

Minutes of the meeting of Council held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 6 March 2020 at 10.00 am

Present: Councillor Sebastian Bowen (chairman)
Councillor Kema Guthrie (vice-chairwoman)

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Harrington, Liz Harvey, 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, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Alistair Neill, Chief Executive; Chris Baird, Director Children and Families; Richard Ball, Director for Economy and Place; Andrew Lovegrove, Chief Finance Officer; Stephen Vickers, Director for Adults and Communities; Claire Ward, Solicitor to the Council; Kate Charlton; Interim Head of Legal Services; John Coleman, Democratic Services Manager

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Hardwick, Jennie Hewitt and Mark Millmore.

49. DECLARATIONS OF INTEREST

Councillor Gemma Davies declared a schedule 1 interest in agenda item no. 9, notices of motion, Minor Injury Unit (MIU) closures, as an employee of the Wye Valley Trust.

Councillor Graham Andrews declared an other interest in agenda item no. 9, car park passes as a councillor with a ward in Hereford City.

50. MINUTES

RESOLVED: That the minutes of the meeting held on 14 February 2020 be confirmed as a correct record and signed by the Chairman.

51. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

The Chairman introduced his announcements and expressed his thanks for the work of the emergency services during the recent flooding incidents. He also commended the community spirit and resilience that had been displayed by local residents.

The chief executive introduced his announcements and explained that a recent letter had been sent to central government requesting additional help for the council in response to the recent floods. An update on the latest situation concerning the coronavirus was provided.

A member raised the issue of motorists ignoring road closed signs during flooding incidents.

52. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 11 - 12)

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.

53. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 13 - 20)

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.

54. COUNCIL TAX SETTING

Council considered a report by the cabinet member finance and corporate services and the supplement containing the updated recommendations circulated on 28 February. The Chairman introduced a correction to the detail in the report: Cradley and Storridge Parish Council replaced reference to Cradley Parish Council.

The monitoring officer explained that there were no declarable interests for members by virtue of membership of the Council, the Hereford and Worcester Fire Authority or local parish councils.

The cabinet member finance and corporate services moved the report and explained the careful consideration that had taken place across precepting authorities in determining precept levels for 2020/21. The support and assistance available to local residents experiencing financial difficulty was reiterated and the importance of keeping the thresholds for support under review. Parish councils had set precepts to ensure that budgets were sufficient to allow them to operate effectively and respond to challenges such as the recent flooding.

The principal points below were raised during the debate:

- The proportionate increase for householders in Council Tax Bands E-H compared to bands A-D was raised. It was acknowledged that bands were set nationally and any revaluation of properties might cause additional problems.
- A correction to the details in the appendices was raised, to ensure reference to Ross-on-Wye Town Council.
- It was suggested that one of the objectives for the Market Towns Forum should be that value for money was provided through the precept. The Market Towns Forum was working with local communities to determine how services in localities could best meet local need.
- The reduction in funding from central government was raised and the need for local councils to raise revenue at a local level to provide services for vulnerable residents.
- The burden the increase in precepts represented to some local residents was outlined and the need to ensure value for money. A member expressed concern

that precept increases above the rate of inflation may lead to the local authority being regarded as out of touch.

- Community Asset Transfer and devolution to parish councils was raised. The role of parish councils to assume responsibility for local services could be facilitated through precepts.

The Leader seconded the report and explained that the Market Towns Forum had established an effective dialogue between the localities and the council. Recent flooding and the uncertainty concerning the coronavirus highlighted that the level of precept increase was prudent.

The cabinet member finance and corporate services closed the debate and explained that the vote was a technical exercise to set the overall council tax in the county.

A recorded vote was held to set the council tax and precepts for 2020/21, as contained in the published supplement, and was approved by a simple majority of the Council.

For: (49) Councillors Graham Andrews, Paul Andrews, Polly Andrews, Bartlett, Bartrum, Bolderson, Boulter, Bowen, Bowes, Chowns, Crockett, Davies, Durkin, Fagan, Foxton, Gandy, Guthrie, Harrington, Harvey, Hey, Hitchiner, Howells, Hunt, l'Anson, James, Jinman, Johnson, Graham Jones, Mike Jones, Lester, Marsh, Matthews, Milln, Norman, Phillips, Price, Rone, Seldon, Shaw, Stark, Stone, Summers, Swinglehurst, Symonds, Tillet, Toynbee, Tyler, Watson and Wilding.

Against: (1) Councillor Kenyon

Abstained: (0)

RESOLVED: That:

- (a) The precepting authority details incorporated in appendices 1 to 5, relating to town and parishes, West Mercia Police and Hereford and Worcester Fire Authority be approved in accordance with sections 30(2), 34(3), 36(1) and section 40 of the Local Government Finance Act 1992 (as amended) and that the following amounts be approved for the year 2020/21 in accordance with sections 31 to 36 of the Local Government Finance Act 1992, regulation 6 (as amended by the Localism Act 2011):**

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|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. £384,668,402 | being the estimated aggregate expenditure of the council in accordance with section 31A (2) of the act, including all precepts issued to it by parish councils; |
| b. £222,682,000 | being the estimated aggregate income of the council for the items set out in section 31A (3) of the act (including revenue support grant); |
| c. £161,986,402 | being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the council in accordance with section 31A(4) of the act, as its council tax requirement for the year (including parish precepts); [Item R in the formula in Section 31B of the Act] |
| d. £1,643.57 | being the amount at (c) above divided by the amount of the council tax base calculated by the council, in accordance |

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| e. | £4,869,402 | with section 31B of the act, as the basic amount of its council tax for the year (including parish precepts); being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act; |
| f. | £1,573.77 | being the amount at (d) above less the result given by dividing the amount at (e) above by the amount of the council tax base calculated by the council, in accordance with section 34(2) of the act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no parish precept relates (Herefordshire Council band D council tax, excluding parishes) |

(b) it is agreed that the net tax base of 69,756.27 band D equivalent properties (being the gross tax base adjusted for an assumed collection rate) used for setting the budget requirement for 2020/21;

- a. is allocated to band D equivalent dwellings per precept area as shown in appendix 1; and
- b. the individual council tax allocations per valuation band of dwelling by parish (including fire and police precepts) as set out in appendix 5.

55. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of Council on 11 October 2019. The Leader provided his thanks to all those who had been involved in the response to the floods and highlighted issues including the strategic planning of new housing development and farming methods which had an impact on flooding in the county.

The Leader received the following questions:

- Whether the £5.6 million grant to the timber technology centre needed to be underwritten by the council. *The Leader explained that the grant would be subject to a further decision but would be provided to the council rather than the LEP. There was no requirement for the council to underwrite the amount and a risk analysis of the arrangement would be completed.*
- What plans were in place to address the increase in rough sleepers in Herefordshire and why was it an issue in the county? *The cabinet member housing, regulatory services and community services explained that the homelessness prevention and rough sleeping strategy had been implemented recently and a building in Blackfriars Street had been identified to provide a better level of care in future. There was concern that rough sleepers did not feel listened to and therefore did not seek help; it was hoped that the new facility would address this concern.*
- What action plan was in place to respond to the concerns outlined by Ofsted during the recent inspection? What actions were being taken to address concerns around the recruitment of social workers? *The cabinet member children and families explained that the inspection had recognised some improvements including work with children with disabilities and work undertaken on peer on peer abuse policies. Difficulties continued to be recognised around shortages of funding and staff. The action plan to address the issues raised by Ofsted would be circulated. The chief executive explained that clear plans were*

being taken forward for the recruitment of social workers but it was acknowledged that it was a difficult market place.

- *There needed to be greater policing of road closure signs. The cabinet member infrastructure and transport explained that it was an offence to ignore road closure signs and the council was reporting incidents to the police and had requested extra patrols of those areas subject to road closures.*
- *Would extra resources be provided to the drainage team to deal with problems caused by the flooding? It was requested that a briefing note concerning the Bellwin scheme be sent to members. The cabinet member infrastructure and transport explained that the lengthsman schemes would resource parish councils to clear blocked drains. Where drainage issues existed, parish councils were encouraged to report them to the council and it could be investigated whether the work could be supported through the Bellwin scheme. The Leader explained that a briefing to all members on the Bellwin scheme would be provided.*
- *Clarification was requested regarding the flooding grant scheme for parish councils. The cabinet member infrastructure and transport explained that a mechanism for the grant funding would be in place shortly.*
- *The intention of the new cabinet support member to assist town and parish councils to deliver local assets was queried. Adequate support and funding would be required for town and parish councils to complete community asset transfers. The Leader explained that it was important for local communities to have a role in determining local improvements. Community asset transfers and devolution of services would be a gradual process. The cabinet support, parish shared services and assets, explained that local areas were encouraged to identify projects for local improvements that could be funded through use of reserves or prudential borrowing.*
- *If the pause and review concluded that a Western bypass was appropriate how would it be funded? The cabinet member infrastructure and transport explained that if the outcome of the review concluded that a Western bypass was appropriate funding would need to be sought.*
- *It was queried how the council would ensure members and land owners were aware of riparian responsibilities for drainage and whether the council would use its powers under the land drainage act to enforce these responsibilities. Better communication between Balfour Beatty Living Places (BBLP) and parish councils was also important. The cabinet member infrastructure and transport explained that BBLP had produced a briefing note to raise awareness among landowners. The Leader explained that it was intended that the issue would be raised at a parish summit and that the proposal to bring the locality stewards back 'in-house' should improve communication with town and parish councils. The cabinet member infrastructure and transport explained that communication between BBLP and parish councils needed improvement and it was important that parish councils also communicated with local members and the cabinet member.*
- *Would the council participate in the Defra consultation regarding sustainable farming on flood plains? The Leader explained that farmers needed to be supported, which was a national issue.*
- *An update on the flooding response was sought and if the objection to the proposed permanent flood defences would be reconsidered. The Leader explained that the status of the response had moved from the emergency to recovery stage and funding was being sought from the Bellwin scheme. The cabinet member infrastructure explained that road closures were reducing but there were still issues on the Fownhope road where a potential landslip was a significant concern. The objection to the flood defences concerned the proposed glass panels.*

RESOLVED: That the report be noted.

There was an adjournment at 11.53 a.m. the meeting reconvened at 12.05 p.m.

56. NOTICES OF MOTION UNDER STANDING ORDERS

Motion 1 – Car park passes

The Chairman explained that there was not a seconder to the car park passes motion. Councillor Rone proposed the car park passes motion and asked for a seconder as Councillor Milln had not in fact agreed to be seconder as implied by the report attached to the agenda.

The motion was not seconded and was therefore withdrawn.

Motion 2 – 20 mph speed limits

In moving the motion Councillor Felicity Norman made the following points:

- There was significant and growing support to reduce speed limits in residential areas.
- The stopping distance at 20 mph was half that at 30 mph.
- The introduction of 20 mph speed limits would encourage children to play outdoors and support public health objectives.
- The lower speed limit would also contribute to environmental objectives by helping to reduce fuel use, improve air quality and reduce noise.
- The recent Stockholm declaration on road safety supported 20 mph speed limits.
- A wide range of public health, governmental and medical bodies supported 20 mph speed limits.

In seconding the motion Councillor Ange Tyler made the following points:

- The Local Transport Plan (LTP) contained a speed management commitment to work with local communities to introduce 20 mph speed limits where appropriate.
- Local communities were concerned about speeding.
- The Royal Society for the Prevention of Accidents (RoSPA) had produced guidance which indicated that the severity of accidents was reduced by cars travelling at 20 mph.
- To ensure compliance could be achieved area-wide speed limits would need to be introduced.
- It was important to realise safer communities through road safety initiatives.

The following principal points were raised during the debate:

- The LTP included provision for the introduction of 20 mph speed limit. Local residents should be consulted on implementing 20 mph limits.
- There was concern that additional signage would cause the public realm to appear cluttered.
- It was felt that even with a 20 mph limit there would still exist reckless drivers who would drive at excessive speeds.
- The 20 mph speed limit would be difficult to enforce and would not be supported by the police force unless the limit was self-enforcing.
- Speeding was a priority for a number of local parish councils.
- Reduced speed in residential areas would improve the quality of life for local residents.
- The introduction of 20 mph limits was consistent with objectives to reduce carbon emissions.

- The motion called on the executive to undertake an investigation. During such an investigation the areas of concerns raised during the debate could be reviewed.
- The implementation of 20 mph speed limits would require traffic regulation orders (TRO) to be progressed. It was noted that there was a significant waiting list for TROs.
- The investigation should consider the impact of 20 mph zones on animals.
- It was noted that Pembridge had requested a 20 mph limit and the request was currently on the TRO waiting list. It was suggested that a 20 mph limit in Pembridge could be used as a pilot.
- A 20 mph limit could help encourage cycling and reduce congestion.

Proposed amendment – Proposed by Bernard Hunt, Seconded by Councillor Bob Matthews. This Council requests that the executive considers implementing a 20 mph speed limit alongside all schools and accident blackspots within existing 30 mph zones.

Councillor Bernard Hunt proposed the amendment and explained that the original motion was excessive in its scope. A more affordable proposal was to locate 20 mph speed limits outside schools and at accident blackspots. The proposed amendment would meet the objectives contained in the preamble to the original motion but would not alienate the public by introducing 20 mph limits on too many roads.

Councillor Bob Matthews seconded the amendment and explained that the projected increase in the number of cars would result in a reduction in the speed cars were able to travel. There should be a focus on removing cars from the roads by active travel measures and then area-wide 20 mph speed limits should be investigated. The 20 mph limits were felt to be unenforceable.

The following principal points were raised during the debate on the amendment:

- The amendment provided the opportunity to introduce 20 mph speed limits where they were substantiated by evidence.
- RoSPA recommended that 20 mph limits were introduced where prevailing speeds were generally low.
- The amendment proposed a narrower approach than the original motion and introduced restrictions on where 20 mph speed limits could be introduced. The implementation of 20 mph speed limits at schools and accident blackspots could be considered within the investigation proposed in the original motion
- The amendment would require a greater number of TRO applications.
- It was important that schools were targeted for 20 mph limits in the interests of road safety and air quality.
- The scale of the investigation proposed in the original motion was significant and would be costly. The amendment would reduce the cost of the investigation.
- Guidance suggested that 20 mph speed limits should only be considered where pedestrians were prominent and there was community support.
- The amendment was a step towards targeting areas for implementation of 20 mph limits.
- The proposal in the amendment could be explored in the investigation proposed in the original motion.

Councillor Felicity Norman, as proposer of the original motion, responded to the amendment. Schools could be included in the investigation proposed in the original motion. The investigation would look at other areas where 20 mph speed limits had been introduced successfully.

The amendment was put to the vote and was lost by a simple majority.

The original motion was put to the vote and was carried by a simple majority.

RESOLVED: That

Herefordshire Council recognises the benefits associated with a 20 miles per hour speed limit in residential areas rather than a default of 30 mph which exists in most parts of the town and County.

There are fewer fatalities and injuries, greater survivability in traffic collisions, improved air quality, reduced fuel use and greater willingness of the population to walk or cycle – which has associated health benefits.

Many councils have or are in the process of implementing area-wide 20mph speed limits on residential and urban roads without traffic calming.

Many bodies with a remit for public health support a reduction in speed limits to 20mph on residential streets.

Area-wide 20mph limits rarely need traffic calming measures. They are an affordable way to improve health equality by creating child, disability, elderly and dementia friendly streetscapes that help reduce inactivity, obesity and isolation.

This Council requests that the executive undertakes an investigation concerning the introduction of area-wide 20mph speed limits across Herefordshire's towns and major villages.

Councillor Gemma Davies left the meeting.

Motion 3 – Minor Injury Units (MIU) Closures

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

- The MIU closures over the winter months had occurred over the previous three years.
- The reason provided for the closure had been patient safety.
- It was understood that where significant service change was proposed there should be consultation and if no consultation was undertaken then reasons should be provided why it had not taken place.
- The Clinical Commissioning Group (CCG) had attended scrutiny but had not provided a business case for the closures nor provided evidence of any alternative options to closure that had been considered.
- The lack of consultation required a referral to the Secretary of State to consider the process followed for the closures

The following principal points were raised during the debate:

- Local residents relied upon the MIUs to treat minor injuries.
- It was essential that consultation was conducted over such significant service changes.
- The urgent closure of the MIUs in 2017 could have been avoided in later years with better planning of resources.

- There had been frustration on the scrutiny committee with the lack of meaningful consultation conducted by the CCG and flawed statistics that had been used to justify the closures.
- The power to refer to the Secretary of State was a tool available to the council which should be used in situations where there had been inadequate consultation on changes to local health provision. The Secretary of State should be asked to ensure that meaningful consultation was undertaken and provide a judgement on whether the closure constituted a significant service change.
- The closure of the MIUs was felt to add to the pressures experienced by accident and emergency units.

Councillor Barry Durkin seconded the motion and explained that it was vital that the CCG conducted consultation on service change and was responsive to the replies it received. The referral should be undertaken to allow the Secretary of State to recommend an appropriate way forward.

Councillor Paul Symonds, as the mover of the motion, closed the debate and explained that the closure undertaken since the initial closure in 2017 constituted significant service change and consultation should have been conducted by the Wye Valley Trust and CCG. To not refer to the Secretary of State would be a failure of the council to represent the interests of local residents and would undermine the scrutiny committee. The intention of the referral was to ensure that proper consultation was conducted in the future on service changes and before any closure of the MIUs.

The motion was put to the vote and was carried unanimously.

RESOLVED: That

The repeated closure of Minor Injury Units in Herefordshire was scrutinised at this Council's Adults & Wellbeing Committee on 13th January 2020.

The NHS Trust and CCG submitted a report to this meeting which was incomplete and misleading. No evidence was given that any serious consideration had been given to enhancing community services to take pressure off A&E. There appeared to be a perception that it was the communities' fault for not using the MIUs sufficiently, as opposed to the Trust's failure to develop and promote these facilities.

The reason given for not consulting stakeholders prior to closing the MIUs was that it was not a 'significant' decision, hiding behind the shroud of 'urgent patient safety'. Whilst this may not be significant in terms of NHS budgets, it is significant to the 30,000 or so residents of communities served by the MIUs in Herefordshire. Government guidance cites ward closure due to viral outbreak, not closures planned months ahead, as an example of urgent patient safety.

Assurances were given by the CCG & Trust to Ross Town Council that a public consultation on the future of community health services, including MIUs, would be forthcoming in February 2020. This has not happened.

Under The National Health Service Act 2006, the only power available to Herefordshire Council if it is not satisfied with service NHS provision is to refer such decisions to the Secretary of State for Health. The alternative to this is to accept at face value the decisions, statements and lack of consultation by Wye Valley NHS Trust and CCG, letting down the residents of Herefordshire.

This Council agrees that the decision by Wye Valley NHS Trust to close Minor Injury Units in Herefordshire for the last 3 winter periods be referred to the

Secretary of State for Health because Herefordshire Council has not been consulted on these changes to service and is not satisfied with the reasons given by the Trust not to consult.

57. FULL COUNCIL MEETING DATES 2020/21

Council noted the date of the annual meeting on 22 May 2020 and considered the setting of meeting dates during 2020/21. The dates printed on the agenda were supported but it was requested that an additional meeting date was arranged and it was suggested that the Chairman set the additional date in consultation with the monitoring officer after the current meeting had concluded.

Councillor Bob Matthews proposed and Councillor Barry Durkin seconded the amendment to the printed dates in the agenda; that Council undertook six meetings a year and the Chairman be authorised to agree the sixth meeting date with the monitoring officer.

The amendment was put to the vote and was carried.

The original recommended dates for meetings of Council during 2020/21, as amended by the motion to include a sixth meeting, was put to the vote and was carried.

RESOLVED: That:

- **The following dates are agreed for Council meetings during 2020/21:**
 - **17 July 2020**
 - **9 October 2020**
 - **12 February 2021**
 - **5 March 2021**
 - **21 May 2021**
- **The Chairman is authorised to agree a sixth meeting date of the Council in consultation with the monitoring officer.**

The meeting ended at 1.40 pm.

Chairman