL again.
- The motion referred to an intention to investigate the adoption of CIL and it was queried what the role of Council would be in future. *The solicitor to the council confirmed that the implementation of CIL would be a decision of the full Council.*
- Clarification over the threshold for the number of dwellings above which section 106 became applicable was sought. *The Chairman explained that clarification would be circulated following the meeting.*
- The efficiency of the section 106 process was questioned with contributions held back for long periods of time before being allocated or spent.

In closing the debate Councillor Symonds explained that when the levy was introduced it would be necessary to consider how it applied to development such as self-builds and how it would be modified to take account of local circumstances. It was important that consideration of the implementation of CIL was linked to the review of the core strategy however it could be introduced prior to the approval of the core strategy.

Councillor Symonds acknowledged that the date in the motion did not provide enough time for an investigation of the introduction of CIL. An alteration to the date in the motion to January 2021 was proposed.

The seconder and Council agreed the alteration.

The motion was put to the vote and agreed by a simple majority of the Council.

RESOLVED:

Legal powers for English Planning authorities to introduce in their areas a Community Infrastructure Levy have been in place since the Planning Act 2008 (1). The CIL provides among other things, for Parish and Town Councils to receive at least 15% of all proceeds, or 25% if a Neighbourhood Development Plan is in place.

Herefordshire Council has paused the process by which CIL can be levied in the County, thus depriving Town and Parish councils of this potential income. Most neighbouring authorities have introduced the levy including Shropshire, Cheltenham Borough, Gloucester City, Tewkesbury Borough, Malvern Hills, Worcester City and Wychavon Councils. The longer this goes on, the more income is lost to Town & Parish Councils.

This Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.

A correction to the date of the full-day Members Climate Emergency Workshop as outlined in the report was provided. The date of this session was Monday 21 October.

The meeting ended at 1.10 pm

CHAIRMAN