

**SUPPLEMENT TO THE AGENDA FOR**

# **Council**

**Friday 20 July 2012**

**9.30 am**

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

**4. MINUTES**

**Pages**

**1 - 14**



**PUBLIC QUESTIONS TO COUNCIL – 25 MAY 2012**

**Question from Mr P McKay, Herefordshire**

Question 1

*At the Council meeting on 4 March 2011 it was agreed that Council's objective is to have complete and correct Highway Records with the Highway Records being made available for inspection online enabling Parish Councils and others to check what is recorded or not recorded, enabling positive and constructive representations to meet that objective to be made. Since that date the Local Access Forum has been advised several times that other matters are being given priority over getting the Highway Records online, with the date that this is expected being delayed. May I please ask if these other matters have been completed and if this agreed objective of getting the Highway Records online could now be given priority, and the date this could be expected?*

**Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 1

Positional accuracy checks are currently being undertaken before the information is converted for uploading to the website; I am pleased to advise that this should be completed by the autumn.

**Supplementary Question**

Will you please check that this will include those un-adopted roads Council is aware of, especially those that connect with public rights of way or are through routes, as required by the 2007 Regulations?

**Cabinet Member Written Response**

The first stage of making highways records available online, the definitive map, should be available in Autumn, however this will not include unrecorded highways. When, at a future stage, highway records are put on line in the form of the Local Street Gazetteer, a protocol will be put in place to which will help define which records are added. At the moment no decision has yet been made on whether that will include unrecorded highways.

**Question from Mr P Newman, Kington, Herefordshire**

Question 2

*When Amey, acting on your behalf, carry out road widening etc., they remove the footpath signs in order to carry out the works but never replace the signs afterwards. This happened with the Roman Road improvements at Hereford and it took 12 months of phone calls before matters were rectified.*

*The same has now happened with the Stretton Sugwas road improvements near Wyevale Nurseries. I rang Amey when the works were taking place asking that the sign at the entrance to Footpath BT11 be replaced and when this did not happen I followed up, to no*

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*avail. Can this sign for footpath BT11 be sorted out and what can be done to prevent similar occurrences in future?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 2

Amey do routinely replace footpath signs after such works; in this case the missing signpost has been reported to Amey Herefordshire and will be rectified. Thank you for drawing this matter to my attention.

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### **Question from Mr P Mitchell, Herefordshire**

Question 3

The question arises from concern over the Council decision which appears to allocate significant public funds and assets to the ESG developer at the Council Tax Payers expense. Enabling infrastructure and facilitation / paying for site provision normally funded by the developer are in this instance being provided / paid for by the Council Tax Payer. The value of benefits and returns provided to the public in return for this are not readily evident.

*In the interests of demonstrating the Council Leaders press claim that the sanctioned ESGD offers best value for money to the Council Tax Payer I request the Council now substantiate this by providing disclosure to this meeting the anticipated full financial value of all public spend and asset provisions to support this commercial development together with the associated benefits and the value of financial returns which are provided from this scheme to the public in return?*

In the interests of openness, transparency and accountability this valuation and any associated supporting reports should be placed in the public domain and detail all public expenditure, assets provided, returns arising and benefits attributable and should include but not be restricted to the following:

- Cost of all works provided from the public purse in enabling the ESGD (including link road and other infrastructure and re-provision of public and private facilities displaced by it - such as the livestock market, police HQ and where applicable any other public or private undertakings).
- Value of assets, acquired or already owned, provided to the scheme by the Council or other public body – either in making the ESGD site available to the developer or any other assets assigned or provided in enabling re-provision of any displaced facilities. (Include estimates of those not yet finalized).
- Cost (estimated or otherwise) of all associated compensations arising to the public pursue to facilitate making the ESGD site available to the developer or arising from re-provision of displaced facilities.

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- Cost of all financing debt and of Council funding reserves used to support this scheme from the public purse.
- Cost to completion of publicly funded resources provided to enable Council support for this scheme (including internal resources and external consultancy).
- Register of risks (beneficial and adverse) with cost / benefit arising from the scheme and strategy and allocation to protect the public purse. Sensitivity analysis of their potential impact to scheme and management of outcome to the public purse.
- Any income arising to the benefit of the public purse associated with this scheme including rates, rents or other ongoing returns arising from all of the above facilities or assets provided from the public purse to support this scheme.
- Other anticipated finance received in the form of capital or income, from the developer or others such as share of returns arising from the redevelopment to the benefit of the public purse.
- Rate of return established from any discounted cash flow assessment or similar decision making tool or criteria the Council has used in committing to this scheme.
- Net cost or benefit in terms of effect upon the Council tax payer levy of the whole scheme described above.

A justification of this decision should also be provided in priority of this scheme over others by way of comparative assessment of benefit of alternative new development, maintenance and other operational spend options competing for use of this public money.

This investment appraisal information should be routinely updated and published for public view to show performance of this investment against Council expectation.

### **Answer from Councillor RJ Phillips Cabinet Member Economy & Culture**

Answer to question 3

In reaching its decision to agree some variations to the retail quarter development agreement (the project referenced in the recent press coverage and the question in italics above), Cabinet were informed by independent advice regarding the continued best value for the project. That advice, forming an appendix to the public report and available on the council's website, confirmed that the proposal was "... the best obtainable outcome for the public interest at this time with regard to the price and other conditions achieved."

The expansion of the question goes on to seek information about a range of projects supporting the regeneration of the old livestock market area of the city, and falling within the overall Edgar Street Grid masterplan area. Whilst some of this information is available (and indeed already in the public domain), some remains confidential for reasons of commercial sensitivity. Given the range and level of detail requested I have asked officers to summarise such publically available information and to provide you with a written response in due course.

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### **Supplementary Question**

Why is Herefordshire Council going forward with the ESG development as the cost to incentivise this development with council tax payers money and assets is so high?

### **Cabinet Member Written Response**

The development comprises a number of elements which will deliver benefits to local council tax payers. The development will include new retail floor space attracting significant additional retailers to the site as well as a multi-screen cinema, restaurants and cafes. It will also deliver additional business rates. New employment will be provided by the development as well as additional housing that will attract funding from the Government's New Homes Bonus.

By working with the existing city centre this will retain and improve the footfall and level of potential spend in Hereford rather than people seeking a retail experience outside the county. In addition there will be an enhanced evening economy. The overall impact will keep expenditure in the city.

The value for money of the development has been independently verified and supports the decision to proceed with this significant project that is shortly to reach its conclusion.

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### **Question from Mr M Everitt, Malvern**

#### Question 4

This question concerns the service provided for Public Rights of Way and particularly for applications to change the Public Rights of Way network using the Definitive Map Modification Order (DMMO) procedure or the Public Path Order (PPO) procedure.

For many years Herefordshire has had a backlog of more than 100 DMMOs with a significant number of them being more than 12 years old. A report to the Environment Scrutiny Committee on 13 July 2010 said that 'Whilst the Council had a statutory duty to accept and process applications for DMMOs there is no such duty as regards PPOs'. The report then advised that the discretionary PPO work would be contracted out at applicants' expense in order to free up resources for the statutory DMMO work. However an update to the Environment Scrutiny Committee on 28 February 2011 advised that such good progress had been made in dealing with the PPOs that the plan to contract out PPO work was no longer necessary. The report implied it was still possible to manage the PPO work and also to allocate additional (?) resources to DMMO work although two new areas of work had been placed on the team!

According to figures given to the Local Access Forum, there has effectively been no improvement in the DMMO backlog since February 2011 in that the backlog has only fallen from 105 to 104. Moreover, although the PPO backlog has reduced from 76 to 61, this backlog still represents a significant workload and demand for resources.

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*Could the Cabinet Member, who in a recent letter to the Local Access Forum advised that the measures being put in place would have only a marginal effect on the DMMO backlog, please explain why Herefordshire continues to allocate some of its suitable resources to the discretionary PPO work rather than using those resources to deal with its statutory duty to process DMMO applications?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 4

Whilst the making of Public Path Orders is a discretionary power and the making of Definitive Map Modification Orders a statutory duty, it is considered desirable to provide both functions to deliver an effective and value for money service for the public. Such an approach is common to almost all local authorities across the country.

Public Path Orders are often the only realistic solution to many problems found on the PROW network including long-standing obstructions such as buildings, resolving definitive map anomalies, and addressing maintenance issues.

### **Supplementary Question**

My earlier question pointed out that there was a longstanding backlog of more than 100 DMMO applications. Four of that backlog are applications that I raised personally more than 5 years ago. All four were awarded a medium priority. Since then there has been no further progress in assessing them or in reaching a decision. I am now being told it will be at least 2 more years before they are considered further. It will then take several more years before a final decision is reached. Thus the period from application to decision is going to be greater than 10 years. I believe the comparative timescales for Public Path Order applications is under 3 years.

The question I would like to ask you is 'whether the Councillors here today would personally be prepared to wait 10 or more years for what should be a routine service?'

### **Cabinet Member Written Response**

Unfortunately the current statutory process is complicated and time consuming. This, combined with the limited resources, means that all DMMO order applications are taking a considerable time to deal with. Some limited extra resources are being put into the DMMO process although I acknowledge that this will only have a marginal effect on the backlog.

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### **Question from Mr R Branczik, Malvern**

Question 5

Herefordshire Council is to be commended for its scheme offering One to One Adult Cycle Training through its Sustainable Travel team.

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*How many councillors have taken up the opportunity to get first-hand experience of the training and so be in an ideal position to recommend it to their constituents and, in particular, has Cllr Blackshaw himself yet benefited from this excellent scheme in his cabinet portfolio?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 5

I am delighted that you have drawn attention to this excellent scheme, provided by very few other councils. The scheme has been running in its present form since 2008 and to date has trained over 120 individuals. Whilst I have not yet taken up cycle training, Councillor Wilcox took up training when Cabinet Member for this portfolio. To my knowledge, no other councillors have taken up this cycle training.

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### **Question from Mr J Faulkner, Hereford**

Question 6

#### **Composition of traffic on Hereford's road network**

The Council's bid to the Department for Transport's Local Sustainable Transport Fund attributes peak hour congestion to the fact that 'the city's highway network must accommodate both long distance and local traffic.' (p4)

*What percentage of traffic on the road network within the city of Hereford during peak hour (a.m. and p.m.) is 'local' (and please define 'local' as used in the Destination Hereford Local Sustainable Transport Fund application)?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 6

The term 'local', when used in our Local Sustainable Transport Fund application form, refers to trips originating and terminating within Hereford's urban boundary.

Based on data contained within our existing traffic model the percentage of car trips both originating and terminating within Hereford's urban boundary during the morning peak (07:00 to 09:00) is 41% and during the afternoon peak (16:00 to 18:00) is 45%.

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### **Question from Mr P Linnell, Hereford**

Question 7

#### **Council smallholding and forestry assets**

*What is the area of agricultural, horticultural and forestry land owned by Herefordshire Council and what is the Council's current policy on disposing of such land?*



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### Answer from Councillor P Price Cabinet Member Corporate Services & Education

Answer to question 7

Designation	Area
Agricultural equipped farms (house, land and buildings and cottages)	1871.28 ha (4,623.7 acres)
Land holdings	55.40 ha (136 acres)
Forestry	19.87 ha (49 acres)
<b>Total</b>	<b>1946.85 ha (4,810 acres)</b>

*NB: The figures are correct as of 31st March 2011*

The Council's current policy is that there is a presumption against disposing of good agricultural land except in special circumstances. The policy is to retain and manage the estate to enable a route for entrants into farming and to aid their progression.

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### Question from Mrs E Morawiecka, Hereford

Question 8

*Is it appropriate that a private company, which is now fully funded by Herefordshire Council, has Articles of Association allowing directors to have conflicts of interest, something completely contrary to the Herefordshire Council Constitution for both employees and elected members?*

### Answer from Councillor P Price Cabinet Member Corporate Services & Education

Answer to question 8

Any registered company should operate in compliance with the regulatory regime of company law. Members and officers of the council may serve on the board of directors of an outside company and must observe the rules and procedures of those companies; as a serving director their primary duty is to the company. Accordingly, when those same members and officers are involved in matters relating to those companies as part of the council's business, there are strict rules about declaration and participation which prevent their directorships giving rise to a conflict of interest.

### Supplementary Question

In the Council's answer to my question it states that "as a serving director their primary duty is to the company". That is why Company law has specific rules concerning directors conflicts of interest, which the Articles of Association of Hereford Futures Ltd seem to try and circumvent. A director of E C Harris is on the board of directors of Hereford Futures Ltd, a company wholly funded by local tax payers. In April the Cabinet of Herefordshire Council agreed specific terms, proposed by their legal advisers, Pinsent Masons, that E C

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Harris could act as a cost consultant to British Land, one of the parties involved in the purchase of the Edgar Street Grid. Why?"

### Cabinet Member Written Response

My answer to your original question made clear that the Council is fully aware of and complies with the rules about declaration of interests and it is important that I restate this in answer to your supplementary question.

Secondly, the Articles of Association for Hereford Futures have been properly approved by the Board and the Company is required to operate within these.

Finally, in relation to your central point about EC Harris, it is very important to state that the appointment of the EC Harris Director as a Board member of Hereford Futures is totally separate to any advisory or consultancy role that EC Harris have. The EC Harris team advising the Council and British Land do not include or involve the EC Harris Hereford Futures Board member – they are a separate team. Finally, EC Harris owe the Council a professional duty of care in the normal way which is not fettered in any way by the Futures Board member's role.

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### Question from Ms P Mitchell, Hereford

Question 9

#### LTP capital spending on cycling infrastructure in Hereford 2009-2015

*What has been or will be the LTP capital spend on cycle infrastructure within Hereford City for each financial year between 2009/10 and 2014/15? (Please list city cycle schemes progressed or to be progressed in each year)?*

#### Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability

Answer to question 9

Improving sustainable transport provision for all road users, including pedestrians and cyclists, is clearly a priority within the Local Transport Plan; spend on cycling infrastructure is supported from a range of sources not just the LTP capital allocation.

Cycle Schemes Funded from LTP Sources	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Holmer Road Cycle Path Phase 2		191				
Completion of Shaws Path to Grafton Holmer Road Cycle Path Phase 4			143			
Holmer Cycleway Phase 3				170		
Stretton Sugwas Cycle Route				350		
Schemes/allocations not yet programmed					Tbc	Tbc

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<b>Cycle Schemes Funded from Non-LTP Sources</b>						
Holmer Road Cycle Path Phase 2 (Scheme preparation – funded from S106 contribution)	47					
Broad Street shared space scheme an element of which includes cycleway (LSTF – total scheme costs)				728	1045	1044
Connect 2 Greenway (Capital Programme, Sustrans)				2893	51	

**NB: Figures = £000s**

### Supplementary Question

The Council received £5 million from the DfT to invest in sustainable travel measures ie. in getting people out of their cars. Over £3m of this grant is accounted for in the answer to this question and represents the overwhelming proportion of the spend — on schemes which can serve only a limited number of cycle trips on the road network. £2.9m or 58% of the grant will be spent on Broad Street, the only major infrastructure scheme to be progressed through 'Destination Hereford'. Meanwhile the Council's application to the DfT's Local Sustainable Travel Fund stated that '67% of Hereford residents travel less than 5km to work' — a distance over which the bicycle competes well with and indeed can outcompete the car in terms of travel time and other travel costs. Your written answer to Mr Faulkner shows that over 40% of traffic on Hereford's road network is trips made entirely within the city.

*If congestion in Hereford is the major issue our politicians claim it is, why isn't the Council investing as a matter of urgency in a safe, complete and coherent cycle network for Hereford, especially in a time of rising fuel prices and wider economic hardship*

### Cabinet Member Written Response

The Council is investing in the cycle network in Hereford and in 2012/13 will commence work on the Connect 2 cycle scheme linking the city centre and north Hereford directly with the Rotherwas Enterprise Zone. It also intends to complete the final stage of the Holme Road cycle route which will link with the Great Western Way.

### Question from Mr A Fisher, Hereford

Question 10

The Council is providing Personalised Travel Planning to households in Hereford over the next 3 years in order to establish the residents travel requirements and offer information

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and advice on travel options available for their journeys, as well as offering incentives to change their travel behaviour.

*In the course of these face-to-face sessions, what questions are the Council's Personal Travel Planners asking in order to ascertain residents' cycling requirements and their views of the safety and comfort of cycling in Hereford? (Please give the text of the questions about cycling asked in the standardised interview.)*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 10

The Travel Advisors are supporting travel planning in its broader sense and don't ask specific questions regarding the residents' views of the safety and comfort of cycling in Hereford; there isn't a standardised interview. Instead the Travel Advisors ask residents if they would like further information on the whole range of sustainable transport modes including walking, buses and car sharing as well as cycling. The conversation will then follow the direction indicated by the interviewees' interests and Travel Advisors have a range of materials available that can help inform this process. Information can be provided at the doorstep or followed up at a later time depending on the level of interest and any specific requests.

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### **Question from Mrs J Morris, Hereford**

Question 11

I refer to the minutes of the Overview & Scrutiny committee meeting on 9 December 2011 which considered the autumn 2011 Local Development Framework consultation. These clearly state that, when asked about changes to the Council agreed timetable for 2011 for the preparation of the LDF and LTP, officers stated that, the timetables "were necessarily kept under review and changes had been made by officers in discussion with the relevant Cabinet member".

*If the full council spend time in agreeing a new timetable for the LDF, as reported, who would this be binding on?*

### **Answer from Councillor J Jarvis, Leader of the Council**

Answer to question 11

There is no requirement for the timetable to be binding on the Council. The Council Constitution requires the Cabinet to publicise a timetable for making proposals to the Council for the adoption of any plan or strategy forming part of the Budget & Policy Framework of the Council.

The timetable involved in producing the LDF (and LTP) needs to be kept under review to take into account changing circumstances such as changes to the national planning system, new evidence and consultation responses. Any changes to the timetable are reported to Council and the Overview & Scrutiny Committee.

**Question from Mr T Straker, Hereford**

Question 12

*I understand that the Council intends to build 16,500 new homes in Herefordshire over the next 20 years, as previously outlined in the Regional Spatial Strategy. Would you please let me know what proportion of these new homes and associated businesses, services and infrastructure the Council proposes to allocate through the neighbourhood planning process, introduced under the Localism Act?*

**Answer from Councillor J Jarvis, Leader of the Council**

Answer to question 12

Herefordshire Council is not intending to build homes, but does have a responsibility to ensure its planning policies make provision for sustainable organic growth. It has consulted upon a level of housing growth in Herefordshire over the next 20 years, based on a technical assessment of housing demand in the county (Local Housing Requirement Study).

The eventual level of development allocated through neighbourhood planning will be dependent on which communities bring forward their own plans and the overall coverage of plans.

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**Question from Ms A Sancha, Breinton, Hereford**

Question 13

*A compulsory purchase order (CPO) for the "Hereford Link Road" is scheduled to go to Cabinet on the 14 June 2012, when there is no properly funded and up to date Local Transport Plan. Many elements of the current LTP that were to support the Link Road and the Old Livestock Market retail development, such as the park and ride schemes and city cycle routes, have been removed to save costs, but this negates any benefit this road will bring to congestion in Hereford. The LTP3 has been timetabled to be considered by full council just a few weeks later than the CPO. At a cost of £27million to the local taxpayer, which the Council need to borrow, why isn't this CPO being deferred until a coherent, up to date and fully funded transport strategy has been agreed by the Full Council?*

**Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 13

The current local transport plan (LTP2) has been saved and remains an appropriate strategic document to lead transport planning in the county. The Link Road benefits from planning approval to proceed and is not dependent on the adoption of a new LTP. £27m provision has been agreed by Council within the capital programme to underwrite delivery

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of the road (including CPO, construction and other associated costs); alternative sources of funding continue to be pursued.

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### **Question from Mrs V Wegg-Prosser Breinton, Hereford**

Question 14

On 7 November 2011, at a public meeting held in Whitecross School, Councillor Jarvis agreed to meet a group of local residents to discuss the issue of bed shortages in the County Hospital. This group formulated a list of questions, the answers to which would form the basis of the agreed Agenda for the meeting - questions such as 'On how many days in the last year has bed occupancy been over 95%?'

*Given the continuing concern over bed shortages, most recently expressed at Overview and Scrutiny on 5 March 2012, when will Councillor Jarvis arrange to hold this meeting?*

### **Answer from Councillor J Jarvis, Leader of the Council**

Answer to question 14

I confirm that I am happy to arrange a meeting with local residents to discuss health & social care provision in the county.

To be productive we will need to include appropriate representation from Wye Valley Trust and from the Health and Wellbeing Board. I will discuss this with Councillor Morgan and we will get in touch with you again in the next few weeks.

### **Supplementary Question**

As the autumn LDF consultations have indicated, an overwhelming 94% consider that hospital provision needs to form part of the Infrastructure Delivery Plan for the Council's growth proposals, could Councillor Jarvis, as the lead on the LDF, please confirm that this will be the case?

### **Cabinet Member Response**

The Council's health partners are responsible for bed provision. Discussions have taken place as part of the LDF development to date and I will ensure that this will continue to be the case.

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### **Question from Mr B Wallace, Breinton, Hereford**

Question 15

*Since **Widemarsh Street** was completely redesigned with trip hazards, how many personal injury accidents have been reported and recorded on this particular street in Hereford?*

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### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 15

Since Widemarsh Street re-opened in January 2011 following the completion of the refurbishment scheme to the end of March 2012 (15 months) there have been 41 reports received by the Council from members of the public of which 12 were reporting injuries. The majority of these reports related to incidents occurred following the re-opening and it is pleasing to note there have been no injuries reported during the first three months of 2012.

Whilst we would clearly wish to see no trips or falls occurring in any of our streets, and will continue to take action to minimise any potential hazards, it is inevitable that there will be a small number of incidents every year across the county, not all of which are necessarily reported to the council. The level of reporting for this street should be seen in the broader context of the overall numbers of people using the street; with approximately 122,450 pedestrian movements in a week (equating to over 6 million in a year) these 41 reports represent 0.0006% of pedestrians using the street.

### **Supplementary Question**

What amount has been paid out as a result of claims and accidents in Widemarsh Street?

### **Cabinet Member Written Response**

No payment has been made as a result of any claim.

