

**SUPPLEMENT TO THE AGENDA FOR**

# **Council**

**Friday 26 September 2014**

**10.00 am**

**The Shire Hall, St Peter's Square, Hereford HR1 2HX**

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**PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

**Question from Mr M Sandaver, Herefordshire**

Question 1

**Road repairs**

*Why are the roads in such an appalling condition and repairs not carried out?*

**Answer from Councillor P Rone Cabinet Member Transport & Roads**

Answer to question 1

Whilst severe weather conditions over several winters in recent years have taken their toll on the 2000+ miles of road in Herefordshire it simply isn't the case that repairs are not carried out. The council is investing an additional £20 million from its own funds over this and next financial year to improve the condition of the county's roads. The council has also been very successful in securing additional funding from central government through the Belwin, severe weather and pothole funds which will see investment in road repairs this year total almost £40 million. This is the largest maintenance programme the county has ever seen. Whilst there is still work to be done, repairs are being carried out across the county in order of priority. In the year to end of August almost 50 miles of roads in the county have been fixed and 1689 defects/potholes were repaired.

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**Question from Mr M Watson, Herefordshire**

Question 2

**Hereford United Football Club**

*Can Herefordshire Council confirm that the officers and any external agents acting and negotiating on behalf of the Council with Hereford United FC have used their best endeavours to protect the public interest in respect of the assets in the matter of Hereford United FC?*

**Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance**

Answer to question 2

Yes the council is satisfied that every effort is being made to protect the public interest.

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## PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

### Question from Mr W Morrell, Herefordshire

Question 3

#### Hereford United Football Club

*Can Herefordshire Council confirm that the development agreement covering the Edgar Street football ground and associated facilities entered into by the Council and the Club specifically excludes any party from employing external consultants delivering unnecessary services and incurring unwarranted costs thereby failing to secure best value for the public interest and that the Council have secured the right and obligation to approve or dismiss these imported costs?*

#### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 3

The council has the right to dismiss imported costs.

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### Question from Mr C Morris, Leominster

Question 4

#### Hereford United Football Club

*Can the council comment on the seeming habit of discussing vital community issues such as the freehold of the Edgar Street Leases in un-minuted meetings with out of town businessmen, and will the council commit to minuting all future meetings on these subjects?*

#### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 4

No discussions have taken place regarding the freehold ownership of the Edgar Street football ground site.

All formal meetings of the council comply with the access to information rules within the constitution. Informal meetings, where no decisions are taken, do not require formal minutes to be maintained.

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## **PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

### **Question from Mrs E Morawiecka, Breinton**

Question 5

#### **5 Year Housing Land Supply**

*Herefordshire Council planning officers repeatedly state at Planning Committee meetings that Herefordshire has no 5 year housing land supply, despite the fact Herefordshire Council is looking to submit a sound Core Strategy to the Planning Inspectorate within the next few months, having spent well over £4million on developing this local plan. Since November 2013 the calculations have been promised, with the latest comment by the Director for Economy, Communities and Corporate (General Overview & Scrutiny meeting 6th January 2014) stating that a planning inquiry would inform the position on the 5 year housing land supply in Herefordshire and it was minuted at the time that “a further written response would be given to Dr. Williams (of CPRE), along with the calculations used”. As officers have recently understated one parish council’s planning permissions since 2011 by 400%, would the Cabinet member please provide the 5 year housing land supply calculations as promised to Dr. Williams, including the exact breakdown of planning permissions granted since 2011, by ward?*

### **Answer from Councillor PD Price, Infrastructure**

Answer to question 5

A revised 5 year housing land availability assessment was included as part of the package of documents submitted to the Secretary of State on 22 September 2014 on the Herefordshire Local Plan. This document will be made available on the council’s website shortly.

The revised assessment indicates that the county will have a 5 year housing land supply on the adoption of the plan. This assessment includes an appendix listing sites which have extant planning permission.

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### **Question from Ms P Mitchell, Hereford**

Question 6

#### **Progressing the Southern Link Road through the Planning System**

*What steps are required for the Council to secure planning permission for the Southern Link Road and what is the projected timetable for taking them?*

## **PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

### **Answer from Councillor PD Price, Infrastructure**

Answer to question 6

The council will select a preferred route for the Southern Link Road once consideration has been given to all consultation feedback that has been received during the recent public consultation over the summer. Once a preferred route has been confirmed a planning application, together with appropriate technical and environmental assessments, will be prepared and submitted to the council's planning department. It is anticipated that the submission of a planning application will take place in December this year. Once submitted, the council, as the local planning authority, would carry out statutory consultations and notifications during January and then assess the application before making a recommendation to the Planning Committee. Until the scale and nature of the planning considerations which may be raised during the statutory consultation period are known it is not possible to put a definitive timescale to this assessment period but, in line with planning guidelines and past experience, it is anticipated this would be between nine and thirteen weeks.

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

Question 7

#### **South Wye Transport Package**

*Regarding the congestion on roads coming in to Hereford from the South, and South West, if there is evidence to show that the A49 is 'at capacity', (Cabinet Minutes, July 2014), why is there a recommendation in the South Wye Transport Package proposals to ensure that all Heavy Goods Vehicles use this same A49 into Hereford, rather than the A465?*

### **Answer from Councillor PD Price, Infrastructure**

Answer to question 7

The South Wye transport package proposals have been the subject of public consultation over the summer months and the council is currently considering all feedback received in relation to these draft proposals. Whilst a decision has yet to be taken regarding these proposals, this option was included as a possible approach to improve conditions on the A465 Belmont Road. The rationale for inclusion in the draft proposals for consultation was to seek views on restricting HGV numbers on the A465 by directing them to the strategic network (A49) via the new southern link road. This would be a higher standard of route more suitable for HGVs and could help improve conditions for pedestrians and cyclists on Belmont Road.

**MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

**Question from Councillor RI Matthews**

Question 1

**Smallholdings**

A few weeks ago the executive decided to defer a decision in regard to the possible sale of the council smallholdings. There are quite a few tenants with young families and considerable overheads who are on short-term farm business tenancies, some with less than eight months remaining. I understand that verbal offers of extensions to their contracts have been made, but have not been formally confirmed in writing. It goes without saying that this is an intolerable situation, and I am aware that a large number of members are extremely concerned about the unprofessional and unsympathetic manner in which this matter is being handled. Could you please tell the tenants, and members, as a matter of urgency what you are doing to address this unacceptable situation?

**Answer from Councillor H Bramer Cabinet Member Contracts & Assets**

Answer to question 1

A decision on the future of the council's smallholdings is now scheduled for June 2015; this is to enable a business case, assessing the options, to be fully developed to inform that decision. In the meantime the smallholdings estate will continue to be managed in accordance with the current policy. Officers are in communication with tenants to ensure they are kept informed.

**Question from Councillor ACR Chappell**

Question 2

**Bath Street**

With reference to the recent decision to dispose of the Bath Street site can the Cabinet Member confirm:

- a) Before the decision was taken, what other sites were investigated?
- b) With the Cabinet supporting the Southern Relief road, what consideration was given to providing a site, through developers money, for a joint emergency services centre on the line of the Rotherwas access road and Southern Relief road?
- c) With a 1000 homes due to be built up against the access road and increasing development at Rotherwas, and the intention of continuing these roads to form part of the by-pass, why was Bath Street handed to the Fire Authority?
- d) The Bath Street site, the ambulance station site in Ross Road and the present fire station site, provide enough space for 300 homes, thus relieving green field space from development. Will the Cabinet member re-consider his agreement with the Fire Authority?

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### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 2

The Fire & Rescue Service (FRS), who are the lead on this project, will be able to advise what other sites they investigated; however it is understood that the Bath Street site has been demonstrated to be the best possible site to serve the city from a fire and rescue point of view. This was validated by response modelling and a sequential test of options.

The decision to dispose of the site, taken in April, (report available on the council website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2683> ), was in line with the council's agreed accommodation strategy, having been declared surplus to operational needs. The agreement the council has reached with the FRS provides the opportunity for a land swap deal whereby the FRS develop the existing Bath Street site, demolish the buildings and hand part of it back to the council for business user car parking for children's safeguarding staff. In return the council will receive the existing FRS site levelled to the ground. The council will then be able to dispose of this site at will.

The council will continue to work with developers and other partners to identify suitable sites to meet all the needs of the county whether housing, employment or maintaining essential emergency services.

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### Question from Councillor ACR Chappell

Question 3

#### 'Pauper' Burials

Can the Cabinet Member advise:

- a) How many 'Paupers Funerals' has the Council paid for this year and what is the total cost?
- b) Of these, how many were for Homeless people, and how many were for other people who had been considered vulnerable?
- c) Hereford Hospital Trust also has responsibility for 'Paupers Funerals' for patients who die in their care. Is there an increase in the county of 'Pauper Funerals', and is the Cabinet Member satisfied that there is enough dignity shown in these cases?

### Answer from Councillor P Morgan Cabinet Member Corporate Services

Answer to question 3

- a) The council has paid for five public funerals so far this year, at a cost to the council of £4,012. Although involved in a number of other cases, these were referred either to a family member or the NHS.



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- b) Of these five people none were homeless; all could be viewed as vulnerable, for example being older people living on their own or with medical, addiction or social problems.
  - c) There has been no identifiable increase in the council referred public funerals; we do not hold information in respect of those for which the NHS has responsibility. I am satisfied that, for those funerals which the council is responsible for, the deceased are treated with respect and dignity. A service is carried out in all cases, and an officer from environmental health attends every funeral.
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### **Question from Councillor GA Vaughan Powell**

Question 4

#### **Waste PFI**

The findings of a key parliamentary committee questions the viability of the PFI project deal in respect of the Hereford/ Worcester incinerator plant at Hartlebury, where in their view the technology being used could soon be out of date. Can you assure members and taxpayers that when this plant is operational it will be cost effective and viable for many years to come?

### **Answer from Councillor H Bramer Cabinet Member Contracts & Assets**

Answer to question 4

Yes. A financial and options appraisal was carried out as reported to Cabinet in December 2013. This supported the view that an Energy from Waste (EfW) plant was the most cost effective and viable solution to treat the council's residual waste for the next 25 years.

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### **Question from Councillor AJW Powers**

Question 5

#### **Core Strategy**

I understand that an unchanged Pre-Submission version of the Local Plan Core Strategy (LPCS) was submitted on Monday, but that it was accompanied by a schedule of proposed amendments. I also understand that legal advice, as to whether these amendments should be judged 'minor' or 'major', was sought from London.

You will recall that at the last Full Council meeting in July my Notice of Motion specifically required that any amendments made to the LPCS, over and above such 'minor'

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amendments as were agreed by Council in July 2013 to be delegated to officers, were to come before Full Council for approval; and that this NoM was passed by a unanimous vote.

Can the Cabinet Member please provide details of the Schedule of Amendments to the LPCS submitted on Monday, and give his assurance that these do indeed amount only to 'minor' amendments according to the July 2013 conditions?

### **Answer from Councillor PD Price Cabinet Member Infrastructure**

Answer to question 5

The schedule of changes proposed to the plan, available on the council's website at <http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?IId=50007571&Opt=0> and included with the submission, originate from comments received during the final round of consultation on the plan (May – July 2014). They are minor and do not affect the substance of the plan as approved at council in July 2013. The council's appointed barrister in this matter has confirmed the changes proposed are both minor and appropriate.

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### **Question from Councillor AJW Powers**

Question 6

#### **Local Transport Plan**

Two years ago this Council unanimously resolved "to make a clear commitment to active travel arrangements across the county using the council's public health role to promote and fund sustainable forms of active travel across the county." At this meeting we are being asked to approve an extension to Local Transport Plan (LTP) 3, but have been given no details on finance or scheme delivery for 2015-16.

Will the Cabinet Member please tell us:

- a) what progress has been made on the 2012 commitment?
- b) how the proposed extension to LTP3 would build on this?
- c) what schemes –whether new or existing - will be advanced through an extended LTP3?
- d) what are the sustainable transport and active travel elements in the Marches LEP-funded Hereford City Transport Package and South Wye Transport Package?
- e) How would these too be advanced during an extended LTP period?

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### Answer from Councillor PD Price Cabinet Member Infrastructure

#### Answer to question 6

- a) Great progress has been made with the promotion of sustainable and active travel. Additional funding of £5 million was secured through the Government's Local Sustainable Transport Fund and together with existing funding has enabled a range of infrastructure improvements and behavioural change initiatives to be implemented. The "Choose How You Move" campaign has supported through promotions, advice and incentives to individuals, communities, schools and businesses to change travel behaviour. New and improved cycling and pedestrian infrastructure has been delivered in many locations including the Greenway (Connect 2) bridge and path from the city centre to the Hereford Enterprise Zone at Rotherwas and the upgrading of Newmarket Street to integrated the Old Market development with the city centre providing a much enhanced pedestrian environment.
  - b) The extension of the current local transport plan would provide the policy context to allow us to continue our commitment and enable the delivery of similar schemes to promote sustainable and active travel over the coming year.
  - c) It is proposed to continue to deliver the Choose How You Move behavioural change campaign and deliver cycling and pedestrian infrastructure improvements. Specific schemes are included in the annual programme based upon existing prioritisation processes and consultation upon the public realm annual plan which will take place over the coming months prior to the programme being confirmed for 2015/16.
  - d) The sustainable transport elements of the Hereford City transport package comprise upgrades to Blueschool Street, Commercial Square and Commercial Road and development of a transport hub at Hereford rail station. The sustainable transport elements of the South Wye transport package have recently been the subject of public consultation and subject to considering this feedback, may comprise pedestrian crossing facilities on the A465, extension to cycle routes and improved access to public transport.
  - e) The development and design of sustainable transport elements of would be taken forward during the coming year alongside work to take forward the road elements of these packages.
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### Question from Councillor AJW Powers

Question 7

#### Marches Local Enterprise Partnership

The Marches Growth Deal refers to requirements that, as part of this deal, the Local Enterprise Partnership strengthens its governance, agrees monitoring and reporting arrangements, and produces “an assurance framework with the Government by September 2014” on processes that will guide local decision-making and ensure value for money.

As the local authority designated to lead the LEP on governance matters what progress has Herefordshire Council made on these requirements?

#### Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 7

The decision taken at Cabinet on 31 July (available on the council’s website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2756> ) authorised the establishment of a joint executive committee in respect of the Marches Local Enterprise Partnership (LEP). This decision has been mirrored by our LEP partners Shropshire and Telford & Wrekin Councils. The first meeting of this body is in the process of being convened.

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### Question from Councillor WLS Bowen

Question 8

#### Accommodation Strategy

Can the Cabinet Member please confirm:

- a) What is the total cost of refurbishing the Shire Hall for the use of Herefordshire Council?
- b) What will be the total cost of refurbishing the Plough Lane site?
- c) What is the expected receipt from the sale of Brockington?
- d) How much has been spent on Hereford Town Hall?
- e) If the Shire Hall received a new, energy efficient heating system.

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### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 8

- a) The works are not fully complete, current forecast total scheme spend is to budget being £2.8m
  - b) The works are not fully complete, current forecast total scheme spend is to budget being £4m
  - c) £1.5m. It should also be noted that there will be significant revenue savings generated by moving operations from this building.
  - d) The Town Hall is not scheduled for refurbishment within the current accommodation strategy.
  - e) The refurbished area is now served by two new highly efficient condensing boilers. The rest of the Shire Hall remains serviced by existing boilers which will be upgraded in future phases.
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### Question from Councillor EPJ Harvey

Question 9

#### Waste PFI

At the budget-setting council meeting back in February I asked: “How is this council to have confidence today that the capital borrowing proposed for the Energy from Waste Incinerator at Hartlebury in Worcestershire is delivering the best value solution for Herefordshire’s waste disposal needs for the next 25 years ...?”

Cllr Bramer responded: “The council can be confident that the capital borrowing represents the best value option for the county because the analysis and appraisal of options in both the Joint Municipal Waste Management Strategy and cabinet report has been completed in accordance with relevant government guidance.”

On 3rd September the Public Accounts Committee of the House of Commons published their report into DEFRA oversight of 3 PFI waste contracts (including that of Herefordshire & Worcestershire). In conclusion, this report stated that:

- a) DEFRA’s “support of PFI to build waste management infrastructure may result in long term contracts that are too inflexible for a sector where technology is continually evolving and the amount of waste produced can be hard to predict.” And suggested that DEFRA “should consider including other forms of support to help local authorities to manage their waste in ways that are flexible enough to deal with changes in technology and waste levels to ensure local authorities are not locked into projects that provide more capacity than is required and are very expensive.”
- b) “Local authorities need better advice on negotiating PFI contracts, particularly on technical aspects such as when to secure finance, and compensation arrangements.” and suggested that “The Department should make better use of its

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position and expertise to support local authorities in negotiating PFI contracts and achieve value for money for local taxpayers.”

- c) DEFRA “has made decisions on this programme focused entirely on the need to meet the EU target without due regard to the impact of its decisions on local authorities.” and suggested that “The Department needs to balance the need to meet the EU target at minimum cost, with making sure that its decisions serve taxpayers' interests as a whole and do not result in additional costs for local authorities. The Department should place more weight in its decision-making on the cost to the public in the round when it considers withdrawing its support to individual projects.”

Would the Leader please indicate where, if at all, this council disagrees with any of the Select Committee's findings quoted above.

### **Answer from Councillor H Bramer Cabinet Member Contracts & Assets**

Answer to question 9

The council does not disagree with the findings quoted.

Members should however note that the National Audit Office (NAO) report and subsequent Parliamentary Select Committee findings are focused on Defra's oversight of PFI contracts.

Herefordshire Council and Worcestershire County Council were pleased to help the NAO with their study, met with them in November/December 2013, and were then in regular contact throughout the period of the study and production of the report.

It is a matter for Defra to respond to the findings of the Parliamentary Select Committee report, rather than the two councils.

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### **Question from Councillor MD Lloyd-Hayes**

Question 10

#### **Memorial Trees**

Recently in my ward two trees were felled during building development. They were dedicated to two young students who had tragically lost their lives. What mechanism does the council have to prevent the felling of such trees which enable family and friends to visit and remember their lost ones?

## **MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

### **Answer from Councillor PD Price Cabinet Member Infrastructure**

Answer to question 10

I understand that the basis of this question relates to the removal of two memorial trees in the grounds of a school to accommodate a series of access improvements. I also understand that the situation is being remedied in a sensitive way following discussions between the school, the ward member and the families concerned.

In its discharge of its planning functions the council can control works to trees in conservation areas and to other trees covered by tree preservation orders. It has no direct powers to control works to non-protected trees and which have been planted as memorials. However applicants and agents can be invited to submit information on planning applications with regard to memorial trees so that the ward members, the planning officer and where appropriate the Planning Committee can be aware of their presence within a planning application site.

