

MINUTES of the meeting of COUNCIL held at Whitecross High School, Three Elms Road, Hereford on Friday, 28th July, 2006 at 10.30 a.m.

Present: Councillor J.W. Edwards (Chairman)
Councillor J. Stone (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, 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, P.E. Harling, J.W. Hope MBE, B. Hunt, T.W. Hunt, Mrs. J.A. Hyde, T.M. James, J.G. Jarvis, Brig. P. Jones CBE, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, R.V. Stockton, D.C. Taylor, 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

The Chairman and Council stood in silent tribute to the memory of Mrs. R.F. Lincoln, who had been Councillor for Kerne Bridge Ward until her resignation in April and who had died since the last meeting of Council.

22. PRAYERS

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

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillors M.R. Cunningham, G.W. Davis, R.M. Manning, Miss F. Short, Mrs. E.A. Taylor and J.P. Thomas.

24. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors R.J. Phillips and D.B. Wilcox both declared a personal interest in the Youth Justice Plan as set out at page 19 of the agenda.

The Chairman of Council, Councillor J.W. Edwards, declared a prejudicial interest in the Kings Caple Parish Plan, set out at Page 32 of the agenda and indicated he would vacate the Chair and Chamber if there was any discussion on the item.

25. MINUTES

Before calling on Council to agree the minutes, the Chairman advised that it had been necessary to change the date of the Council meeting previously scheduled to be held on 10th November, 2006. This meeting will now take place on 3rd November, 2006.

RESOLVED: That the minutes of the meeting held on 12th May, 2006 be approved as a correct record and signed by the Chairman.

26. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the Council to its first meeting in the new Whitecross High School. He wished the Head Teacher, staff and pupils well in their endeavours and thanked the management company for allowing the meeting to take place on the premises.

He welcomed Councillor John Jarvis to his first meeting of Council as Councillor for Kerne Bridge ward and wished him success in his new role.

He presented an award to Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) for the refurbishment of Eign Gate. The Award was made by the Local Government News as part of its Street Design 2006 national awards. The scheme was judged to be fourth out of more than 100 entries throughout the country.

The Chairman reminded Councillors of a reception for the Three Choirs Festival which was to be held on 7th August and asked those who had not responded to the invitation to do so as a matter of urgency.

PETITIONS

The Chairman presented a petition in support of provision of a relief road at Rotherwas to Councillor R.J. Phillips, the Leader of the Council.

He also presented a petition to Councillor P.J. Edwards, the Cabinet Member (Environment) asking for planning control on the siting and erection of large scale polytunnels.

27. 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 Head of Legal and Democratic Services more than six clear working days before the meeting. A number of questions had been received in time to be included in the agenda. The questions and responses are set out below:

Question from Mr M Hubbard, Hereford in a personal capacity:

"As a riparian owner on the Wye and keen to maintain the charter rights of the citizens of Hereford, enabling free use of the river for leisure & fishing purposes, can I be assured that those rights, that have been protected by the city for several hundred years and are now held in stewardship by the Herefordshire Council, are still being protected and how?"

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) replied that many matters concerning the River Wye, including those relating to ecology, wildlife, pollution and navigation are regulated by the Environment Agency. The Council has no power to interfere with the private riparian rights of persons who own land adjoining the rivers within the County. The Council is engaged in litigation regarding various claims to historic fishing rights within the City of Hereford. That litigation is still ongoing and in consequence no final resolution of the competing claims has yet been achieved.

Question from Mr M Hubbard, Hereford in his role as Chairperson of the Friends of Castle Green:

"Please would Herefordshire Council provide me with a breakdown of the total costs of maintaining & repairing the city parks known as Castle Green, Redcliffe Gardens and Cantilupe Gardens, including Castle Pool, over the past year. Please would Herefordshire Council also provide a breakdown of projected long-term spending on capital projects for the same areas."

Councillor R.V. Stockton, Cabinet Member (Community Services) stated that the costs of maintaining the areas known as Castle Green, Redcliffe Gardens and Cantilupe Gardens in respect of routine grounds maintenance activity for the financial year 2005/6 were in the region of £40,486. This figure did not include any emergency work which was unlikely to exceed £5,000. He advised that there was no specific allocation for the maintenance of the Castle Pool area.

He also advised that there was no ongoing capital allocation for these sites. However, in recent years there had been a one-off allocation of £110,000 for the cleansing and de-silting of the Castle Pool and in addition there had also been a one-off sum of £34,000 allocated for the renovation of the Mill Street steps leading to the Castle Green. He said that there were no future items of capital expenditure identified for these areas at this time.

Questions from Mr R Hattersley, Hereford**City Assets**

"There has been rumour and counter rumour locally about the selling off of key council property in the City of Hereford. For the benefit of the City residents and taxpayers who own these properties collectively, can the Council please confirm : -

Which properties, if any, have already been sold?

Which properties are already "on the market"?

Which properties are still being discussed?

Which properties can the Council guarantee will not be considered for sale?

What plans do the Council have for consulting the residents of the City of Hereford before any such sales of their property proceed?

Can the Council please confirm precisely what any monies raised through such sales will be spent on?

Can the Council please confirm whether it is their intention to begin proceeding with such sales before or after the next local elections in May 2007?"

Councillor R.M. Wilson, Cabinet Member (Resources) said that the question asked by Mr. Hattersley was based on a misunderstanding about the basis on which property is held by the Council. Herefordshire Council was formed in 1997 and became operational from 1st April, 1998. It inherited property from the four outgoing District Councils and from the outgoing Hereford and Worcester County Council. Statutory provision was made for the transfer of that property. As at 1st April, 1998, the whole of the Council's property portfolio would have consisted of property inherited from the former Councils. The Council holds that property for the benefit of the whole of its area.

In relation to the specific questions asked, he said that the questions were based on the incorrect premise that property was held for the specific benefit of residents of the City. As no such properties were held on that basis, it would only be possible to

respond by providing, a complete list of all the properties that have been sold by the Council since 1st April, 1998.

However, he did advise that the only recent sales within the City have been those of numbers 9 - 15 and 17 St. Owen Street.

Within the City Council's area, 47 Gaol Street and the Burcott Road Depot are currently "on the market".

He said it was not possible to respond accurately to the question about what properties are still being discussed, because the Council's Asset Management Plan requires it to keep the whole of its property portfolio under constant review.

With regard to the sale of properties in the future he advised that the Council was not legally able to give a guarantee of the kind that was sought. It is a well-established principle of administrative law that no Council can fetter the discretion of its successor. Any guarantee this administration sought to give could therefore only be effective until the next elections in May 2007. However, he added that it was very unlikely that this administration would sell iconic public buildings such as the Old House in High Town or the Shire Hall

He said that the Council did not consult on the disposal of individual properties and nor would it seem appropriate to do so. The Council will, however, consult on its Medium Term Financial Strategy, which sets out the principles within which the Council will finance its revenue and capital requirements. The Council also has procedures in place to ensure that strategic partners, service providers and service users or their representatives are consulted appropriately prior to a decision to dispose of an asset being undertaken.

The capital receipt income generated from the sale of assets is applied in accordance with the Council's corporate priorities. In the case of the Town Hall, should the City Council proceed with its request to purchase the building, the capital receipt would be used to part pay for the alternative accommodation that would be needed for Herefordshire Council staff currently located in that building.

Finally, he advised that a number of property related issues would be taken into account in determining when surplus assets were brought to the market. Clearly, the Council would need to have alternative accommodation available and consideration of the prevailing property market conditions would also be pertinent. Realistically, however, the Council would not be in a position to negotiate alternative accommodation and complete the sale of additional property prior to May, 2007. He felt it was highly likely that other properties across the County would be offered for sale before the elections in May 2007, in line with the Council's current accommodation strategy.

Question from Mr Hattersley

Rotherwas Access Road

"Given that the Rotherwas Access Road has been turned down repeatedly as "poor value for money", can the Council confirm that it is still their intention to pursue its construction?"

If so, can the Council give some indication as to what sources of funding they will be accessing for the road, given that government sources appear inaccessible?"

Recent research by the Campaign for the Protection of Rural England and the

Countryside Agency found that new roads in Newbury, Eastbourne and Blackburn generated unexpectedly high levels of traffic growth both on the new roads themselves **and in town centres**. Does the Council believe that a Rotherwas Access Road and indeed a bypass would have solved any of Hereford's traffic problems **within 10 years of their construction**, and, if so, will they bring forward the evidence on which they are making such claims."*

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) replied that the Council remained committed to delivering the Rotherwas Access Road. He said that the new road was essential to overcoming the transport problems of the area and ensuring the Rotherwas Industrial Estate maintained its status as the major home of Herefordshire's businesses. The recent announcement regarding funding from the Department for Transport related to their assessment of the scheme against the Department's scheme appraisal criteria, which did not fully recognise the wider benefits of the scheme to Herefordshire. The Council considered that the road does represent value for money and would make a major contribution to the local economy and economic development within Herefordshire. He said that the scheme had been supported by the Regional Development Agency, Advantage West Midlands. The West Midlands Regional Assembly had identified the scheme as making a major contribution to regional objectives and concluded that it should be a priority for investment.

As a matter of urgency, the Council was considering all potential sources of funding.

The Council is aware of the recent report produced by Campaign for the Protection of Rural England and the Countryside Agency, entitled "Beyond Transport Infrastructure" and other reports regarding research into the generation of traffic.

Government guidance makes clear that it is important for new road schemes to be considered as part of an integrated transport strategy. The Council identified the need for the Rotherwas Access Road following an integrated transport study that focused on solutions to the transport problems of the estate. This study recommended an integrated package of measures to address access to the estate by all modes of transport. Through the Local Transport Plan, the Council has already implemented improvements for pedestrians, cyclists and public transport and continues to support a successful Travel Plan for the Estate to encourage the use of alternative modes and help reduce congestion. The provision of a new Access Road to the estate would complete this package and address the problems of access to the estate by HGVs and allow further measures on Holme Lacy Road to reduce the environmental impact of traffic on the area.

The Council's second Local Transport Plan published in March 2006, highlights the need for an Outer Distributor Road in the longer term, as part of the integrated transport strategy for addressing the transport problems of the city. This strategy was developed following a comprehensive local multi-modal study. This was completed in 2003 and carried out in partnership with the Government Office for the West Midlands, Advantage West Midlands, the Highways Agency, the Chamber of Commerce and the West Midlands Sustainability Forum. Therefore, had such a road been built earlier then this would have been of great benefit to Hereford.

These comments were made without addressing the significant additional benefits that an Access Road would achieve in respect of economic regeneration and employment prospects for the area.

Question from Mr R Gill, Cradley

"The Planning Inspector in paragraph 9.56/1 of his report on the draft UDP chooses to back the views of a developer against the wishes of many objectors, many villagers and the Parish Council, in denying HBA9 (Open Space) status to the field opposite St Katherine's in Cradley. Whilst his expert knowledge of the requirements of HBA9 status is not being questioned, his understanding of the application to this particular field is limited compared to the knowledge of the locals. He does however admit that the road alongside is "at this point still like country lane" recognising a weakness in his case. His view that the field is "contributing little to the appreciation of the settlement or the neighbourhood" is strongly disputed by the villagers, who have a much better acquaintance with the locality and who could demonstrate his error in court.

It might be reasonably inferred that the recommendation of Council officials to accept his view and reverse the previous decision of the Council is influenced by fear of the legal costs of any future dispute with the developer. Would the Council please give some indication of the legal costs which they would incur in defending a decision to deny HBA9 status were this decision to be challenged in the courts by a group of concerned villagers in Cradley and would the Council please opine whether they consider that it is an appropriate use of council tax payers' money to attempt to defeat the wishes of the community?

A recitation of an answer prepared by council officials will be informative, but the views of councillors are also solicited."

Councillor P.J. Edwards, Cabinet Member (Environment) advised that the Inspector's recommendation on this land has been reached on the basis of access to all relevant material, including the community views expressed through the Village Design Statement and the Parish Plan, which were designated as Inquiry Core Documents. On this basis, and with the benefit of a site visit, the Inspector concluded that the land did not qualify for protection under the policy; and recommended accordingly.

This recommendation and the Inspector's reasoning has been carefully considered. The conclusion that has been reached by the UDP Working Group of members and by Cabinet, taking full account of the representations submitted by the local member on behalf of the local community, was that the Inspector's recommendation should be accepted.

This conclusion had been reached on the planning merits of the case. Legal costs are not relevant to the planning merits and no meaningful indication can be given as this would depend on the nature of any action.

Question from Mr David Creed-Newton, Chairman of Cradley Parish Council,

"Would the Council care to comment on an apparent denial of the democratic process?"

Community involvement in planning accords with people's right to participate in decisions that affect their lives. It is an important part of the trend towards democratisation of all aspects of society." – Community Planning Website, funded by the Department for Communities and Local Government

The villagers of Cradley have expressed their view that the plot opposite St Katherine's be protected as an open space. They voted five to one in favour of this in a systematic consultation process (Planning for Real ®). The village has, in partnership with Herefordshire Forward Planning, developed a Village Design

Statement and a Parish Plan promoting this. Cradley Parish Council, representing the villages of Cradley and Storrige, has laboured hard to keep this as an open space. Herefordshire Council had commendably recognised the importance of this matter in its last redraft of the Unitary Development Plan. Yet all this is to be ignored in the face of the opinion of one unelected official (however distinguished), visiting from outside the area if the Council reverses its position and accepts the Inspector's recommendation 9.56/1.

Is there any point in seeking the opinions of the electorate, of producing Parish Plans and Design Statements, of voting for councillors, of turning up to meetings of the Council, or would the Council advise voters and parishioners not to bother?"

Councillor P.J. Edwards, Cabinet Member (Environment) stated that the future use of the land referred to has been fully assessed and discussed through the process of preparing the Unitary Development Plan.

In doing so, regard had been had to community views that the land should be protected. Indeed the Council had sought to achieve such protection through designation under a policy of the Plan – HBA9. This designation had been objected to and therefore fell to be considered at the Public Inquiry.

The independent assessment by the Inspector was part of the normal process of scrutinising the Plan. In this case, the Inspector considered the specific matter of whether the site qualified for protection under the policy. As part of that process, all objectors had the opportunity to prepare and submit evidence to the Inquiry. The Inspector had access to all relevant material, including the community views expressed through the Village Design Statement and the Parish Plan, which were designated as Inquiry Core Documents. On this basis, and with the benefit of a site visit, he concluded that the land did not qualify for protection under the policy; and recommended accordingly.

The Council's Unitary Development Plan Working Group, after careful consideration, accepted the Inspector's recommendation. This was not, in itself, a denial of the democratic process. The recommendation was soundly based and should be accepted on planning merits.

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

Councillors may ask questions of Cabinet Members and Chairmen of Committees so long as a copy of the question is deposited with the Head of Legal and Democratic Services at least 24 hours prior to the meeting. A list of questions, set out in the order in which they had been received, was circulated at the beginning of the meeting.

The Chairman reminded those Councillors who had submitted questions that they were entitled to ask a supplementary question and asked that they did not use this as an opportunity for further debate.

Question from Councillor B. Hunt

"Given the unique function of the Members' Support Service, does the Cabinet Member agree with me:-

- a) *that it is inefficient to dismember the service into three locations i.e. the present offices for secretarial, the remote garden pavilion for the Members' Information and Support Officer and Rotherwas for Members'*

I.T. Support?; and

- b) that no notice or consultation was given to Members as to their requirements?; and*
- c) that it was only the minor financial saving that initiated this exercise and that it lowers the standard of service to Councillors, the grass roots interface with our public?; and*
- d) what action do you propose taking to remedy this unsatisfactory situation?"*

Councillor Mrs. J.P. French, Cabinet Member (Corporate and Customer Services and Human Resources) replied that the changes were designed to link officers to the professional base that most closely identified with the work they undertook and to make better use of the resources. A key piece of work for the Members Information and Support Officer, as part of the Communications Team, would be to work on those Communications activities for Members which Members would like to see improved.

She said that the Local Government Act 1972 provided for the delegation of managerial responsibility to officers reserving wider strategic responsibilities to Members. This distinction was reinforced in amendments to the Local Government Act which required the Head of Paid Services (Chief Executive) to account to Members on: the manner in which the discharge of the different function was co-ordinated; the number and grades of staff required for the discharge of its function; the organisation of the authority's staff and the appointment and proper management of those staff.

She said that the job description of individual Directors required them to support the Chief Executive in that role by requiring them to lead and manage the Directorate in a manner which created a highly motivated, developing and committed workforce. It was because these services were used and valued by Members that the proposals were discussed with Group Leaders on two separate occasions – at the beginning of the consultation period and when the proposals were confirmed following discussion with staff and consultation with the Trade Union.

She advised that the only financial saving to result from the restructure would be to pay for the services of IT support as required rather than maintaining a support resource, often with no use being made of it, which was not an efficient use of the resource.

She said that no further action was proposed but as with all intended improvements the new arrangements would be monitored carefully to ensure the maximum benefit to all Councillors. She asked any Councillors who felt they were receiving an unsatisfactory service to contact her or the Head of Legal and Democratic Services with details of their concerns.

In response to a call to revert to the original staffing structure Councillor Mrs. French expressed disappointment that Members were unwilling to accept the new structure. She encouraged Members to use the service and report any failings to her.

Question from Councillor B Hunt

"Following the near-disaster in Bromyard several years ago when a petrol tanker demolished a bridge parapet and stopped next to an overhead power line pylon Highways Officers met on site with myself, Councillor P. Dauncey and Councillor T.W. Hunt.

Officers who attended have failed to implement agreed measures to improve road marking, sign-posting and other road safety measures on this section of the A44; and despite correspondence from Bromyard and Winslow Town Council and telephone requests from myself, no response has been forthcoming.

What action do you propose taking to remedy this unsatisfactory situation?"

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) confirmed that officers had investigated the feasibility of making some further improvements to signing and lining at the site, but reported that the additional work could not be justified.

Some minor improvement works had been carried out in 2002 and since then there had been only one recorded personal injury accident. As a result, the site was no longer identified within the Council's county-wide ranking of accident sites.

He said that, given that there had been several local representations for additional works to be carried out at Petty Bridge, he would request a further site inspection .

He agreed to keep the local Members informed of the outcome of the inspection.

Questions from Councillor A.C.R. Chappell

"Will the Cabinet Member for Children's Services confirm that teaching staff at Whitecross School have been advised that they may enter the school for eight hours only during the school summer holiday, after which time the Private Finance Company who owns the school will charge them for entering the school?"

Will he confirm that teachers at the new Riverside Primary School, and Sutton County Primary School, will be able to enter their new premises for more than eight hours during holidays without the school being charged for the privilege?"

Will the Cabinet Member for Children's Services, confirm that the community aspect of the new Whitecross School is being fully utilised and that there are no restrictions of use by the community for out of school hours. Can he confirm that the contract with the PFI Partner is being fully implemented?"

Councillor D.W. Rule Cabinet Member (Children and Young People) advised that the legal contract signed by the Council and Whitecross School Governors defined the hours of use by the school as between 7.30am and 6.30pm on 190 days in a year and an additional 550 hours in any one year which includes access to the school in the week at the beginning of the summer holiday and 10 days at the end of the holiday. On top of this contractual provision the manager on site told school staff that they can have access throughout the holiday period on week-days as he would be on site on these days.

In relation to the new Riverside and Sutton Schools, he said that the management of the premises would be the responsibility of the respective Governing Bodies. He was not aware of any discussions about access during the holiday period. The contractual arrangement for caretaker and cleaners in charge do vary greatly and

their employment in the summer holidays, particularly in smaller schools, is often very limited.

He said that teachers worked in excess of their contracted hours because of their commitment but did not feel that this should be exploited. Holidays were essential for teachers to recharge their batteries.

Referring to community use, he advised that the legal agreement was constructed to encourage third party use and a programme of use was expected to be implemented from the autumn of 2006 onwards. The PFI company had appointed HALO as its subcontractor to manage the income from that, which was expected to yield at least £25,000 in the first three years.

Councillor Chappell said that teachers were not aware that they could access the school in the manner described and asked that the Acting Chair of Governors be informed.

Question from Councillor D.J. Fleet

"Is the Cabinet Member satisfied with the cleanliness of the Eign Gate paving following his instruction for the area to be thoroughly cleaned."

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) said that the paving in Eign Gate had been cleaned and the joints sealed earlier in the month. He advised that he had visited the area the previous evening and found that the cleanliness had not been particularly good, with various stains inadequately removed. He said that the light colouring of the paving contributed to the situation. He said he would discuss the problems with the consultants to see whether better cleaning results could be achieved.

Question from Councillor D.J. Fleet

"Is the Cabinet Member proposing to take any action to stop vehicles parking for long periods on the pavement area of High Street. These vehicles drip oil onto the new paving, obstructing shop windows and causing congestion for pedestrians trying to shop."

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) advised that the current activity was due to the refurbishment of the old Littlewoods store and any damage would have to be made good. High Street is a pedestrianised area daily between 10.30 a.m. and 4.30 p.m. which facilitates the flow of pedestrians.

In response to a further question Councillor Wilcox advised that the contractors had an order to use the compound in front of the store and that the situation was being closely monitored.

Question from Councillor Mrs. M.D. Lloyd-Hayes

"Would the Council reconsider its proposal to close the whole of the open space at the Rose Garden, Ledbury Road for a two year period while work is underway on the new extra-care village? The area is used by a great number of people on a daily basis and there is much concern locally that this facility is to be denied them. Would it be possible to divide the area affected so that only half of the space is closed at any one time, therefore allowing those residents and visitors who use the open space on a regular basis the use of at least part of the area?"

Councillor Mrs. L.O. Barnett, Cabinet Member (Social Care Adults and Health) advised that, following legal advice, it had been determined that the best way forward would be a temporary closure of the open space for a **maximum** period of two years. The temporary closure was necessary because of the flood alleviation works required. If it was possible to lessen this time, she would do everything in her power to do so.

Councillor Mrs. Lloyd-Hayes said she couldn't see why the works could not be carried out on one half of the site in the first year and on the other half in the second year. She asked if it would be possible to move benches from one side of the site to the other so that they could still be available for use.

Councillor Mrs. Barnett said she would be happy to investigate the moving of the benches but advised Councillor Mrs. Lloyd-Hayes that this was a matter that could have been raised with the officer responsible.

Questions from Councillor W.L.S. Bowen

"When is Herefordshire Council going to join the many other councils (nearly 50 in all) that require all developers to provide at least 10% of the energy needs of their developments to come from on-site renewable technologies?"

How much money does Herefordshire Council set aside each year to upgrade and improve the energy efficiency of all its properties?"

Is Herefordshire Council going to incorporate "planning policies for sustainable building" into its planning guidance for all developers?"

Councillor P.J. Edwards, Cabinet Member (Environment) advised that the current planning policies in the Unitary Development Plan encouraged and promoted sustainable energy generation particularly from renewable sources and that the requirement for such on-site renewable energy generation would be reviewed as part of the ongoing production of the Local Development Framework.

He said that Herefordshire Council was investing £200,000 to upgrade and improve the energy efficiency of all its properties and, in addition, had been successful at the first stage in the process of securing £200,000 match funded via a Government initiative. Energy efficiencies were being made to buildings which would compensate for energy price increases.

He advised that sustainable building principles had been incorporated in Policy S1 (Sustainable development) and Policy H13 (Sustainable residential design) of the Unitary Development Plan and consolidated in the Supplementary Planning Guidance Note *Design and Development Requirements* adopted in July 2004. Such principles were expected to be incorporated into the forthcoming Design and Access Statements which all developers would be required to submit with applications after 10 August 2006.

In response to further comments Councillor Edwards said that the Council would be participating in a national consultation exercise on these issues. He said that the Unitary Development Plan encouraged developers to incorporate the measures promoted by Councillor Bowen. He also thanked Councillor Bowen for his involvement in developing the Council's policies on renewable energy, energy efficiency and sustainable building.

Questions from Councillor Ms A. Toon

"Following a presentation to the Children's Services almost a year ago, we were advised that mechanisms were in place for parents to elect to attend parenting courses or that the council could compel parents to attend these courses where issues of children's behaviour were of concern. Can the Leader advise on how many courses have been held, where have they been held, and how do parents or teachers find out where they are being held?"

Could the Cabinet Member for Children's Services advise what action has been taken following a recommendation by the Local Admissions Forum to refer 12 schools to the adjudicator for failure to comply with government regulations in their admissions process. As he will be aware this matter has been raised repeatedly over the past 2 years giving rise to a clear recommendation last year that if the schools concerned did not comply that the committee would have the matter forwarded to the adjudicator.

Could the council advise on how many truancy officers are now employed and how long they have been in post?

Could the council advise on how many nursery, after school placements and school staff with direct children contact have been through the child concern model and reporting training during the past 6 months?"

Councillor D.W. Rule, Cabinet Member Children and Young People responded as follows:.

Parenting Courses - 16 programmes involving up to 236 parents have been held for the financial year 2005/2006 via Council services. Councillor Rule advised that this number should be treated with caution because places on these courses are counted quarterly so there may have been some double counting – information for year 2006/7 will be more reliable. A new stream of parenting courses will be available through the local Youth Offending Service in September.

Courses being offered by the Education Welfare Service, have been delayed due to a very serious illness of one of the officers but are now scheduled to start in the Autumn.

Courses are held in a variety of places depending on need, but mostly in Hereford and Leominster.

Advice has been sent out to schools (September 2005) with regard to Parenting Contracts and Parenting Orders. Most referrals for parenting courses, however come from the agencies that support children in need, e.g. the Children's Fund and the mechanism of Child Concern Model.

Councillor Rule advised that the Children and Young People Directorate had identified an additional £25,000 to expand the use of parenting courses as from April 2006.

Regarding Local Admissions Forum - At its last meeting the Local Admissions Forum recommended that the issue of compliance to the draft DfES guidance on oversubscription criteria in 12 aided schools in the County should be raised with the National Adjudicator. DfES had been asked when their draft guidance would be issued as formal guidance. Their timetable has now been received which states that 'consultation (is) due to take place around the beginning of the next school year in

September and the new Codes coming into force in time for admission authorities to take them into account in determining their admission arrangements for September 2008.' In light of the proposed further consultation and the suggested DfES stipulation that the new code is to come into force in September 2008, Councillor Rule said that he was not minded to refer the issue to the National Adjudicator until it was shown that aided schools were working outside the final guidance but he was open to further advice on that point and would keep in contact with the DfES on the matter.

Regarding Truancy Officers- Councillor Rule stated that the Council did not employ Truancy Officers. However, the Education Welfare Service, in partnership with the Police, regularly carried out truancy sweeps. Usually this would be one every half-term. The location for these changed (although it is usually Hereford City), as did the dates, but 'hot-spot' times like the May Fair week were always covered. Occasionally the full Education Welfare Service team plus police officers conducted an intensive truancy sweep in one area, for example High Town in Hereford. He stated that, although the levels of truancy in Herefordshire were low in comparison with other Authorities, he was not complacent.

Regarding Child Concern Model – Training - Councillor Rule thanked Councillor Ms Toon for her question but said that it had not been possible to obtain the necessary detail in the time available. He agreed to provide her with a response as soon as he had gathered the information.

Following a number of comments from Councillor Ms Toon, the Chief Executive reminded Council that the Constitution provided for written questions to be answered in a formal way and that there was provision for questioners to ask one supplementary question. He advised that this was not the time to open up further debate around the questions. He also advised that Members should submit comprehensive written questions rather than relying on gleaning additional information through the supplementary question.

Questions from Councillor Mrs. S. Robertson

"A recent request for a post office at Tillington Village Stores has proved unsuccessful despite the support of the community, myself, Bill Wiggin MP and also as identified in the Burghill Parish Plan.

This decision is contrary to both national and local policy and the government is encouraging rural regeneration including post offices. Many rural communities have limited or non-existent services and the village stores/post office is a vital link in sustaining these communities.

- (a) *What is the cabinet member doing to support initiatives such as rural post offices?*
- (b) *Has the Council an adopted policy for supporting rural post offices bearing in mind how important these are to rural communities, and if not, why not?"*

Councillor J.C. Mayson, Cabinet Member (Rural Regeneration and Strategy) said that he was disappointed to hear that the request for a post office at Tillington Village Stores had proved unsuccessful and would explore whether the Council could provide any assistance in support of the request.

He advised that the Post Office had to consider the sustainability of any new Post Office in terms of its commercial viability and felt that any decision to open a new

rural post office would be affected by the current uncertainty over future government funding for the rural post office network.

He said that the Council recognises the importance of rural post offices as one of the key rural services needed to sustain a high quality of life in the County. The Council administers a number of grant schemes which could provide some practical support for rural post offices including the shop front grant schemes and the Community Regeneration Grant, with an annual budget of around £20,000, helps support new activities, facilities and services across Herefordshire.

29. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

30. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the reports of the meetings of Cabinet held on 25th May, 15th and 29th June and 13th and 20th July, 2006.

In relation to Item 1.2 - Herefordshire Unitary Development Plan (UDP): Inspector's Report, Statement of Decisions and Reasons, and Proposed Modifications the Leader proposed an amendment to the recommendation. He proposed that the Council rejects the Inspector's recommendations 5.14/1 and 5.3/3 reference to land at Bullinghope and amends the relevant Modifications accordingly. This would have the effect of including the Bullinghope site and text as it was in the revised Deposit Draft. He stated that there were no proposals to reject the Inspector's recommendations in relation to housing land at Holmer, Hereford.

In moving the recommendation, he spoke of the need for additional housing within Hereford City by the end of 2011. He also said it would be an opportunity to raise additional funding which may be required to fund the access road at Rotherwas which was vital to the economic development of the City.

Councillor P.J. Edwards, Cabinet Member (Environment) seconded the proposal.

Councillors A.C.R. Chappell and Mrs. W.U. Atfield, expressed shock and concern at the proposal. While recognising the need for improved access to the Rotherwas Industrial Estate, they felt that Bullingham Lane would be unable to cope with the amount of traffic likely to be generated by 300+ new houses. In one direction the lane passed under a narrow railway bridge which would be impossible to widen and in the other direction it joined the Ross Road which was already renowned for its traffic problems. Although some improvements were expected once the new road layout at the Asda store was completed, additional traffic from over 300 homes would cause serious congestion south of the river. They reminded Council of the previous opposition to additional housing from local residents at Bullinghope and warned of further objections if the proposal was carried. They urged Council to reject the proposal, saying that investigations should be carried out into other means of funding the Rotherwas Access Road.

Councillor W.J.S. Thomas, whose ward includes the proposed route for the Rotherwas Access Road, said that the building of the road was one of the most important things that the Council had to achieve. He said that the businesses located at the Rotherwas Industrial Estate had suffered because of the inadequate access and this was having an effect on jobs. Unless more jobs, and better quality jobs, were provided more and more young people would be leaving the county to live and work elsewhere. He spoke of other improvements which were needed in and

around the City, for the benefit not only of businesses and residents but also for visitors - flood alleviations measures particularly at the Holme Lacy causeway, a road to join the A49 and the A465 with the new section of the Roman Road, and another bridge over the River Wye as well as the provision of a park and ride scheme for the City. He said the proposal had his total support.

Councillor T.M. James, the Leader of the Liberal Democrat group said he would support the amendment but would abstain from voting on the Unitary Development Plan itself because he was concerned that the proposed housing densities would lead to slum developments in the market towns.

A number of other Members also spoke in support of the proposal.

The Leader sympathised with the views expressed by the Councillors Mrs Atfield and Chappell, but stated that if Hereford was to develop into a modern, progressive and economically viable City it was vital that the road infrastructure in and around the City be improved.

In accordance with Standing Order 4.15.4 a named vote was held and is attached at Appendix 1 to these minutes. The voting in support of the proposal was as follows:

For - 43

Against - 4

Abstained - 5.

Further discussion took place on other aspects of the Unitary Development Plan. In answer to a number of comments and queries the Cabinet Member (Environment) stated that studies showed that there would be a continuing need for additional housing both at Bullinghope and at Holmer. He said that City Councillors were afforded every opportunity to make their views known to the Inspector. He thanked Councillor T.W. Hunt, Chairman of the Planning Committee for his support in the Regional Planning Partnership. He also welcomed the support of Councillor W.J.S. Thomas and Councillor James and endorsed the latter's comments on the need to look again at proposed housing densities.

He referred to the rejection of the Inspector's recommendations in respect of the Leominster Zone of Interest and the need to improve the road infrastructure around the town.

It was noted that measures may be needed to ensure an acceptable level of air quality on the Holme Lacy Road, Hereford.

The Leader agreed, in consultation with officers, to amend the policy on housing density to ensure a degree of flexibility in areas where high densities may be considered inappropriate, particularly in respect of minimum density requirements in town centre locations.

In relation to Item 4.1(iii) - Accommodation Strategy Update - in response to a query, the Leader said he was unaware of any plans for the Police to acquire buildings in Catherine Street, Hereford but would investigate this further.

In relation to the previous item and Item 4.1 (vi) - Draft Medium Term Financial Strategy - The Leader confirmed that the £27 million referred to in the draft strategy included the operational costs of running the Council including the Herefordshire Connects programme which would lead to savings for reinvestments in vital services such as Adult Social Care. He welcomed views from any Members who thought they could propose a viable alternative.

In relation to Item 4.1(v) - Proposed Police Restructure - The Leader welcomed the news that the proposed merger would not take place and said that good sense had prevailed.

In relation to Items 5.1(i) Herefordshire Council - Children's Services - Annual Performance Assessment (APA) by Ofsted and Commission for Social Care Inspection (CSCI) Self Assessment Report and Item 5.2(i) Progress on Improvement following the Joint Area Review (JAR) in Herefordshire - Councillor D.W. Rule, Cabinet Member (Children and Young People) said that he would be happy to talk to individual members if they had any concerns about the service. He said that the changing level of assessment had a knock-on effect on the number of referrals.

In relation to Item 7.2(i) - The Lyons Inquiry - The Leader agreed with Councillor T.M. James, the Leader of the Liberal Democrats that the Council should resist any changes to the way in which National Non-Domestic Rates were allocated, especially in the light of recent changes in the way central government allocates fund to local government.

In response to a query on availability of exempt or confidential papers to Members, Council noted that certain categories of exemption required members to demonstrate a "need to know". Other exempt or confidential papers were routinely included in agenda for cabinet/committee meetings as the need arose and were available to non Cabinet/Committee members on request. Exempt or confidential reports to Cabinet were highlighted in the Cabinet Bulletin in **bold text** and any papers containing exempt or confidential information continued to be printed on pale yellow paper, for easy identification. Any Members who felt they were inappropriately refused access to confidential or exempt papers should refer the matter to the Head of Legal and Democratic Services.

Before the vote on acceptance of the report was cast, the Chief Executive advised that the recommendations reserved to Council were highlighted in bold in the Cabinet Reports for ease of reference. He also explained that voting in favour of the Medium Term Financial Strategy would not commit the Council to individual budget decisions.. The Strategy would be used as the framework for debate on the budget strategy. The Annual Budget decisions continued to be reserved to full Council.

Voting was by a show of hands and there was a clear majority in favour of adopting the report and recommendations. No-one voted against.

RESOLVED: That the reports from the meetings of Cabinet held on 25th May, 15th and 29th June and 13th and 20th July, 2006 be received and the recommendations set out below be adopted:

- That**
- (a) the Youth Justice Plan be approved;**
 - (b) that the Statement of Decisions and Reasons and the Proposed Modifications, as amended, and including rejection of the Inspector's recommendations reference 5.3/3 and 5.14/1, be approved;**
 - (c) Council agrees to amend the Constitution to provide for a Cabinet to be established of between three and nine members. Those members to be appointed by the Leader of the Council. The membership of Cabinet and the individual portfolios then to be notified to the Head of Legal and Democratic Services for**

inclusion as an Appendix to the Constitution;

- (d) Council agrees to the extension to the powers of the Strategic Monitoring Committee to allow it to commission work from any of the four Scrutiny Committees;
- (e) Council agrees that the Council meeting in March be reserved to approve the budget and the setting of the council tax and associated business together with statutory plans that need to be approved by Council and that cannot be delayed and consequentially Standing Order 4.25.10 "Questions will not be accepted at the March meeting of the Council that sets the budget and council tax except in relation to those items listed on the agenda" be introduced;
- (f) Council approves the revised Financial Standing Orders, copies of which have been made available to the Constitutional Review Working Group and a further copy of which is available for inspection in the Members' Room;
- (g) Council agrees to make the following amendments to the Constitution in respect of the role of the Audit Committee;
 - (i) the name of the Committee be amended to the Audit and Corporate Governance Committee;
 - (ii) the Terms of Reference as recommended by CIPFA be approved;
 - (iii) the Audit Committee approve the Terms of Reference for Internal Audit, the Internal Audit Strategy and consider the resourcing of Internal Audit; and
 - (iv) the Constitution be amended to permit the appointment of an independent Chairman of the Audit Committee, the appointment and term of office of an independent Chairman to be approved by the Council as a whole;
- (h) provision be made in the Constitution for the establishment of a Compensation (Enhanced Payments) Panel whose Terms of Reference would be to address the award of compensation to senior employees in circumstances where their contracts are terminated and that that Panel consist of the Cabinet Member (Resources); the Cabinet Member (Corporate and Customer Services and Human Resources) and the Chairman of the Audit Committee;
- (i) Council approves the following detailed amendments to the Constitution to improve the arrangements for delegating powers in respect of Traffic Regulation Orders and Food Safety prosecutions:
 - (i) Appendix 23 of the Constitution be amended to provide for the Director of Environment to make a decision to advertise any proposals for a Traffic Regulation Order (including traffic calming measures) and to proceed to

make the same if no objections are forthcoming; and

(ii) Part 12, 12.7.4 of the Constitution be amended by adding a specific reference enabling the Director of Environment to commence prosecutions under the provisions of the Food Safety Act, 1990 (As Amended) and the European Communities Act 1972 including any Regulations made pursuant to those acts or any re-enactment thereof; and

(j) the Head of Legal and Democratic Services be given delegated power to undertake the necessary drafting amendments to give support to the recommendations contained above.

31. RE-CONFIRMATION OF APPOINTMENT TO OFFICES RESERVED TO COUNCIL

RESOLVED: That the appointments to office holders of the offices described in Appendix 1 to the Minutes of the Meeting held on 12th May, 2006 be extended to May 2007.

32. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 23rd May and 4th July, 2006.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 23rd May and 4th July, 2006 be received.

33. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 9th June and 14th July, 2006.

RESOLVED: That the report of the meetings of the Planning Committee held on 9th June and 14th July, 2006 be received.

34. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 26th June, 2006.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 26th June, 2006 be received.

35. STANDARDS COMMITTEE

In the absence of Mr Robert Rogers, Councillor J.W. Edwards presented the report of the meeting of the Standards Committee held on 30th June, 2006.

RESOLVED: That the report of the meeting of the Standards Committee held on 30th June, 2006 be received.

36. AUDIT COMMITTEE

Councillor A.C.R. Chappell presented the report of the meeting of the Audit Committee held on 30th June, 2006.

RESOLVED: That the report of the meeting of the Audit Committee held on 30th June, 2006 be received.

37. RESULT OF THE KERNE BRIDGE BY-ELECTION

Council received formal notification of the results of the Kerne Bridge By-Election held on 1st June, 2006.

The full result of the by-election was as follows:

John Gilchrist Jarvis	Conservative	482 Elected
Paul John Truman	Liberal Democrat	308
Simeon Wood Cole	Independent	249
George James Jones	Independent	119

38. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 13th June, 2006.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 13th June, 2006 be received.

39. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

In the absence of Councillor G.W. Davies, Councillor Brig. P. Jones, CBE presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 12th June, 2006.

In response to a query he agreed to suggest that the job title for the post involved with prevention of firesetting by juveniles be reconsidered.

RESOLVED: That the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 12th June, 2006 be received.

The meeting ended at 12.55 p.m.

CHAIRMAN

NAMED VOTE LIST

Council 28th July 2006

RECOMMENDATION: That the Council rejects the Inspector's recommendations 5.14/1 and 5.3/3 reference to land at Bullinghope and amends the relevant Modifications.

Councillor	FOR	AGAINST	ABSTAIN	Councillor	FOR	AGAINST	ABSTAIN
Mrs. P.A. Andrews	X			Brigadier P Jones	X		
B.F. Ashton	X			Mrs. M.D. Lloyd-Hayes		X	
Mrs. W.U. Attfield		X		G. Lucas	X		
Mrs. L.O. Barnett	X			R.M. Manning			
Mrs. E.M. Bew	X			R.I. Matthews	X		
W.L.S. Bowen			X	J.C. Mayson	X		
H. Bramer	X			R. Mills	X		
R.B.A. Burke	X			J.W. Newman			X
A.C.R. Chappell		X		Mrs. J.E. Pemberton	X		
M.R. Cunningham				R.J. Phillips	X		
Mrs. S.P.A. Daniels	X			Ms. G.A. Powell	X		
P.J. Dauncey	X			R. Preece		X	
N.J.J. Davies	X			Mrs. S.J. Robertson	X		
Mrs. C.J. Davis	X			D.W. Rule	X		
G.W. Davis				F. Short			
P.J. Edwards	X			R.V. Stockton	X		
D.J. Fleet			X	J. Stone	X		
Mrs. J.P. French	X			D.C. Taylor	X		
J.H.R. Goodwin	X			Mrs. E.A. Taylor			
Mrs. A.E. Gray	X			J. P. Thomas			
K.G. Grumbley	X			W.J.S. Thomas	X		
J.G.S. Guthrie	X			Ms. A.M. Toon			X
P.E. Harling	X			P.G. Turpin	X		
J.W. Hope	X			W.J. Walling			X
B. Hunt	X			D.B. Wilcox	X		
T.W. Hunt	X			A.L. Williams	X		
Mrs. J.A. Hyde	X			J.B. Williams	X		
T.M. James	X			R.M. Wilson	X		
J.G. Jarvis	X			J.W. Edwards (Chairman)	X		
				TOTALS	43	4	5

