

Deputy Chief Executive's Office

A. Faulder (Interim)

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: CA/SAHC

Please ask for: Mrs S Cole

Direct Line / Extension: (01432) 260249

Fax: (01432) 261868

E-mail: scole@herefordshire.gov.uk

5 November 2009

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 13 November 2009** at The Shirehall, St Peter's Square, Hereford. at 10.30 am at which the business set out in the attached agenda is proposed to be transacted.

Please note that car parking will be available at the Shirehall for elected Members.

Yours sincerely



C. ADAN
ASSISTANT CHIEF EXECUTIVE (INTERIM), LEGAL AND DEMOCRATIC

AGENDA

Council

Date: **Friday 13 November 2009**

Time: **10.30 am**

Place: **The Shirehall, St Peter's Square, Hereford.**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Sally Cole, Committee Manager Executive

Tel: 01432 260249

Email: scole@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Sally Cole, Committee Manager Executive on 01432 260249 or e-mail scole@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Councillor J Stone

Vice-Chairman

Councillor JB Williams

Councillor PA Andrews

Councillor LO Barnett

Councillor DJ Benjamin

Councillor WLS Bowen

Councillor ACR Chappell

Councillor PGH Cutter

Councillor H Davies

Councillor BA Durkin

Councillor MJ Fishley

Councillor JHR Goodwin

Councillor DW Greenow

Councillor KS Guthrie

Councillor MAF Hubbard

Councillor RC Hunt

Councillor JA Hyde

Councillor JG Jarvis

Councillor MD Lloyd-Hayes

Councillor RI Matthews

Councillor R Mills

Councillor AT Oliver

Councillor RJ Phillips

Councillor PD Price

Councillor A Seldon

Councillor RV Stockton

Councillor AP Taylor

Councillor AM Toon

Councillor WJ Walling

Councillor DB Wilcox

Councillor WU Attfield

Councillor CM Bartrum

Councillor AJM Blackshaw

Councillor H Bramer

Councillor ME Cooper

Councillor SPA Daniels

Councillor GFM Dawe

Councillor PJ Edwards

Councillor JP French

Councillor AE Gray

Councillor KG Grumbley

Councillor JW Hope MBE

Councillor B Hunt

Councillor TW Hunt

Councillor TM James

Councillor P Jones CBE

Councillor G Lucas

Councillor PJ McCaull

Councillor PM Morgan

Councillor JE Pemberton

Councillor GA Powell

Councillor SJ Robertson

Councillor RH Smith

Councillor JK Swinburne

Councillor DC Taylor

Councillor NL Vaughan

Councillor PJ Watts

Councillor JD Woodward

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	PRAYERS	
2.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 24 July 2009.	1 - 26
5.	CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6.	QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	27 - 42
7.	FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions from Councillors.	
8.	NOTICES OF MOTION UNDER STANDING ORDERS Three Notices of Motion have been submitted. NOTICE ONE: Councillors: RJ Phillips and JP French submitted the following Notice of Motion as a matter of urgency. <i>"This Council affirms that the sustainable future for our City and County depends on creating more and better paid jobs, significantly increasing the number of homes, particularly affordable, improving leisure and shopping and procuring the supporting infrastructure. This must include another bridge crossing over the Wye and relief roads for Hereford and Leominster."</i> NOTICE TWO: Councillors: MAF Hubbard, DJ Benjamin, JD Woodward and MD Lloyd-Hayes submitted the following Notice of Motion as a matter of urgency. <i>"In the light of the recent economic crisis and other changes to environmental, economic or social factors, Herefordshire Council calls on the Executive to suspend, defer and/or delay the implementation of the current proposals for retail development on the current cattle market site and the related link road.</i> <i>The Council wishes to provide time for the development of Hereford City to be reconsidered and to determine whether the original merits of such proposals have fundamentally altered and what is possible and what is desirable.</i>	43 - 46

The Council asks that the Executive urgently examines regeneration measures that will enhance the historic core of the city; support and enhance existing businesses; promote urgently needed, affordable and sustainable housing; improve public transport and the public realm; provide new and imaginative civic amenities; and encourage new leisure facilities, particularly for younger citizens."

NOTICE THREE:

Councillors: AT Oliver and WLS Bowen submitted the following Notice of Motion as a matter of urgency.

"With reference to the Council's objective to reduce CO2 emissions as set out in the Local Development Framework, Herefordshire Council recognises that it is a vital part of this strategy that all new buildings, whether houses, offices or industrial, should be low/zero carbon buildings, incorporating the best available technology, including renewable energy generation on site. All new developments of 10 Houses or more should have to include energy from renewable sources on site. As part of Herefordshire Council's commitment to combat climate change this policy should be adopted at the earliest opportunity.

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| <p>9. NEW CONSTITUTION</p> <p>To seek approval of the Council's new Constitution.</p> <p>Please note that Members have been issued with the draft Constitution prior to this agenda.</p> | <p>47 - 58</p> |
| <p>10. LGO MALADMINISTRATION REPORT</p> <p>To consider a report and its recommendations from the Local Government Ombudsman.</p> | <p>319 - 340</p> |
| <p>11. CABINET</p> <p>To receive the report and to consider any recommendations to Council arising from the meetings held on 30 July, 10 September, 24 September (reconvened on 1 October) and 29 October 2009.</p> | <p>341 - 346</p> |
| <p>12. PLANNING COMMITTEE</p> <p>To receive the report and to consider any recommendations to Council arising from the meetings held on 7 August and 23 October 2009.</p> | <p>347 - 354</p> |
| <p>13. STANDARDS COMMITTEE</p> <p>To receive the report of the meeting of the Standards Committee held on 2 October 2009.</p> | <p>355 - 356</p> |
| <p>14. STRATEGIC MONITORING COMMITTEE</p> <p>To receive the report and to consider any recommendations to Council arising from the meetings held on 21 September and 19 October 2009</p> | <p>357 - 364</p> |
| <p>15. REGULATORY COMMITTEE</p> | <p>365 - 368</p> |

To receive the report and to consider any recommendations to Council arising from the meetings held on 10 August, 9 September; 6 October and 3 November 2009.

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| 16. AUDIT AND CORPORATE GOVERNANCE COMMITTEE | 369 - 370 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 28 September 2009 | |
| 17. WEST MERCIA POLICE AUTHORITY | 371 - 380 |
| To receive the reports of the meetings of the West Mercia Police Authority held on 14 July and 20 October 2009. Councillor B Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority. | |
| 18. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY | 381 - 384 |
| To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 14 September 2009. | |