

MINUTES of the meeting of COUNCIL held at The Assembly Hall, The Shirehall, Hereford on Friday, 5th March, 2004 at 10.30 a.m.

Present: Councillor P.E. Harling (Chairman)
Councillor J.W. Edwards (Vice Chairman)

Councillors: A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, T.W. Hunt, G.V. Hyde, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

66. PRAYERS

The Very Reverend Michael Tavinor, the Dean of Hereford, led the Council in prayer.

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bowen and Burke.

68. DECLARATIONS OF INTEREST

There were no declarations of interest made.

69. MINUTES

RESOLVED: That the minutes of the meeting held on 16th January, 2004 be approved as a correct record and signed by the Chairman.

Note: The version of the minutes included with the agenda on 5th March, 2004 was incomplete. Council is therefore requested at the meeting on 21st May, 2004 to approve the full version which is enclosed at Item 6(b) of that agenda.

70. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Miss Fiona Short to her first meeting of the Council as the newly elected Member for St Nicholas Ward.

He announced that a delegation of the United Kingdom Branch of the Commonwealth Parliamentary Association would be joining the meeting as part of their 53rd Westminster Parliamentary Seminar.

He paid tribute to a young woman, Katt Williams, who he had met earlier in the day. Katt had been chosen to sing at a special awards ceremony in London, celebrating achievements of looked after children across the country. She was a former pupil at

Wigmore High School where she did voluntary work and hoped to pursue a career as a teacher. The Chairman had presented a book token as a token of appreciation.

He congratulated the Environmental and Trading Standards Division for achieving the internationally recognised Quality Award "BS EN ISO 9001".

He announced the start up of the Local Area Forums from mid March and encouraged Members to attend the one they felt was most appropriate to their ward.

He reminded Council that the Civic Service would be held on Sunday, 14th March at St Mary's Church, Ross-on-Wye at 11.15 a.m.

Petition

He handed a petition protesting about the installation of traffic lights at Newtown Crossroads to the Cabinet Member (Highways and Transportation).

71. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. No such questions had been received.

72. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Councillor J.P. Thomas asked:

"I made a request for an extension to the 30 mph limit south-westwards along the Barons' Cross road (A44) in August 2000. A Traffic Regulation Order indicating such extension, some 677 metres south-westwards, was 'signed off' in March 2003. At least until Wednesday 3rd March 2004, this TRO had still not been implemented.

Is this a record 'slow' time, and, if so, can members be assured that it will not be broken?"

Councillor Wilson, Cabinet Member (Highways and Transportation) replied that there had been delays in erecting speed limit signs because of a lack of resources. Arrangements were in place to reduce the backlog. The signs at Barons Cross had been ordered and would be installed as soon as the contractor could arrange to do so. He thought this was likely to be during April.

Councillor J. Stone asked:

"Will the Cabinet Member for Highways and Transportation support local efforts to persuade the Highways Agency to improve road safety at Ashton and the Woofferton junction on the A49?"

Councillor Wilson replied that the A49 was the responsibility of the Highways Agency who had recently completed a Route Management Strategy. The Strategy was yet to be published, but he understood that it recognised the problems at both Woofferton and Ashton. He said he was happy to support road safety improvements at these locations.

In response to a further question by Councillor Stone, Councillor Wilson said he would be willing to meet with representatives of the respective parish councils once the strategy was published, but reminded Councillor Stone that he had no remit for trunk roads.

Councillor R.I. Matthews asked:

"Could you please update Members on the A4103 Roman Road improvement scheme because we were recently informed that the hedgerows would be removed in Feb 2004 but to date nothing has happened? Also can you give us a firm date when general construction work will commence because I was under the impression that £580,000 had been allocated to this scheme for this financial year?"

Councillor Wilson reported that Alun Griffiths Ltd had been selected as the preferred contractor for the Roman Road improvements and that work on the main contract should start in late summer. The felling of two mature oak trees was scheduled to take place in the second half of March. Delays had been experienced because one contractor had been unable to carry out specialist hedge relocation work intended to begin in February/March. This had now been re-assigned and the alternative contractor was due to commence work shortly. He advised that the original budget for the scheme in 2003/04 was £800,000 and that current estimates put the spend in excess of £600,000.

In answer to a further query about future supervision of the scheme, Councillor Wilson undertook to discuss Councillor Matthews concerns with the Director of Environment.

Councillor Mrs. M.D. Lloyd-Hayes asked:

"The Supporting People programme is responsible for £7.5m in 2003-2004 and £7.3m in 2004-2005. Why is there no Member representation on the Herefordshire Supporting People Partnership Commissioning Body, i.e. Member of Social Care and Housing Scrutiny Committee?"

Councillor Mrs. Barnett, Cabinet Member (Social Care and Strategic Housing) thanked Mrs Lloyd-Hayes for her question and referred to the guidance supplied from the Office of the Deputy Prime Minister specifying that the Commissioning Body should comprise seniors officers charged with responsibility for making commissioning decisions and holding overall budgets for their organisation. Their decision would be within the remit of a Supporting People strategy agreed by elected members and approved by other partners including the police and the primary care trust. Recent government guidance issued by the Audit Commission has indicated that there should be a shadow commissioning body comprising elected members, non-executive members of the PCT and members of the probation board. She invited Councillor Mrs Lloyd-Hayes to assist with such a group. She confirmed that the Supporting People programme had a budget of £7.5 million but that 90% of this was committed to existing contracts.

Councillor Mrs. M.D. Lloyd-Hayes asked:

"There is a rumour that Local Area Forums will be reinstated, is this the case?"

The Leader referred to the Chairman's announcement earlier in the meeting.

73. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

74. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 29th January, 12th and 19th February and a supplementary annex on the report of the meeting held on 4th March, 2004, the latter having been circulated at the beginning of the meeting together with a revised report on the Council Tax Resolution and revised page 5 of the Budget Book.

In relation to Item 1.2 of the main report, Revenue Budget 2004/05 - the Leader moved an amendment based on the recommendation detailed in the supplementary annex, i.e. that the revenue budget proposals for 2004/05 be based on expenditure of £175,573,000 with a corresponding council tax at Band D of £959.53. This would mean an increase of 8.9%, a reduction of 1.5% on the original proposal of 10.4%. This followed a meeting at the Office of the Deputy Prime Minister earlier in the week.

He stated that the Council would be maintaining its commitment to both Social Care and Education, two of its key service areas.

He emphasised that although the increase had been reduced to 8.9% he was still mindful of the hardship that would cause some residents, particularly those on low or fixed incomes. He announced a campaign to raise awareness of available discounts and benefits.

He thanked those who had taken part in the consultation exercise which had helped shape the budget proposals. The results showed that 50% of people were prepared to see Council Tax go up to maintain or improve services and 40% wanted it maintained at the level of inflation and were prepared to accept reductions in services.

The amendment was duly seconded.

Councillor Chappell, on behalf of the Labour Group, supported the revised recommendation. He said he would have been happier to see a rise of 10.4% as he thought the Council Tax had been kept artificially low for over 40 year with a consequent lack of investment in services. However, he understood the need to avoid the risk of capping. He asked the Council to set up a series of seminars to encourage those entitled to benefits to claim their entitlements. He also asked for the documents sent out with the Council Tax and budget information to be made as easy to understand as possible as well as available in large print and Braille.

Councillor T.M. James, Leader of the Liberal Democrat Group, recognised the difficulty that faced the Council over the setting of the Council Tax and thought that the current proposal could be implemented without too great an adverse effect on services. He was concerned that even though the current proposal was 1.5% less than the original proposal it would still be too high to satisfy the Government who had indicated they would cap any Councils setting a rate higher than 5%. He indicated that he would be abstaining from the vote.

Councillor Mrs French, who had seconded the amendment said it would cause difficulties for staff who were charged with delivering services to the community, but that there was a commitment to improving efficiency across the Council. She spoke of the need to rationalise the Council's accommodation and the improvements

needed on the IT infrastructure, both of which would provide longer term cost benefits.

Following a series of comments in support of the amendment and also some concern about the level of reserves and the continued risk of capping, Council voted for the amendment as follows:

For: 39

Against: 0

Abstentions: 17.

The motion was therefore carried.

In relation to Item 1.4 - Herefordshire Unitary Development Plan: Revised Deposit Draft, Councillor Chappell asked the Leader what evidence he had that the initial 300 houses proposed at Bullinghope would provide adequate funding for the Rotherwas Access Road. He said that he had identified three alternative methods of funding the road and hoped that officers would investigate these sources further. He was concerned that by 2021, 1800 houses would be built on the site and that it could be 2007 before the developers had built sufficient housing to pay for the road. He was also concerned that St Martins and Hinton ward did not have sufficient facilities to cope with such a large housing scheme and warned of the ever present danger of flooding in the area. He called on the Council to reject the proposal for the houses at Bullinghope, and moved that the proposal be removed from the draft plan.

The motion was duly seconded.

Several Councillors voiced concerns about the proposal and about other aspects of the UDP. However it was noted that the deposit draft, once agreed, would be subject to a six week consultation period. A number of Members, whilst expressing reservations about individual aspects of the Plan, expressed the view that this was not the appropriate way in which to deal with individual amendments given the process described. It was felt there would be further opportunities to make changes to the Plan within the process. A vote was taken and the motion was lost.

The Leader thanked the officers, the Cabinet Member (Environment) and other Cabinet Members, both current and previous, for their involvement in the development of the plan.

In response to a query about a lack of decisions recorded under some programme areas, the Leader advised that the report detailed decisions taken by Cabinet as a whole since the last meeting of Council and did not include decisions taken by individual Cabinet Members. These were recorded in individual Decision Notices and were available in the Members' Room or on request. Council was also reminded that the March meeting of Council was held primarily to deal with the Revenue Budget and setting the Council Tax.

In relation to Item 13.1 - Older Peoples Service Business Case for Improvement and Development, Councillor Mrs Barnett, Cabinet Member (Social Care and Strategic Housing) announced a grant of £4.6 million for a new Extra Care Village in Hereford. This was the largest successful bid countrywide. She congratulated all officers involved in the project.

RESOLVED: That the reports of the Cabinet meetings held on 29th January, 12th and 19th February and 4th March, 2004 be received and

- That
- (a) a Medium Term Financial Plan (Appendix 1 to the report) be adopted for the four-year period commencing 2004/05;
 - (b) £7 million be identified as the level of investment needed to support the Medium Term Financial Plan over the four-year period as part of the Revenue Budget Strategy 2004/5;
 - (c) a planned programme for redirecting expenditure from within existing budgets be adopted;
 - (d) the initial revenue budget proposals for 2004/05 be based on expenditure of £175,573,000 with a corresponding council tax at Band D of £959.53;
 - (e) the basis of distributing supported borrowing for Transport, Education and Housing as outlined in Appendix 3 to the report be endorsed;
 - (f) a capitalisation de-minimus limit of £10,000 be approved;
 - (g) an amount of £5 million be approved by means of unsupported Prudential Borrowing to meet the preferred list of capital projects;
 - (h) the Prudential Indicators detailed in Appendix 4 of the report, which include the projected Capital Programme, be endorsed;
 - (i) the borrowing limits outlined in Appendix 4 of the report be approved;
 - (j) the Treasury Management Strategy at Appendix 5 of the report be endorsed;
- and
- (k) subject to the following amendments, the revised draft version of the UDP be approved for the purposes of public deposit:
 - (i) Page 78, paragraph 3, delete "in length" and insert "frontage";
 - (ii) Pages 144-145 delete paragraphs 7.7.17 - 7.7.20 and the follow-on paragraph headed "TCR19 - Hereford Livestock market - relocation", and substitute the replacement paragraphs attached at Appendix 6 of the report, and
 - (iii) Page 169, insert new paragraph 8.8.14 attached at Appendix 7 to the report.

75. COUNCIL TAX RESOLUTION

Following the resolution at Minute 74 (d) above it was formally **RESOLVED**:

- That
- (1) In respect of the Council's 2004/05 Budget:
 - (a) a council tax of £959.53 be levied (at Band D);
 - (b) programme areas contain expenditure within "cash limits" i.e. outturn budgets with no further allowance for pay or

price inflation beyond that already provided;

and

- (2) in respect of council tax for 2004/05 that the following amounts be approved by the Council for the year 2004/05 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:
- (a) £256,106,372 being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
 - (b) £78,682,000 being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
 - (c) £177,424,372 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;
 - (d) £111,707,795 being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
 - (e) £987.35 being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
 - (f) £1,851,372 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
 - (g) £959.53 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
 - (h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester Combined Fire Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992.
- (3) Pursuant to the requirements of the Local Government (Functions and Responsibility) (England) Regulations 2000, any decisions on the application of reserves and balances as required from time to time during the financial year be taken by

Cabinet.

76. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 30th January, 2004.

RESOLVED: That the report of the meeting of the Planning Committee held on 30th January, 2004 be received.

77. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meeting of the Regulatory Committee held on 3rd February, 2004.

RESOLVED: That the report of the meeting of the Regulatory Committee held on 3rd February, 2004 be received.

78. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 9th February, 2004.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 9th February, 2004 be received.

79. STANDARDS COMMITTEE

Mr Robert Rogers presented the report of the meeting of the Standards Committee held on 13th February, 2004. He invited Members to respond to the queries posed by the Committee on Standards in Public Life in paragraph 2 of the report. In answer to a query on whether Members should be required to declare membership of secret societies, he replied that he would be happy to take any comments back.

RESOLVED: That the report of the meeting of the Standards Committee held on 13th February, 2004 be received.

80. RESULT OF ST. NICHOLAS BY-ELECTION

RESOLVED: That the results of the By-Election held for the St. Nicholas Ward on 22 January, 2004, and the subsequent election of Miss Fiona Short, be formally noted.

81. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority held on 17th February, 2004. He stated that the increase in the precept was equivalent to a weekly increase of just 34 pence.

He undertook to pass on congratulations to the Chief Constable for the arrest of drug dealers in the South Wye area. In response to queries about levels of crime and deterioration in services he promised to circulate statistics relating to different crimes at a later stage. He hoped that an increase in police staffing numbers would contribute to a reduction in crime.

COUNCIL

FRIDAY, 5TH MARCH, 2004

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 17th February, 2004 be approved.

Note: In response to a query on precepting by the Combined Fire Authority (CFA), the Chief Executive undertook to investigate whether it would be possible for the report of the CFA to be submitted to the Council at its Council Tax setting meeting in March.

The meeting ended at 12.22 p.m.

CHAIRMAN