

MINUTES of the meeting of COUNCIL held at Brockington, 35 Hafod Road, Hereford. on Friday, 11th February, 2005 at 10.30 a.m.

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

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, R.B.A. Burke, A.C.R. Chappell, 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, B. Hunt, T.W. Hunt, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, 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, D.B. Wilcox, A.L. Williams and J.B. Williams

50. PRAYERS

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

51. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs P.A. Andrews, H. Bramer, G.V. Hyde, R. Manning and W.J. Walling.

Councillor Mrs. Andrews joined the meeting at a later stage.

52. DECLARATIONS OF INTEREST

There were no declarations of interest made.

53. MINUTES

RESOLVED: That the minutes of the meeting held on 12th November, 2004 be approved as a correct record and signed by the Chairman.

54. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Council that Councillor George Hyde was suffering from myeloma, a form of cancer of the bone marrow for which he was undergoing chemotherapy treatment. Although he would not be able to attend meetings for the next few months he did feel that he would be able to deal with papers and individual decisions required of him as Cabinet Member. He had asked for his Cabinet Member allowance to be suspended until he was able to resume normal duties. Although unable to receive visitors he sent his thanks to those who had sent him messages of goodwill.

The Chairman also informed Council that Councillor Mrs. French's husband had recently been diagnosed as suffering from cancer and was to undergo a course of chemotherapy treatment. Councillor Mrs. French was confident that she would be

able to maintain her role as Cabinet Member but asked for understanding if there were occasions when she was unable to attend meetings at short notice.

Council joined the Chairman in congratulating Councillor John Hope on being awarded the MBE in the New Year's honours.

The Chairman then made the following announcements:

Herefordshire has been selected to join a national scheme to share good practice in the use of cultural activities to promote the County. Herefordshire was one of only 11 authorities in the country to join the Cultural Pathfinder programme.

The new bridge at Bridge Sollers won a top award from the Green Apple Organisation in recognition of reaching the exacting requirements of environmental protection for the site.

The Contracts have been signed for a new Whitecross High School which will serve Hereford school children for the next 25 years.

Six Citizenship Ceremonies have taken place in Herefordshire with a total of 27 new citizens. Another two ceremonies are being planned and the Chairman invited Members who were school governors to encourage their schools, particularly primary schools, to take part in these events.

The next meeting of Council will be held on Friday, 11th March, 2005 at 10.30 a.m. in the Shirehall. The main item of business will be to agree the Council's budget and to set the Council Tax for 2005-06.

The Council's Civic Service is to be held at Hereford Cathedral on Sunday, 13th March, 2005 at 3.30 p.m. The Bishop of Hereford will deliver the address.

Members were informed that while the new microphones were being trialled, they could remain seated while speaking.

55. 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.

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

Question asked by Councillor W.L.S. Bowen of Cabinet Member (Community and Social Development)

"Are you aware that some of the most disadvantaged people in our County are most benefited by swimming and horse riding?"

Are you aware that the new Leominster swimming pool, though complying with the most basic requirements of the Disability Discrimination Act, will not provide effective facilities for the more handicapped amongst us?"

Are you aware that a proper changing bed and hoist, costing perhaps £6,000, would make all the difference in enabling full use of the new pool by those most in need of help?"

Could this relatively small amount of money be found from either our Social Care and/or Social Development budgets to fund this facility?

Do you not agree that it would be easier, cheaper and better to do this now, than to have to provide these facilities at some later date?"

Councillor R.V. Stockton said that both officers and Members were aware and recognised the health and wellbeing benefits of swimming and horse riding within the wider context of physical activity. He was also aware that the replacement swimming pool for north Herefordshire complies with Part M of building regulations for disabled access. Due to the physical restrictions of the site and planning constraints, it was not possible to provide bespoke facilities for all individuals with special needs. This issue had been discussed with disability group representatives and it had been agreed that special needs facilities would be provided at Hereford Leisure Pool where it was reasonably practical to accommodate them. Given the constraints of the District Pool facilities every effort has been made to provide adequate access for disabled users. He also confirmed that a "fit for purpose" changing bed and hoist would be provided at Leominster.

He said that the provision of funding for this facility had been identified from within existing budgets and the development of the disability changing provision would be incorporated into the main construction programme for the Pool. He also paid tribute to the local fundraisers who had raised approximately £200,000 to date towards the costs of the pool.

Question asked by Councillor W.L.S. Bowen of Cabinet Member (Environment)

"Can we be assured that the Herefordshire Code for Polytunnels is being adhered to, fully?"

Can we also be assured that all those not complying with the code, or flouting its provisions, even if signed up to the code, are immediately and properly pursued by our Planning Enforcement Officers and, at the least, proper planning permissions required and the full requirements of the code demanded to be enacted?"

Councillor P.J. Edwards advised that since the commencement of the Code the planning department had received 24 temporary polytunnel checklists from growers detailing their plans for the erection of polytunnels. The details and plans had been studied and the growers informed as to whether their proposals complied with the code or whether planning permission was required. The landscape mitigation measures were forwarded to the Landscape Officer for comment in that process.

He went on to say that the planning department had prepared a guidance note for Officers which details the procedure that must be followed on receipt of a completed checklist or complaint about the erection of polytunnels. If a grower did not comply with the terms of the code of practice the department would commence an enforcement investigation in line with the Council's current Enforcement Policy.

In response to a further question about the status of polytunnels, the County Secretary and Solicitor agreed to provide a written response to all Councillors.

Question asked by Councillor W.L.S. Bowen and J. Stone

"Does the Cabinet Member (Highways and Transportation) share the dismay of the residents of Ashton and other A49 road users that the Highways Agency are not proposing to make any improvements on this section of the A49 trunk road?"

Councillor Wilson said that he remained very concerned at the level of accidents on the A49 in Herefordshire, particularly on the sections north of Hereford as far as the Shropshire border, and would have expected that the current level of accidents

would have led to more targeted investigations to improve road safety at sites such as Ashton bends.

He intended to discuss with the Highways Agency the potential for increased joint working to deliver reductions in road casualties in Herefordshire and hoped that there would be some clearer indication from the Highways Agency that they would be identifying actions to address the unacceptable level of accidents on the A49.

In response to a further question from Councillor Stone he confirmed that he would be pursuing the Highways Agency for improvements to road safety on various stretches of the A49 including in the vicinity of Berrington Hall.

Questions asked by Councillor W.L.S. Bowen of Cabinet Member (Environment)

"What progress is there in the development of Low Head Hydropower systems in Herefordshire?"

"What progress is there in the development of other renewable energy systems, in particular biomass and biofuel projects?"

Councillor Edwards advised that there were a number of research papers on these topics and several organisations and companies in the County were pursuing such systems. He agreed to provide a more detailed response in writing.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes of Cabinet Member (Highways and Transportation)

"The controversial traffic lights at the junction of Folly Lane and Ledbury Road have been in operation for the last 3 months and are causing delays and significant rat running in the adjacent roads, can the cabinet member tell me: at what magical point did the original request from myself and the late Cllr Ann Carter for a mini roundabout and a pedestrian crossing close to the shops and school route translate into traffic lights?"

Councillor Wilson referred to Minute 40 of the Council meeting held on 12th November, 2004 where he gave the answer to Councillor Mrs. Lloyd-Hayes' question when replying to questions from her Group Leader.

In response to a further question from Councillor Mrs. Lloyd-Hayes who said that neither the late Councillor Mrs. Carter nor she had requested traffic lights at this junction, Councillor Wilson advised that the traffic signals had been introduced to promote improved facilities for pedestrians. He said a technical assessment of the Local Members' request for a mini-roundabout and pedestrian crossing indicated that these measures could not be installed safely within the existing road space. The traffic signal scheme was developed to deliver the pedestrian and traffic benefits that Members had indicated they wished to see without compromising public safety.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes of Cabinet Member (Highways and Transportation)

"In Tupsley Ward there are 3 schools within half a mile of each other, the ward became a prime candidate for the Safer Routes to School funding. Why was the request for chicanes ignored and the unpopular construction of speed bumps implemented?"

Councillor Wilson advised that the traffic calming scheme in the Tupsley area formed part of the Council's programme of 20mph zones at schools. The initial sites, like Tupsley, had been selected on the basis of an identified history of personal injury

accidents and a desire to maximise the benefits from each scheme. As pointed out by Councillor Mrs. Lloyd-Hayes, at Tupsley it had been possible for a single scheme to provide benefits to three schools.

It had been demonstrated both locally and nationally that road humps provided a very effective method of achieving real reductions in speed to 20mph. Requests for chicanes had not been ignored but had been considered against their ability to provide effective speed reduction measures in a large suburban area. Chicanes had the disadvantage of taking away road space outside residential property and, sometimes, of actually encouraging aggressive driving behaviour from a small minority of motorists.

On balance, it was felt that road humps were the most appropriate form of speed control for the Tupsley area and have proved very effective. Every site is different and the Council continues to investigate a range of options when developing its 20mph programme for schools.

Councillor Mrs. Lloyd-Hayes said she understood it was no longer policy to build speed humps and if the Council would consider removing them from the Tupsley area, as was happening in other authorities.

Councillor Wilson replied that speed humps were in fact very effective although he could understand that they were not popular with residents. He said he would be willing to listen to the views of local people and discuss the matter with officers in an attempt to provide the safest outcome.

Question asked by Councillor Ms A. Toon of the Cabinet Member (Community and Social Development)

"At the Council meeting on 30th July last year a group of young skaters and skateboarders asked a number of questions of which one was " Will the Herefordshire Council engage with us as they do with other members of the community i.e. day centres for older residents?" A question that merely required a yes or no to which no clear answer was given.

Since that time these young people Tom Bennet, Steve Brice, Tom Powis, Tom Schofield and James Stephens have formed themselves into a group called Wheeled Sports for Hereford. They have joined together with members from the voluntary and business sectors and members from Hereford City Council. They now seek the willingness of this Council to engage with them. They have identified some land within the city that the owners (subject to planning permission) are prepared to allow to be used as a skatepark, they have identified the design, the durable materials required and the cost with which to create a wheeled sports facility capable of meeting national competition standards.

Fundraising is starting now with local bands playing at local venues to support the cost of the establishment of this new facility.

So I ask again on their behalf, will the Council engage with these young people to support either financially and or in kind to help them achieve their objective of providing a first class wheeled sports facility for the young people of Hereford.

Yes or no will suffice."

Councillor Stockton confirmed that officers from the Council's Youth Service and Sports Development Team had been in discussion with the Wheeled Sports for Hereford group. The Council's Youth Service had recently appointed a Youth Involvement Worker and through that role the Council would be happy to continue a dialogue with the group. It would not be possible for the Council to make a direct financial contribution to the scheme, however, the group had been put in touch with the Herefordshire Partnership Funding Service to help them explore a range of

alternative funding routes.

Councillor Ms Toon thanked the Cabinet Member for his response and invited him to attend a fund-raising event organised by the young people involved.

Questions asked by Councillor Mrs. M.D. Lloyd-Hayes of Cabinet Member (Economic Development, Markets and Property)

"Are there any proposals or considerations in hand at this time to dispose of or sell the freehold of the Maylord Orchards?"

In Councillor Hyde's absence Councillor Phillips replied that there were no proposals or considerations in hand at this time. The Council was in regular discussion with the tenant about the management of the Centre.

Question asked by Councillor K.G. Grumbley of the Cabinet Member (Environment)

"I understand that the Office of the Deputy Prime Minister has been conducting consultations into substantial increases in planning application fees. Would the Cabinet Member (Environment) please inform Council what new fee structure we can expect for planning applications and when it will be imposed?"

Councillor Edwards said that the option for fee increases favoured by the ODPM following the recent round of consultation was one to raise an additional £68 million in the UK from application fee income. Under this option the householder application fee would increase from £220 to £265 and the maximum fee level for major developments from £11,000 to £50,000. This option represented a major step towards full cost recovery and would significantly reduce the cross subsidy from small to large applications. The purpose of the fee increase was to generate additional income to be re-invested in the provision of planning services and to sustain recent performance improvements arising from Planning Delivery Grant. He advised that Planning application fees are set on a national basis and increased fees are likely to be implemented from 1st April, 2005

Councillor Grumbley said that he understood that other options would have been much cheaper or involve no change to the current charging regime and asked if either the Cabinet Member or any other Councillor had been involved in the Council's response to the consultation. Councillor Edwards advised that as Cabinet Member (Environment) responsibility for a response to the consultation rested with him and that Councillor T.W. Hunt, as Chairman of the Planning Committee had also been involved. He stressed that the Planning Department needed to be able to pay its way and could not rely on receiving the delivery grant that it had enjoyed previously. It was important that there was sufficient income generated from application fees and the new proposals would mean that individual applicants did not subsidise larger scale applications.

Question asked by Councillor D.J. Fleet of the Cabinet Member (Economic Development, Markets and Property)

"Are there any proposals for the refurbishment of Hereford Buttermarket, and to bring the condition of the building up to an acceptable standard which reflects its historic form and design."

Councillor Phillips responded on behalf of Councillor Hyde and said that there were no plans at present to do any major work. The possibility of major refurbishment had been discussed but given the large capital investment involved various options for funding such an initiative would need to be considered.

Councillor Fleet expressed disappointment at this reply. He pointed out that the tenants of the Buttermarket, who provided a considerable rental income to the Council, deserved better facilities and urged a programme of refurbishment.

Question asked of the Cabinet Member (Economic Development, Markets and Property) by Councillor D.J. Fleet

"In view of the Nelson Bi-Centenary celebrations this year, are there any firm proposals for the repair and refurbishment of the historic Nelson Monument on Hereford's Castle Green?"

In Councillor Hyde's absence, Councillor Phillips stated that the costs of refurbishing the monument would be considerable and advised that, to mark the bi-centenary a fence would be erected around the monument with two cannons being sited nearby.

He said that a private benefactor had kindly offered to meet part of the cost of the work and this had been accepted.

Councillor Fleet reminded the Leader that a letter had been sent to the residents of Castle Street in 2002 detailing the costs of the improvements which have been the subject of ongoing discussions since then. He was concerned that this historic monument was in danger of falling down and fencing round it would not prevent this.

The Leader advised that the historic setting of Castle Green was the subject of a current lottery bid, as well as a police initiative to improve safety in the area.

57. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

58. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 24th November and 16th December, 2004 and 13th and 27th January, 2005.

In relation to item 2 - Notices of Motion - Councillor Mrs French confirmed that progress was being made on Councillor Mrs. Lloyd-Hayes and Councillor Bowen's motion at the previous Council meeting on the promotion and purchase of FairTrade goods. She said that a report would come back to Council but could not promise that it would be ready in time for the March meeting. She agreed to keep Councillors Mrs. Lloyd-Hayes and Bowen informed of any developments.

In relation to item 3.1 Acquisition of Station Approach Industrial Estate - It was noted that some concern had been caused to tenants of the site by a press release issued by Advantage West Midlands explaining that the Estate was being acquired as part of the long term plans to regenerate the area.

In relation to item 4.1(iii) Learning and Skills Council - Strategic Area Review - in response to concerns that with the proposal to create a new College, the College of Art which had a very good national reputation, might lose its identity, the Leader of the Council said it was important for the County that facilities were available for all young people to acquire a range of skills. Councillor James stressed the importance of ensuring that the Colleges worked together for the benefit of all further education students.

In relation to item 4.2(i) Local Area Forums - The Chairman of the Health Scrutiny Committee urged Council to increase support to the Scrutiny function so that the

Committees could address the suggestion that they consider areas of concern highlighted at Local Area Forum Meeting when formulating and reviewing their work programmes. He also said that the authorities who had performed well under the Corporate Performance Assessment enjoyed well resourced scrutiny functions. Other Members suggested ways of increasing public attendance at Local Area Forum meetings including Local Members being more proactive, e-mail communications with organisations such as Residents' Associations, and additional funding for improving publicity.

In relation to item 4.2(iii) Budget Monitoring 2004/05 - In response to a query on the sale of Trinity House and the move of staff to rented accommodation, the Leader clarified that this sale was part of the overall accommodation strategy aimed at reducing the number of offices the Council occupies, which would, in turn, lead to economies of scale and efficiency savings.

In relation to item 10.1(i) Appointment of Traffic Manager - In response to a comment, the Leader confirmed that the appointment of a Traffic Manager was a statutory requirement and hoped that the appointment would assist in developing a more a constructive and robust relationship with the Highways Agency.

In relation to item 11.1(i) - Reform of the Registration Service - In response to a query Councillor Mrs. French advised that, as the service is developed and modernised, it will not be necessary to attend the Register offices in the Market Towns in person to make an appointment and users will be encouraged to use the INFO shops for this purpose.

In relation to item 11.1(ii) - Implementing Electronic Government (IEG4) Statement - In response to a question about the use of new microphones in the Council Chamber, the Leader stated that the new equipment had been selected because it provided a cost-effective and flexible solution to problems experienced, particularly at Planning meetings, where members of the public found it difficult to hear the discussion. He acknowledged that it would take time to perfect the layout to minimise any safety hazards caused by trailing wires.

In relation to item 11.2(i) - Human Resources Strategy Progress - in response to a query the County Secretary and Solicitor advised that all staff had been given notice of the expiry of current terms and conditions effective on 31st March, 2005, and invited to sign up to new terms and conditions under Job Evaluation/Single Status. In order for the Council to be confident that it would have sufficient staff in post on 1st April to meet its statutory obligations to service users, those staff who had not signed up had received a further letter asking them to sign by a date in February. Those who had not signed up by that date would have the offer of future employment withdrawn. The Leader reminded Council that the job evaluation process had been difficult for employees and one of the most complicated in the country and thanked Members for their support and sensitivity over the last few years.

In relation to item 13.1(i) Extra Housing Care Provision - Councillor James, Chairman of the Strategic Monitoring Committee asked for a revision of the policy of allocation of Social Housing following a failure to satisfy local needs and an increased demand, mainly from outsiders with tenuous links with the County. Councillor Mrs. Barnett, Cabinet Member (Social Care and Strategic Housing), advised that the policy had been revised last autumn but remained under close review.

In response to a question on eligibility criteria for the Extra Care Village - Councillor Mrs. Barnett advised that a draft allocation policy had been drawn up. In the main

applicants should be 60 years of age or over, and in need of additional care. She advised that the project was on target with the planning application due to be considered on 4th March and tendering documents already drawn up.

It was noted that the Social Care and Housing Scrutiny Committee would be reviewing the provision of supported housing for people with mental health problems and tribute was paid to the excellent work being done at Pomona Place, Hereford (high quality temporary accommodation for homeless individuals).

RESOLVED: That the reports from the meetings of Cabinet held on 24th November and 16th December, 2004 and 13th and 27th January, 2005 be received.

59. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 26th November, 2004 and 21st January, 2005.

In response to a query on the Herefordshire Housing Land Study 2004, he confirmed that it would include the number of affordable houses.

In response to a query on reductions in funding available to Parish Plan Committees, he advised that those committees should seek advice from the Forward Planning Department who would provide guidance free of charge.

RESOLVED: That the report of the meeting of the Planning Committee held on 26th November, 2004 and 21st January, 2005 be received.

60. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 30th November and 14th December, 2004.

In response to a query he agreed to write to all Members with figures for the number of taxi licences held and the number of taxis operating in Hereford.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 30th November and 14th December, 2004 be received.

61. STANDARDS COMMITTEE

In the absence of Mr Robert Rogers, Councillor Harling presented the report of the meeting of the Standards Committee held on 3rd December, 2004.

Several Members expressed concern at the role and effectiveness of the Standards Board for England, calling for it to either improve or be abolished.

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

62. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meetings of the Strategic Monitoring Committee held on 12th and 14th January, 2005

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 12th and 14th January, 2005 be received.

63. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 7th December, 2004.

He circulated a newsletter and the West Mercia Police Authority Bulletin and responded to a number of questions as follows:

- The South Wye Police Station in Hereford is sometimes not manned due to illness or other commitments. A phone at the front of the building can be used to contact the central police station. The station is currently looking for volunteers to staff the front desk. Training would be provided to suitable applicants.
- Absence rates in Herefordshire due to illness and other commitments are slightly less than the national average.
- Community Safety Officers do not yet have the power to impose fixed penalty fines.

He agreed to provide written answers to questions about:

- use of Section 61 of the Criminal Justice Act to prevent illegal use by itinerants of local car parks.
- identification of efficiency savings as part of the Gershon review and efforts made to achieve.
- action being taken to improve the quality of life by controlling anti-social behaviour such as high speed car chases and also the number of convictions for these offences.
- contacting the police via e-mail.

The Chairman suggested that, in future, Members provide Councillor Hunt with written questions in good time before the Council meeting to allow him time to research the answers.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 7th December, 2004 be approved.

The meeting ended at 12.25 p.m.

CHAIRMAN