

SUPPLEMENT TO THE AGENDA FOR

Council

Friday 15 July 2011

10.30 am

The Assembly Hall, Town Hall, St Owen Street, Hereford.

**SUPPLEMENT – ANSWERS TO QUESTIONS FROM MEMBERS OF THE
PUBLIC AND FORMAL QUESTIONS FROM COUNCILLORS**



MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	QUESTIONS FROM MEMBERS OF THE PUBLIC
REPORT BY:	ASSISTANT DIRECTOR LAW AND GOVERNANCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To receive any questions from members of the public deposited more than eight clear working days before the meeting of Council.

Introduction and Background

- 1 Members of the public may ask a question of a Cabinet Member or Committee or other Chairmen. Written answers will be circulated to Members, the press and public prior to the start of the Council meeting. Questions subject to a Freedom of Information request will be dealt with under that separate process.
- 2 Standing Order 4.1.14.4 of the Constitution states that: a question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday eight clear working days before the day of the meeting (ie the Monday of the week preceding the Council meeting where that meeting is on a Friday). Each question must give the name and address of the questioner and must name the person to whom it is to be put.
- 3 A questioner who has submitted a written question may also put **one** brief supplementary question without notice to the person (if s/he is present at the meeting) who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman may reject a supplementary question on any of the grounds for rejecting written questions set out in these Council rules or if the question is too lengthy, is in multiple parts or takes the form of a speech. In any event, any person asking a supplementary question will be permitted only **1 minute** to do so.
- 4 The Monitoring Officer may reject a question or a supplemental question if it:
 - Is not about a matter for which the Council has a responsibility or which affects the County or a part of it;
 - Is illegal, scurrilous, defamatory, frivolous or offensive or otherwise out of order;
 - Is substantially the same as or similar to a question which has been put at a meeting of the

Further information on the subject of this report is available from
Chris Chapman, Assistant Director Law and Governance on (01432) 260200

Council in the past six months or relates to the same subject matter or the answer to the question will be substantially the same as the previous answer;

- Requires the disclosure of confidential or exempt information;
- Relates to a planning or licensing application;
- Relates to an employment matter that should more properly be dealt with through the Council's Human Resources processes.

- 5 There will be a time limit of a maximum of 30 minutes for public questions and of 30 minutes for Members' questions. If either public or Member questions are concluded in less than 30 minutes, then the Chairman may allow more time for either public or Member questions within an overall time limit of one hour for all questions and supplementary questions. There will normally be no extension of time beyond one hour, unless the Chairman decides that there are reasonable grounds to allow such an extension, and questions not dealt with in this time will be dealt with by written response. The Chairman will decide the time allocated to each question. The register of questions put to the Council meeting, both questions allowed or rejected, is available at a Council meeting for members of the public to view.

Questions

- 6 Five questions have been received by the deadline and are attached at Appendix 1.

PUBLIC QUESTIONS TO COUNCIL – 15 JULY 2011

Question from Mr P McKay, Hereford.

Question 1

At Council Meeting of 4 March I was advised that it is Council's objective to have complete and correct highway records, and that Council will consider if Council's map of recorded roads could be put online, combined with the map of rights of way, and Government Minister has also reportedly said that access is now taking on a central role in achieving many of the governments targets on health and promoting more sustainable rural communities. Looking through Council records it is apparent that for many years requests to add minor unrecorded roads to the records was considered by the Highway Committee. This committee no longer exists, and has not existed for many years, leaving no clear transparent democratic procedure for processing such requests, leaving house holders facing difficulties in getting roads to their properties recorded, and others such as parishes facing difficulties in getting corrections and additions made such as minor unsurfaced roads suitable for recreational use, with loss of access occurring from time to time. (The procedure for adding public rights of way is not considered to be appropriate it being limited to main use of foot or equestrian, does not record vehicular access, addresses public rights over land holdings rather than roads between land holdings, and takes Council many years to determine such applications)

Could requests to record our minor unsurfaced roads be considered by the Regulatory Committee, which committee already considers diversion applications and the like, or some other suitable committee, so that our Councillors may decide such matters within a reasonable time scale, subject to reasonable verification such as Parish Council being in agreement that it is a road that ought to be recorded?

Question from Mrs J Potter, Leominster.

Question 2

Vicarage Street Neighbourhood Watch, attempting to protect their neighbourhood, are concerned that Council would consider authorising a change to surface of a grass footpath at end of their street for purpose of vehicular use on balance of probabilities that an adjacent owner also owns part width of footpath under common law, whilst West Mercia Police have consulted their solicitor and adopted the view the Land Registry are the proper people to determine who owns what, and that any vehicular use of the footpath until land ownership was registered would be unlawful.

Would the Council please take likewise view that it would not authorise any work on and along the footpath for purpose of vehicular use until such time as the ownership of the land is registered with the Land Registry that would establish that vehicular use by landowner would be lawful?

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Question from Mrs E Morawiecka, Breinton, Hereford.

Question 3

As chairman of Breinton Parish Council I raised concerns about the local development framework process to the Overview and Scrutiny Committee back in October 2010. In particular I raised concerns over the consultation process, the reporting of subsequent feedback and reports that failed to accompany the core strategy and which are still not publicly available, such as the infrastructure delivery plan and the habitats registration assessment. In December 2010 written replies on all areas of the preferred policies were published except for those on the preferred options for Hereford City, which are still not available, over 6 months after the consultation was completed.

Will the new Overview and Scrutiny committee consider the whole LDF consultation and reporting processes prior to the next public consultation, which Herefordshire Council proposed would start in July 2011, a timetable which was approved by the Conservative Council back in March 2011?

Question from Ms V Wegg-Prosser, Breinton, Hereford.

Question 4

The minimum costs of the proposed but not yet approved non-binding advisory community poll regarding the subject of a road round the city of Hereford were estimated to be around £50,000 in January 2011.

What is the revised cost of this proposed but not yet approved non-binding poll now that the earliest date on which the poll can be considered by Overview and Scrutiny, were it to be approved, is 30 September 2011, and the poll itself will not be able to take place until after its wording has been subject to independent scrutiny before being publicised, therefore resulting in the likely date of the poll, if approved, in these inflation-rising times, to be some eleven months after the date of the provisional costing?

Question from Mr P Mitchell, Herefordshire.

Question 5

Herefordshire Council's unlawful sanctioning of commercial advertisement along the open highway.

Would the Cabinet member explain why Highways Policy application currently unlawfully sanctions these advertisements in direct contravention of numerous clauses of the Highway Act as well as the Authority's own Highway Policy and directly in contravention of statutory requirements for prior express planning consent under the Planning Act; and would the cabinet member explain why contrary to applicable legislation his Department

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no longer ensures that any of these unlawful advertisement displays have express planning consent as stipulated and required that they should have under the Planning Act?

The consequence of the Authority's Planning and Highways Policy application is that legislative intent to regulate and control these advertisements is virtually completely undermined, subverted and effectively discarded by the Authority for these advertisements along the open highway - unlawfully"

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Answer from Councillor AJM Blackshaw, Cabinet Member Highways Transportation & Waste

The Council Constitution sets out (in part 3.6.2) the respective responsibilities for discharging functions within the regulatory framework. Such matters as referred to by Mr McKay are not reserved to the Regulatory Committee; however the Committee does retain responsibility for overseeing the discharge of regulatory functions by officers and to consider and approve regulatory policies and procedures.

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Would the Council please take likewise view that it would not authorise any work on and along the footpath for purpose of vehicular use until such time as the ownership of the land is registered with the Land Registry that would establish that vehicular use by landowner would be lawful?

Answer from Councillor AJM Blackshaw, Cabinet Member Highways Transportation & Waste

Yes. However I can confirm that on the basis of the outcome of a land registry search, authority has been granted to the developer to carry out work along the public right of way within the legal limits allowed by the respective ownerships.

Question from Mrs E Morawiecka, Breinton, Hereford.

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Will the new Overview and Scrutiny committee consider the whole LDF consultation and reporting processes prior to the next public consultation, which Herefordshire Council proposed would start in July 2011, a timetable which was approved by the Conservative Council back in March 2011?

Answer from Councillor H Bramer, Chairman Overview & Scrutiny Committee

As Chairman of Overview and Scrutiny Committee I have a responsibility to ensure provision in the committee's work programme to consider plans and strategies forming part of the Council's Budget and Policy Framework, of which the LDF is one; this I will do. However, given that Council has already endorsed the need for further consultation including a poll, I do not propose to schedule this work prior to the consultation; rather I would expect the Committee to be able to add most value in the development of this key Council policy statement if it is able to take account of the outcome of this consultation in its deliberations.

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Answer from Councillor DB Wilcox, Cabinet Member Environment Housing & Planning

At its meeting on 28th July Cabinet will receive a report on the strategy for the Local Development Framework. This will encompass any further consultation proposed, including a poll, and will set out the costs associated with this as well as proposed timing. I would also refer the questioner to the answer provided by the Chairman of Overview & Scrutiny to question 3.

Question from Mr P Mitchell, Herefordshire.

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Answer from Councillor AJM Blackshaw, Cabinet Member Highways Transportation & Waste

The Council's policy in relation to highways signage sets out the approach that is taken to enforcement which is undertaken in accordance with the resources available. This policy was adopted in July 2009 following extensive consultation and legal opinion, and I can confirm the council is acting lawfully.

Question 6 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (19 November 2010) Herefordshire Council Constitution Part 4, 4.1.14.7 c.

MEMBERS' QUESTIONS TO COUNCIL – 15 JULY 2011**Question from Councillor RI Matthews of Councillor RJ Phillips, Cabinet Member Enterprise and Culture**

- 1 *Can the Cabinet Member for Enterprise and Culture inform Council of the progress of the Broadband Pilot Scheme at present taking place in South Herefordshire, and assuming that the project will be implemented in the near future; can he tell us how the upgrade and installation of the new Broadband lines and other necessary work will be funded?*

Answer from Councillor RJ Phillips, Cabinet Member Enterprise and Culture

The procurement progress for the Borders Broadband project is underway and currently at the stage of evaluating the PQQ (Pre Qualification Questionnaire). Once completed the potential suppliers will enter a competitive dialogue with the council to secure the best solution for the county and its partner Gloucestershire. The south of the county and the Forest of Dean are the first phase, with the roll out to the rest of the county as part of the project.

Funding of £14.5m has already been secured from National Government via BDUK for the phase 1 area. These funds will be supported by private sector investment which will be determined as the project proceeds through procurement. Local authorities are being urged to support the capital investment based on the financial benefits that will be achieved through more services being delivered electronically at a reduced cost. Again, the level of support will depend on the outcome of the discussion with suppliers matched with the ambitions of providing a high level of access and speed of broadband.

Question from Councillor RI Matthews of Councillor RJ Phillips, Cabinet Member Enterprise and Culture

- 2 *Members have been frequently told that the development of the old Cattle Market site would generate between 12 and 15 million pounds for Herefordshire Council. Can the Cabinet Member tell us if this is still the case, and how much will the first phase of the development raise, and when is this payment anticipated?*

The development of the old Livestock Market site will progress on a phased basis, phase one will commence in 2011. Additionally the scheme has reduced in size from that originally proposed. The progression of the scheme on a phased basis, and the reduction in size, will realise a range of financial

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benefits to the Council including a capital receipt and an increased revenue income from those assets within the site, the exact split and amount of these payments remains commercially sensitive.

Consideration has been given to the longer term financial benefits of the scheme rather than short term benefits in the immediate phasing. It is difficult to state at this time what the final value of the site will be but it should be noted that a Cabinet Member report of 17th September 2010 stated that there would be "An increase in overall scheme value and net financial position to the Council".

Question from Councillors WLS Bowen and SJ Robertson of Councillor PM Morgan

In view of the restructuring of the Early Years Support by the Local Authority to Childminders:-

- 3A *What measures have been implemented to protect the Quality Childminding Network and Community Childminding Scheme?*
- 3B *Does the Cabinet Member not agree that childminders provide a professional, flexible and diverse service to families and often play a key role in early intervention and safeguarding?*
- 3C *Is the Cabinet Member aware of the economic benefits brought to the local community by good childminding services?*

Answer from Councillor PM Morgan

- 3A Quality assurance remains a key area of focus. This will include training and information sharing to enable childminder settings to develop their own quality assurance.

We will ensure the continuity of the Childminding Network.

- 3B Yes, and that is why we continue to support the further development of quality provision.
- 3C Yes, both in enabling parents to return to the workplace and through the childminding services operating as small businesses thus contributing to the economy.

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Question from Councillor DC Taylor of Councillor JG Jarvis, Leader of the Council

- 4 *I understand that there is a proposal for an additional committee or working group to be formed which would deal with rural issues in the County. Can the Leader confirm that this is to be the case and advise as to when it is to commence?*

Answer from Councillor JG Jarvis, Leader of the Council

I am actively considering proposals for a committee or member group to deal with rural issues. I envisage that its membership would be drawn from ward members serving those areas outside the major conurbations. The Monitoring Officer will be bringing forward proposals for consideration, with a view to its introduction later in the autumn of this year. In the meantime I will be establishing mechanisms for informally consulting with rural members on the development of this proposal.

Question from Councillor EPJ Harvey of Councillor JG Jarvis, Leader of the Council

Question 5A disallowed on the grounds that it is the same or similar to a question raised in the last six months (15 July 2011 - the same question has been raised by a member of the public) Herefordshire Council Constitution Part 4, 4.1.15.4 c.

Question from Councillor EPJ Harvey of Councillor JG Jarvis, Leader of the Council

Public consultation

Cllrs Jarvis and Blackshaw have both stated publicly that Herefordshire Council's consultation procedures — especially on the Local Development Framework — have achieved 'widespread acclaim' and are regarded as among the best in the country.

- 5B *Could they provide further details on how public consultations carried out by the Council have been assessed and ranked with respect to those of other councils?*

Answer from Councillor DB Wilcox Cabinet Member Environment Housing & Planning

Typical responses achieved by other local planning authorities to consultations on Core Strategies vary from around 50 (in total) to over 5,000. During 2010 responses to the Place Shaping Paper and the follow-on

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consultations totalled over 5,000. This is one of the highest figures achieved by any English local planning authority to a Core Strategy consultation.

Question from Councillor MAF Hubbard of Councillor JG Jarvis, Leader of the Council.

Question 6A disallowed on the grounds that it is the same or similar to a question raised in the last six months (4 March 2011) Herefordshire Council Constitution Part 4, 4.1.15.4 c

Question from Councillor MAF Hubbard of Councillor JG Jarvis, Leader of the Council

Proposed poll on relief road

Given the statement by the Leader, para 10 of Leader's report in this agenda (p 17):

“Finally I must report meeting with both Herefordshire’s MP’s regarding our referendum promise to create a second river crossing and relief road. I am determined to bring plans forward for a relief road that takes traffic from the A49 fully around the city – not half way and not pursuing a route that stands no chance of success. The future without a full relief road is unthinkable, and I am committed to its delivery.”

6B Is the Cabinet still proposing to spend £50k on a postal ballot on a question concerning a relief road when it has already determined its course of action regardless of the results?

Answer from Councillor Jarvis, Leader of the Council

I refer Cllr Hubbard to the answer given by Cllr Wilcox to public question 4. I would also emphasise that an advisory poll would form a part of the wider body of evidence on which the LDF Core Strategy will be based.

Question from Councillor SJ Robertson of Councillor DB Wilcox, Cabinet Member Environment, Housing and Planning

At the Cabinet Meeting in February and the Council meeting in March, we were informed that a consultation on the Local Development Framework and Referendum on the Relief Road would be taking place in July. We are now

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half way through July and there is no sign of a consultation, although I understand that there will be an announcement at the next Cabinet meeting on 28 July.

- 7A *Why have the responses to the Hereford City Preferred Options not been made public and will these be made available as part of the consultation process?*
- 7B *If the consultation commences at the end of July, does the cabinet member not feel that the summer holiday period could have a negative impact resulting in a reduced response rate?*
- 7C *Has every effort been made to ensure that any future consultation documents for the Local Development Framework are user friendly and free of jargon?*

Answer from Councillor DB Wilcox, Cabinet Member Environment, Housing and Planning

- 7A These have recently been made available on the Council website at the following link:
<http://www.herefordshire.gov.uk/housing/planning/34819.asp>
- 7B I refer Cllr Robertson to the answer provided to public question 4. I would expect any proposals being considered by Cabinet to take account of the impact of the summer holiday period.
- 7C I can confirm that every effort will be made to present information in a user-friendly way.

