

MINUTES of the meeting of COUNCIL held at The Assembly Hall, The Shirehall, Hereford. on Friday, 11th March, 2005 at 10.30 a.m.

Present: Councillor P.E. Harling (Chairman)
Councillor J.W. Edwards (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

64. PRAYERS

The Very Reverend Michael Tavinor, the Dean of Hereford, led the Council in prayer.

65. APOLOGIES FOR ABSENCE

Apologies were received from Councillors M.R. Cunningham, Mrs. J. Hyde, G.V. Hyde and R. Preece.

66. DECLARATIONS OF INTEREST

There were no declarations of interest made.

67. MINUTES

RESOLVED: That the minutes of the meeting held on 11th February, 2005 be approved as a correct record and signed by the Chairman.

68. CHAIRMAN'S ANNOUNCEMENTS

The Chairman congratulated the Highways and Transportation Service on its designation as a Centre of Excellence in Local Transport Delivery by the Department for Transport.

He announced that, following the re-launch of the Council website in January the Council was now in 24th place in the league table of 461 local authority websites, making it the most improved local authority in the country.

Council noted that the next round of Local Area Forum meetings, originally scheduled for April had been rearranged and would now take place in June. Details would be sent to all Members in due course.

The Council joined the Chairman in offering thanks and best wishes to the Chief Fire Officer, David O'Dwyer on his retirement. The Chairman agreed to write to Mr O'Dwyer on the Council's behalf.

The Chairman reminded Council of the arrangements for the Civic Service to be held on Sunday, 13th March, 2005.

There were no petitions.

69. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. No such questions had been received.

70. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Question asked by Councillor D.C. Taylor of the Cabinet Member (Environment)

"I understand that Mr Justice Elias has handed down a judgement against the Council's decision to grant planning permission for a waste site at Madley for Estech Europe Ltd.

In his judgement he gave leave for the Council to appeal. Has the Cabinet Member (Environment) considered this Council's position and whether it will be appealing against this judgement?

Has the Council also considered what future stance it should take, along with its partner organisations, regarding reducing the landfill deposits to meet the national guidelines, which are to be brought in by 2010."

Councillor P.J. Edwards, Cabinet Member (Environment) said that although the High Court challenge to the planning permission was on two grounds, site selection and environmental impact, Mr Justice Elias' judgement confirmed that there were no grounds to quash the decision on the basis of site selection. The judgement found that clearer information supporting the applicant's assertion that the treatment process would not result in significant environmental emissions was required from the applicant, Estech Europe Ltd, before the Council could properly make a decision on the application.

He advised that the Council would not appeal against the High Court Judgement, as it was for the applicant to consider how they wished to pursue their planning application which awaits determination.

He reminded Council of the Joint Waste Management Strategy with Worcestershire, which sets out how it will achieve targets including diversion from landfill, and also of the long term contract for waste management which has in-built flexibility to adjust to changes in policy.

Councillor Taylor thanked the Cabinet Member for his answer. There was no supplementary question.

Question asked by Councillor Mrs. J. Pemberton of the Cabinet Member (Rural Regeneration and Smallholdings)

"Acknowledging the valuable role that Parish Plans play with local communities throughout Herefordshire, are there any proposals for the Council to further assist parishes in the provision of resources in the light of reduced funding from Government?"

Councillor J.C. Mayson, Cabinet Member (Rural Regeneration and Smallholding) thanked Councillor Mrs. Pemberton for her question and said he acknowledged the valuable role that Parish Plans played in local communities particularly in a rural county like Herefordshire.

He reminded Council that the Countryside Agency had launched the Parish Planning process in March 2002 to encourage Parish Councils throughout the country to engage with their local communities and take a more active role in the development of their Parishes. A grant of £5,000 per Parish, subsequently reduced to £3,500 per Parish, had been made available. The Countryside Agency has confirmed that this grant scheme would close in March 2005.

Of the 238 parishes in Herefordshire approximately 41 Herefordshire parishes had either already successfully completed a Plan or were in the process of completing, and although the Council recognises the important role that Parish Planning takes, it would not be possible for the Council to fund the financial gap created by the closure of the Countryside Agency grant support.

He said that the Council would continue to support Parishes with appropriate advice to help them develop and implement Parish Plans, together with their continuing endorsement by Planning Committee. The Council was also in discussion with the Government over the development of its Second Local Public Sector Area Agreement (LPSA2). One of the possible initiatives being explored as part of this process was further provision of advice and guidance to support the Parish Planning process.

There was no supplementary question.

Question asked by Councillor A.C.R. Chappell of the Leader of the Council

"Will the Leader explore ways of funding for flood defences for the city and in particular for the areas around Belmont roundabout and Greyfriars Avenue?"

Very little apparent effort has been made by the Council to put pressure on the Environment Agency of the Department of the Environment to hasten the implementation of flood defences.

Will he actively promote flood defences for the city and bring whatever pressure is possible on the agencies that are able to deliver results?"

Councillor R.J. Phillips, the Leader of the Council, said that the Council had fully supported the work undertaken by the Environment Agency to develop a flood defence scheme for Hereford and had secured a substantial developer contribution to the scheme through the approved ASDA development.

Responsibility for implementation of a flood defence scheme currently rested with the Welsh Region of the Environment Agency's Flood Defence Committee structure but

would transfer to an enlarged Severn Trent Regional Flood Defence Committee on behalf of the Environment Agency from 1st April. The Council has written to the Department for Environment, Food and Rural Affairs seeking confirmation that preparations for this transfer of responsibilities would be taken forward well in advance of April next year and asking for reassurance that the changes would have no adverse impact on the local priority for flood defences in Hereford. DEFRA has confirmed that it is considering how best it might prepare for the change to the boundaries and that this Council would be consulted on any proposals.

DEFRA has pointed out that, under the new administrative arrangements, it would be for the Regional Flood Defence Committee to decide on the programme of works for the area. It would be possible for the Committee to raise funding through a local levy for priority schemes. However, schemes such as that proposed for Hereford were classified as major works, funded from flood defence grant aid and would be subject to national prioritisation applied to all schemes in England.

The Cabinet Member reported that the Local Authority representation on the Severn Trent Regional Flood Defence Committee was being reviewed by DEFRA to ensure fair and proportionate representation and the Council would be consulted on any proposed changes. He assured Councillor Chappell that the Council would continue actively to promote flood defences for Hereford within both existing and future national systems of flood management.

Question asked by Councillor J. Stone of the Cabinet Member (Highways and Transportation)

"Approximately 23% of personal injury accidents in Herefordshire occur on trunk roads like the A49, jeopardising the County's national targets on casualty reduction. Will the Cabinet Member for Highways and Transportation make representations to the Department of Transport over the lack of urgency shown by the Highways Agency in improving road safety on the A49?"

Councillor R.M. Wilson, Cabinet Member (Highways and Transportation) thanked Councillor Stone for his question and said that he was in the process of preparing a letter to the Transport Minister. He advised that the need for higher priority to be given to casualty reduction measures on trunk roads in Herefordshire would be stressed in the next Local Transport Plan due to be submitted to the Government in July this year and discussed with them in draft well before then.

He said that the Council's concerns were also incorporated in the draft Local Public Service Agreement which was currently under negotiation with the Government and in which the Highways Agency would be asked to grant greater flexibility to give priority to reducing accidents in Herefordshire.

Councillor Stone thanked the Cabinet Member for his answer and asked if the relatively low costs involved in the introduction of speed limits, warning signs, white lining or road resurfacing would be money well spent in relation to the costs involved in just one fatal accident. The Cabinet Members said he was well aware of the costs but that the A49 was the responsibility of the Environment Agency. He would continue to lobby on this point.

71. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

72. CABINET

Before calling on the Leader of the Council, Councillor R.J. Phillips, to present the report of Cabinet, the Chairman advised that the Revenue Budget and Council Tax for 2005/06 would be debated at page 12 of the agenda. If any Member wished to move an amendment, they should do so once the Leader had proposed the Council Tax and Budget. Once the Council had agreed the whole of the Cabinet report, it would move to item 10 of the agenda to set the Council Tax and Revenue Budget for 2005/06 formally in accordance with the legislation.

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 17th and 24th February, 2005.

In relation to item 1.1 - Corporate Plan 2005-2008 - Councillor Phillips reminded Council that this was an important document which sets out the Council's priorities for the next three years and how it intends to achieve them. In response to a query about the lack of targets relating to drug abuse and bullying in schools he stated that the Council could work with the schools to set these targets.

In relation to item 1.2 - Capital Programme 2005/06 - the Leader said that some of this money would help achieve the priorities in the Corporate Plan. He proposed that the supported borrowing for Education, Transport and Housing be distributed in accordance with government allocations. He advised of the prudential borrowing allocations from 2004/05 which had ongoing commitments in 2005/06 and the additional schemes recommended for approval in 2005/06. He spoke, in particular, of the need for investment in the Crematorium, the contact centre (Info by Phone) and the proposed enhancements for Hereford City Centre.

In response to a query about the provisional nature of the proposed funding for enhancements to Hereford City Centre, he stated that this was part of an overall funding package and the Council would work towards the best interests of the City and the County. In response to a comment that £2 million could be needed to improve the Buttermarket alone and that £10-£15 million would be required to bring Hereford City Centre up to standard he invited suggestions as to how that money could be raised.

In relation to item 1.3 Revenue Budget and Council Tax 2005/06 - Councillor Phillips reminded Council that it needed to achieve savings of around £5 million and that the proposed budget was recommended by the Cabinet following consultation with the Budget Panel which included representatives from all the political parties and the trades unions. It had also taken account of proposals from the Strategic Monitoring Committee. He proposed a budget of £184,889,000 equivalent to a 4.31% rise in Council Tax, the lowest ever set by the Council.

In response to a comment that the 4.31% increase was to make up for the previous year's Council Tax capping and rebilling, and a query about the impact this would have on the population, many of whom were on low or fixed incomes, Councillor Phillips referred to the content of the capping decision which led to an amendment of £253,000 to the Council's budget. The Leader indicated that whilst the Council had been capped for an 'overspend' of £253,000 the Government had had no hesitation in making a retrospective amendment of £300,000 in the current settlement to reflect alleged discrepancies in the 2001 Census Data. He was also aware of the number of people on low or fixed income, including pensioners.

In response to a query about the relocation of Tourist Information Centres (TICs) and whether the process would be scrutinised to make sure it was truly effective, the

Leader explained that many Focus Groups, including the Tourism Group, had been consulted on the budget proposals and they were received very favourably. He said £450,000 was spent on tourism, half of that on TICs. He confirmed that the TICs would retain a presence in the market towns and that it would be necessary to review their stock, leases and ensure that properties were fit for purpose.

The Leader of the Liberal Democrat Group said that government settlements were usually more generous prior to a general election. He said that the Council had no option but to set the budget at this level to avoid capping. He was worried that there was little flexibility in the budget and took issue on a number of proposals such as increased charges for green waste bags, car parking charges at Queenswood, and increases to the crematorium and burial charges. He also urged a closer look at the Herefordshire Partnership and was concerned that the Council had no control over the number of people requiring Social Care. Although he supported the level of the council tax rise, he warned that the Chancellor might not be so generous next year. The Leader responded by saying that the budget concentrated, not on one year but on a three-year period. He said there would be a £3 million investment in the crematorium. He agreed that the costs of the Herefordshire Partnership would need to be closely examined. He also shared Councillor James' concerns about the demands on the Social Care budget in light of the County's population profile. He said that vulnerable people were owed a sustained level of services and that challenging discussions would be taking place in order to come to terms with this issue.

He also advised that there would be a seminar on Procurement and ICT and the Council's Service Improvement Plan. He urged all Members to attend the seminar which would be held sometime in April.

In response to a question from Councillor Mrs. Lloyd-Hayes he agreed to provide a written response about the pavilion which had been burnt down at College Hill and whether it would be rebuilt and available for use by young people in the same area.

In response to a query about the Council's presence at the Three Counties Show, he said he would always advertise the County but could not justify £45,000 plus officer time except possibly in the year that Herefordshire hosted the Show.

Council voted on the Council Tax and Revenue Budget 2005/06 as follows:

For - 40

Against - 0

Abstentions - 14

In relation to item 1.5 Draft Crime, Disorder and Drugs Reduction Strategy 2005 - 08 - The Leader advised that it would not be possible for the Council to approve the Strategy as some of the figures were still not available. He hoped that the final document would be ready for approval at the May meeting.

In relation to item 7.1(i) - Herefordshire Council Support to the Community and Voluntary Sector - in response to a question the Leader confirmed that, now that the Budget had been set, any changes to the Council's policy on support to the voluntary sector would be put in place as soon as was expedient.

In relation to item 7.1(ii) - Courtyard Review - In response to a comment from the Chairman of the Review Panel, the Leader confirmed that the Panel would be invited to continue to be involved in scrutinising the Courtyard's operation and financial position.

In relation to item 13.1(ii) **Developing Services to People with Learning Disabilities** - The Cabinet Member (Social Care and Strategic Housing) was unable to give any assurances about respite care facilities at this early stage.

RESOLVED: That the reports from the meetings of Cabinet held on 17th and 24th February, 2005 be received and the recommendations set out below be adopted:

- That
- (a) the Corporate Plan be approved on the basis that the Local Public Service Agreement (LPSA) 2G performance indicators and targets will be included as and when they are agreed with central government;
 - (b) the supported borrowing for Education, Transport and Housing be distributed in accordance with government allocations (Appendix 1);
 - (c) the future years funding commitments resulting from 2004/05 allocations of Prudential Borrowing, as stated in Appendix 2, be reaffirmed;
 - (d) a capital sum of £2 million be provisionally allocated to the refurbishment of Hereford City Centre and the County Treasurer be asked to make the necessary additional provision within the Revenue Budget and within the Prudential Borrowing requirements;
 - (e) Prudential Borrowing for 2005/06, for 2006/07 and for 2007/08 be approved to meet projects as set out in Appendix 3;
 - (f) the Revenue Budget for 2005/06 be set at £184,889,000 (representing the figure reflected in the budget report to Cabinet plus a further £200,000 being the capital financing costs associated with the Hereford City Centre improvements proposal);
 - (g) the consequential Council Tax Band D figure for 2005/06 be £996.94 representing a 4.31% increase as detailed in the Council Tax Resolution 2005/06 set out at Minute 73;
 - (h) the Prudential Indicators detailed in Appendix 4 which includes the projected Capital programme, subject to confirmation of the inclusion of £2 million for refurbishment of Hereford City Centre, be approved;
 - (i) the Treasury Management Strategy in Appendix 5 be approved;
 - (j) the borrowing limits outlined in Appendix 5 be approved; and
 - (k) that the Crime, Disorder, and Drugs Reduction Strategy 2005-08 be finalised and re-submitted to Council in May for final approval.

73. COUNCIL TAX AND REVENUE BUDGET RESOLUTION 2005/06

Following the resolution at Minute 72 above, it was **unanimously** formally **RESOLVED**:

THAT: (1) In respect of the Council's 2005/06 Budget:

- (a) a council tax of £996.94 be levied (at Band D);**
- (b) programme areas contain expenditure within "cash limits" i.e. outturn budgets with no further allowance for pay or price inflation beyond that already provided;**

and

(2) in respect of council tax for 2005/06 that the following amounts be approved by the Council for the year 2005/06 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

- (a) £270,134,997** being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
- (b) £83,267,000** being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
- (c) £186,867,997** being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;
- (d) £117,942,196** being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
- (e) £1,026.41** being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the

basic amount of its Council Tax for the year;

- (f) £1,978,997 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
 - (g) £996.94 being the amount at (e) above less the result given by dividing the amount at (f) 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 special item relates;
 - (h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester Combined Fire Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992.
- (3) Pursuant to the requirements of the Local Government (Functions and Responsibility) (England) Regulations 2000, any decisions on the application of reserves and balances as required from time to time during the financial year be taken by Cabinet.

The meeting ended at 11.50 a.m.

CHAIRMAN