

**SUPPLEMENT TO THE AGENDA FOR**

# **Council**

**Friday 28 September 2012**

**10.30 am**

**Town Hall, St Owen Street, Hereford.**

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



**PUBLIC QUESTIONS TO COUNCIL – 28 September 2012**

**Question from Ms B Mark, Orleton, Herefordshire of Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Question 1

**Local action during flooding**

*There is much going on to bring in localism but our Parish Council is frustrated that they are left almost powerless when flooding hits Orleton. Localism is about trusting locals, and when flooding hits the county, county resources are stretched. A partnership between local and county, at these times, would seem to be a sensible thing to work toward. Once an area has been proved to be susceptible to flooding could we ask that Highways gives permission for Parish Councils to protect home owners, and road users, by putting up flood signs or even closing severely flooded roads until the flood subsides? There could be a phone-in centre where all the actions of local PC are collected so Highways can monitor road floods and actions.*

*With all the work the county council is putting into monitoring flooding and ideas of alleviating floods hopefully such actions will be needed less and less. But while flooding persists action has to be fast and local people can do this much better.*

**Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 1

We are currently consulting with parish councils on how Herefordshire Council can work better with communities to both assist with the local response to flooding and to help increase local resilience. I very much welcome the suggestions made and will certainly consider them alongside other representations.

As part of the consultation, I have already begun to visit key flood sites throughout the county, and I will ensure that Orleton is included over the coming weeks, in order to better understand the issues faced by local people.

I would also encourage other Parish Councils to get in touch if they would like to meet with me to discuss how we can improve on how we manage the impacts of flooding.

In addition to this the Council offers all Town and Parish Councils assistance in the creation of Town/Parish Community Resilience Plans in line with the Cabinet office's Strategic National Framework on Community Resilience. I am aware that the Council's Resilience team are currently awaiting a reply from Orleton Parish Council for a date to meet with the newly appointed Community Resilience Co-ordinator, in order to create a plan and to validate this with a table top exercise. I would see this as an opportunity for the Parish Council to discuss the specific issues raised in the question.

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## **PUBLIC QUESTIONS TO COUNCIL – 28 September 2012**

### **Question from Mr P Mitchell, Herefordshire of Councillor H Bramer, Cabinet Member Major Contracts**

Question 2

#### **Demonstration of optimum value for money solution for the PFI procurement of the energy from Waste CHP scheme**

*Would the Cabinet Member responsible provide an assessment explaining and demonstrating that the chosen procurement option and chosen technical CHP solution at Hartlebury offers the best value for money to the tax payers of Herefordshire. Specifically addressing -:*

- How he has determined and ensured the optimal technical CHP solution at Hartlebury (against other CHP alternatives considered) to achieve minimum NPV (best value to Council tax payers) for this project within a single tender PFI contract.
- Why he has not considered / adopted commissioning independent technical support to specify, competitively tender and project manage then operate the energy from waste CHP plant on behalf of the Council.
- How within this contractual arrangement he is safeguarding the public purse by independently validating the offered energy from waste CHP technical solution also demonstrating that this delivers lowest NPV or best value for money solution.
- How he has avoided well recognised adverse long term cost implications historically repeatedly delivered under many and varied other public PFI contracts and which are now generally consider as a poor value method of project implementation.

### **Answer from Councillor H Bramer, Cabinet Member Major Contracts**

Answer to Question 2

These matters have not yet been finally determined by this council. Value for money assessments will inform a report to Cabinet expected later this financial year, in accordance with the decision made by Cabinet on 16 February 2012

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## **PUBLIC QUESTIONS TO COUNCIL – 28 September 2012**

### **Question from Mr P Linnell, Eardisland, Herefordshire of Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Question 3

#### **Affordable Housing**

*On the evidence base for the LDF, please indicate the likely percentage of the identified affordable housing need which will be met by the implementation of the proposed LDF strategies and policies in full. Please show all data sources and calculations, and indicate estimates of the worst, best and most probable cases along with the assumptions these estimates are based on.*

#### **Answer from Councillor RB Hamilton Cabinet Member Environment, Housing and Planning**

Answer to question 3

The percentage of affordable housing which will be sought through the policies of the LDF is yet to be finally determined and will be established based on evidence of housing need and viability. The evidence base will partly be drawn from the affordable housing viability report available on the Council website; work currently underway on economic viability will inform the development of affordable housing targets to be set out in the Draft Core Strategy which is due to be published in the new year.

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## PUBLIC QUESTIONS TO COUNCIL – 28 September 2012

### **Question from Mr A Fisher, Hereford of Councillor PD Price Cabinet Member Corporate Services**

Question 4

#### **Democratic accountability in the contracting out of statutory council services.**

According to the Project Mandate for the Council's 'root and branch reviews' of the services it provides, all services are included in the review, with the aim of shrinking the Council budget by 30% and leading eventually to new governance structures.

*Which are the laws and regulations applying to the contracting out of statutory council services that ensure continued (and improved) democratic accountability both during and in the culmination of this review process? (Please list the laws and regulations and the statutory services to which they apply.)*

#### **Answer from Councillor PD Price Cabinet Member Corporate Services**

Answer to question 4

The Root and Branch Review programme is designed to fundamentally review everything that the Council does and will, over an 18 month period, set out what services we will deliver over the next decade to meet the priorities for the County.

We also have an obligation to council taxpayers and residents to consider best value and to understand what alternatives there are to direct service provision by the Council. There will be an option appraisal for each Review about which services are provided in the future and how – there is no presumption in favour of outsourcing services, what matters is what solution provides the best outcomes for residents at a price we can afford to pay.

Any recommendations from the Reviews relating to the future provision of services will be consistent with relevant UK and European legislation and this will be included in the report to Cabinet as appropriate.

The general legislative framework for accountability in all decision making process is contained in the Local Government Act 1972, the Local Government Act 2000 and specifically in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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## **PUBLIC QUESTIONS TO COUNCIL – 28 September 2012**

### **Question from Ms P Mitchell, Hereford of Councillor PD Price Cabinet Member Corporate Services**

Question 5

#### **Statistically robust opinion surveys of a representative sample of the County's population for the Root and Branch Reviews of services provided by Herefordshire Public Services**

The Council propose to learn residents' views on the provision and contracting out of all services (and on the Interim Local Transport Plan) through a 'community engagement exercise', 'Your community - your say', comprising evening meetings, a web forum, twitter and a facebook page. In addition 'there may be some supplementary locality based consultation on aspects of certain Reviews' (report to Cabinet 5th April 2012).

*Will the Council be undertaking any statistically robust opinion surveys in connection with the Root and Branch Reviews designed both to be properly representative of the county's population (and including 'hard to reach' groups) and capable of being weighted according to the respondents' stake in the service in question?*

#### **Answer from Councillor PD Price Cabinet Member Corporate Services**

Answer to question 5

The 'Your community your say' exercise, as the question indicates, is being undertaken through a variety of mechanisms which includes the 'Quality of Life Survey'. This was run earlier in the year, is statistically robust and representative of the county's population. It is weighted by age, gender, household size and locality. The headline results are available online ([www.herefordshire.gov.uk/factsandfigures](http://www.herefordshire.gov.uk/factsandfigures)) and further reports will be released in due course. 'Hard to reach' groups are being specifically included in the qualitative part of the Your community-your say' engagement in September and October.





**Question from Councillor GA Powell of Councillor JG Jarvis, Leader of the Council**

**Cattle Market**

- 1 I have been charged by shop owners and their staff in Hereford city to put the following question to council.

*As the former Cattle Market site in Hereford has now been unoccupied for some considerable time, would the cabinet consider allowing the public to park on part of the site providing much needed car parking capacity in Hereford city centre until its development is ready to commence bearing in mind that part of Garrick House car park is under repair?*

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

Answer to question 1

Thank you for bringing this question forward on behalf of shop owners and their staff. There is no evidence of a lack of car parking capacity in Hereford city. However, we will bear this request in mind. I intend to provide a verbal update to this question at the Council meeting.

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**Question from Councillor GA Powell of Councillor GJ Powell, Cabinet Member Education and Infrastructure**

**Traffic Lights at ASDA**

- 2 *On the weekend of 15 September the traffic lights at ASDA in South Wye failed, this enabled the traffic to flow freely, and everyone took their turn. I ask Herefordshire Council and the Highways Agency to turn these lights off for a trial period of three months with the hope that they will remain permanently turned off after this time.*

**Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

Answer to question 2

I am aware of this incident and have received several reports as a result of which I will make representations to the Highways Agency, as the responsible body for this matter.

I would also like to point out that the traffic lights do aid pedestrians and other vulnerable road users who often lose out as traffic dominates. In addition there is the access to side roads and the ASDA store which needs to be taken into account as well.

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## MEMBER QUESTIONS TO COUNCIL – 28 September 2012

**Question from Councillor PJ Edwards of Councillor GJ Powell, Cabinet Member Education and Infrastructure**

### **Sustainable Travel Funding**

- 3 *Please advise why Ward Councillors were not formally informed of the Broad Street Sustainable Travel funded scheme being delayed / cancelled as reported in the Hereford Journal & will consideration now be given to making the River Wye Tow Path more safe & user friendly to encourage more environmental forms of travel in and out of the City?*

**Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

Answer to question 3

The Central ward Member was made aware of our proposals; a decision on the best use of this funding to support sustainable travel has yet to be taken and I will of course liaise with the relevant ward members in reaching that decision.

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**Question from Councillor DW Greenow of Councillor PM Morgan, Cabinet Member Health and Wellbeing**

**Animal Health & Welfare**

- 4 Since the foot and mouth outbreak in the country animal health has vastly improved in the livestock industry thanks to more stringent policing by the animal health department.

We have in Hereford a dedicated group who have built up a valuable store of information across the County of Herefordshire and this is used to maintain the high standards that we currently have in this Country which enables a strong export market for our livestock. Our livestock market in Hereford is thriving and expanding and the standards are very high. This is due to the efforts of our auctioneers but also the animal health staff who keep an astute eye on the welfare of all animals in the market thus ensuring buyers of the high quality of the livestock.

It is rumoured that this department is to be shut down and the work taken over by officers from Worcestershire and Warwickshire Councils. If this were to be true I am concerned that Herefordshire will lose valuable knowledge and experience.

*Can you confirm that this will not happen and that we will retain this extremely valuable service thus maintaining our high standards which I believe is significantly higher than most counties?*

**Answer from Councillor PM Morgan, Cabinet Member Health and Wellbeing**

Answer to question 4

It is good to know that the excellent work undertaken by Herefordshire Council's Animal Health & Welfare (AH & W) team which are part of its Environmental Health & Trading Standards Service (EH&TS) is recognised and appreciated by market users and constituents of Herefordshire and beyond. It is also excellent news that the livestock market goes from strength to strength.

I am happy to state that any rumours currently circulating about the immediate future of the AH & W team are unfounded.

Council will be aware however, that all services will be subject of an on-going review through the Rising To The Challenge (RTTC) process. EH&TS including AH & W are part of this process and are currently involved in the wider service review entitled Housing, Economic and Regulatory Services (HERS.) Part of that process is to examine each and every activity we currently perform and to determine whether it should stop, continue unaltered or change in order to ensure that the Council's key priorities and outcomes will be delivered. This work will be complete in the Spring.

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**Question from Councillor WLS Bowen of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

**Affordable Housing**

- 5     *How many planning applications for houses and flats are live but not built?*
- *What can be done to encourage the building of these houses and flats?*
  - Bullet point disallowed – Constitution 4.1.15.4 c: the answer to the question will be substantially the same as the previous answer. See public question 3.
  - *How many applicants for affordable housing on the Home Point register have defined and definite links to Herefordshire?*

**Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

Answer to question 5

As of April 2011 (the latest published Annual Monitoring Study) there were outstanding planning permissions for 2057 dwellings (1671 were not started and 386 were under construction).

- Once planning permission is granted the planning system can do little to ensure the permission is commenced. However should the developer so request further advice can be given with respect to the possible revision/amendment to the detail and form of any approved scheme. Having said that, I understand the issues and will have a look at what, if anything, could be done to improve things the situation. I will be very pleased to hear any ideas or suggestions that the Councillor or other Members may wish to make.
  - The Council's current policy in the Unitary Development Plan and Planning Obligations Supplementary Planning Guidance in respect of the provision of affordable and market housing is unchanged. The Core Strategy will include planning policies which will require that an appropriate proportion of affordable dwellings are provided, based upon evidence of housing need and economic viability.
  - Of the total of 4,893 applicants registered with Home Point at the end of September, 4511 had defined and definite links to Herefordshire.
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**Question from Councillor WLS Bowen of Councillor PD Price, Cabinet Member Corporate Services**

**Finance – Hoople Ltd and The Council**

- 6 *Can we be assured that the Council and Hoople Ltd have actually made genuine savings rather than made costly investments, which appear to save the Council money but in reality may have cost us dear?*
- *Can the various transactions be clearly defined and explained?*

**Answer from Councillor PD Price, Cabinet Member Corporate Services**

Answer to question 6

The Council has assured the savings from the arrangement with Hoople Ltd and built these into the agreed budget over the last two years.

In 2011/12 the savings reduced from the contract totalled £467k, whilst in 2012/13 a further saving of £413k were delivered (fully compliant with the approved business case).

In addition savings have also been delivered to our health partners - £152k in 2011-12 and £16k in 2012-13.

To deliver the recurrent savings one off staff redundancy costs of £82,633 were incurred by the Council.

The savings form part of the base budget and can be identified in the service level agreements being delivered by Hoople Ltd.

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**Question from Councillor MAF Hubbard of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

**Flooding**

- 7 On Monday 24 September, the Merton Meadow car park was flooded. This, despite spending several million of public money on a flood alleviation scheme in mitigation. Please would the Cabinet Member explain:
- *Why the flooding occurred so soon after the flood alleviation scheme has been completed?*
  - *What are the implications for gaining Environment Agency permission for the housing that is planned for the site?*
  - *How will this affect future insurability of any housing that is developed on this site?*

**Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

Answer to question 7

I would begin by pointing out that the Yazor Brook Flood Alleviation Scheme has operated four times successfully since its completion and that the scheme was designed to prevent the Yazor Brook from overflowing.

Although the flood alleviation scheme at Credenhill operated as planned during Sunday and Monday of this week some flooding did occur in Merton Meadow car park during this time. This does not represent a failure of the flood alleviation scheme – as it operated as envisaged during this flood event and prevented more severe flooding to houses and businesses west of Edgar Street and in the ESG area in Hereford.

The Yazor Brook Flood Alleviation Scheme at Credenhill has enabled Hereford Futures to bring forward plans for the delivery of an Urban Village housing and other development in the vicinity of Merton Meadow. It has always been known that any scheme on the Merton Meadow will need to include flood storage capacity. This means that detailed plans arising from any planning application will need to ensure that appropriate on site flood mitigation measures are in place to ensure that any new properties are flood free. This would be a factor that insurance companies would no doubt take into account when assessing risk and Hereford Futures has been in discussions with the insurance industry over several years in order to plan for this.

Work continues through Hereford Futures to develop the detailed proposals for development in the area in consultation with Welsh Water and the Environment Agency.

The Council will consider this issue carefully as the development comes forward and through the planning application process.