

MINUTES of the meeting of COUNCIL held at The Council Chamber, Brockington, 35 Hafod Road, Hereford. on Friday, 4th November, 2005 at 10.30 a.m.

Present: Councillor J.W. Edwards (Chairman)
Councillor J. Stone (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, M.R. Cunningham, 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, 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, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, J.B. Williams and R.M. Wilson

36. PRAYERS

In the absence of the Dean of Hereford, the Very Reverend Peter Haynes led the Council in prayer.

The Council stood and observed a minutes silence in memory of Councillor George Hyde.

Tributes were paid to Councillor Hyde by the Group Leaders of the Conservative, Independent and Liberal Democrat groups and, in the absence of the Leader of the Labour Group, by the Deputy Leader of the Group.

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.E. Harling, R.M. Manning, Mrs. J.E. Pemberton and A.L. Williams.

38. DECLARATIONS OF INTEREST

Councillor R.I. Matthews declared a prejudicial interest in Agenda Item 15 - Herefordshire Council - Members' Allowances. He left the Council Chamber for the duration of the discussion on this item.

39. MINUTES

RESOLVED: That the minutes of the meeting held on 29th July, 2005 be approved as a correct record and signed by the Chairman.

40. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced the official ceremony for the re-opening of Eign Gate which would take place on Wednesday, 16th November, 2005 at 12.30 p.m. The ceremony would be conducted by Mrs. Jeannette Hyde, who would unveil a

commemorative stone in memory of her late husband, Councillor George Hyde. All Members would receive invitations to attend.

The Chairman congratulated the Chairman of the Regulatory Committee on the Committee's successful handling of the Council's new responsibilities conferred by the Licensing Act 2003. Since assuming its new role the Council had received 1,680 applications, all of which have been dealt with in a most efficient manner.

Council has congratulated the University of Worcester on its successful application for University status.

The Chairman announced that the Civic Service would be held on Sunday, 19th March, 2006 at Hereford Cathedral and asked Members to note this important event in their diaries. He said that further details and invitations would be sent out nearer the date.

PETITIONS

The Chairman received two petitions prior to the meeting. One was in support of the provision of public open space at Dorchester Way, Belmont. He presented this one to the Cabinet Member (Community Services). The other was in support of retaining the pedestrianisation scheme in Widemarsh Street and was presented to the Cabinet Member (Highways and Transportation).

41. 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.

Three related questions were received from Mr. D. Parkhill, Hereford and were included in the agenda and are reproduced below for ease of reference.

- (a) The Environment Agency (EA) has been asked by the council to remove the boats from the river in Hereford. When did this become council policy?
- (b) In 2002 when the EA became Navigation Authority the river in Hereford was navigable and had a daily boat service which provided a much needed and popular tourist attraction for the City. Why has the council not asked the EA to maintain the river to at least this standard?
- (c) When will the council be a significant player in matters relating to the river?

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) responded as follows:

- (a) The Council has been concerned about the appearance of a boat and has taken enforcement action through the Planning system. The Environment Agency has similarly been informed of concerns about boats being moored for long periods and their appearance. Such action does not reflect any change in Council policy.
- (b) Responsibility for the river and its use rests with the Environment Agency and the issues raised are a matter for the Agency to address.

That said, I wish to promote the River Wye as a major positive attribute which needs to be maintained and enhanced to help promote both the City and the whole County for the benefit of tourists, sportsmen and those pursuing other rural hobbies.

I would like to see proper investment by the Navigation Authority in the River with the Environment Agency undertaking necessary maintenance and improvements to enhance and, where appropriate, exploit the attractions of the County's waterways, whilst taking into account the conservation needs of the river, particularly in areas of outstanding natural beauty.

- (c) The Council works with the Agency when issues arise and the Agency requires the Council's input.

Councillor Wilcox said that whilst he was responding as Cabinet Member, he was also the Council's representative on the River Wye Navigation Authority.

42. **QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

The Chairman reminded Council that the Chief Executive was no longer required to read aloud the questions submitted by Members. The questions had been listed in the order in which they had been received and circulated at the beginning of the meeting.

Question asked by Councillor D.J. Fleet

"Can the Cabinet Member (Highways and Transportation) confirm whether or not the new traffic orders for Hereford High Town are now in place?"

Councillor Wilcox, Cabinet Member (Highways and Transportation) reminded Council that the Traffic Regulations introducing revised arrangements for prohibition of parking and loading, prohibition of access and one way traffic came into legal effect on 28th October, 2005.

He advised that the Department for Transport has not finally approved the extensive signage which is needed to support these Orders and to allow the restrictions to be enforced. He said it would not be realistic to expect this work to be completed before the New Year.

Questions asked by Councillor W.L.S. Bowen

"Can you please illuminate the Council on the key elements of the Nottingham Agreement?"

- 1. I note that Hereford is one of the few, but sensible, Councils that have signed the Nottingham Agreement – please could we be informed of our baseline position (particularly re carbon management) and what future actions we will be taking to implement the Agreement?"*

Councillor P.J. Edwards, Cabinet Member (Environment) replied that the baseline position was established as part of the Council's Carbon Management Action Plan, by which it would be delivering the Nottingham Agreement. Greenhouse gas emissions in 2002 amounted to 72,000 tonnes. He advised that the agreement was available for inspection by any interested parties.

2. *"What efforts are being made to encourage the manufacture and use of bio diesel and bio ethanol fuels? How much of these fuels are being made?"*

Councillor Edwards said Herefordshire was being considered as a location for both bio-diesel and bio-ethanol manufacturing plants. Plans for a small to medium size bio-diesel plant had been developed by a local business which was seeking support from Advantage West Midlands and Defra.

He advised that there was a small manufacturer of bio-diesel substitute fuel at Rotherwas Industrial Estate which is selling fuel to a number of customers at a substantially lower price than fossil fuel diesel. The fuel is made from waste cooking oil, much of which is collected from Herefordshire schools.

Councillor Bowen asked if the Council could encourage the manufacture of new fuels, perhaps by relaxing the planning regulations. Councillor Edwards replied that the Council was very active through a number of Environmental Ambitions Groups, but that it would be wrong for the Council to favour one particular company over another.

3. *"Is Hereford Jarvis using bio diesel in its transport fleet. If not, why not?"*

Councillor Edwards advised that Herefordshire Jarvis does not at present use bio-diesel. The group has a purchasing arrangement through Jarvis parent company for fuels, and the Council has asked for the use of bio-diesel to be considered.

4. *"Are we making sufficient attempts to encourage the use of biomass generators for the production of heat and electricity? Can you give me any examples of biomass generators in Herefordshire?"*

Councillor Edwards said that the Climate Change Working Group of the Herefordshire Partnership had assessed the distribution of available sustainable biomass and its report was due to be published along with the final Climate Change Strategy in March 2006. There are a number of biomass heat-only boilers installed in the County, and the Council continues to encourage such facilities at every opportunity.

5. *"Why doesn't the Council re-cycle all the grit and stone picked up by the road sweeping lorries? If other Councils do this successfully – why can't Herefordshire?"*

Councillor Edwards advised that Severn Waste Services (the Council's contractor) is investigating the feasibility of recycling these materials on behalf of both Herefordshire and Worcestershire.

In response to a further question from Councillor Bowen, Councillor Edwards advised that this matter was being actively pursued. The Contractor was arranging for the installation of plant to reduce the mass but warned that much of the material would need to undergo an extraction process to be de-contaminated.

Questions asked by Councillor Mrs. M.D. Lloyd Hayes

1. *"Are the proposals for a corporate building, Library and Hereford Police Station on the Edgar Street Grid, now defunct? If so what was the cost of the DTZ consultation?"*

The Leader advised that he was still waiting to hear from a number of partners who may be interested in sharing a corporate building. He confirmed that the Library

would be an important part of the development of the Grid and that the Police were expected to maintain a presence in the area.

He reminded Council that the DTZ study was commissioned under the previous administration and had a budget limit of £250,000, half of which would be met by Advantage West Midlands and half by the Council. The final costs were £242,211. The DTZ report was submitted as part of the Unitary Development Plan proposals for Hereford City which were still awaiting final determination. He advised that 17 companies had expressed an interest in the regeneration works.

In response to a further question from Councillor Mrs Lloyd-Hayes, Councillor Phillips said he was unaware of discussions being undertaken with any particular supermarket.

2. *"Is there any truth in the rumour that Park and Ride is to be located at the Hereford Race Course?"*

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) confirmed that a review of a variety of sites had been carried out, a preferred site had been selected and work had commenced to progress this. The exact location of the site would remain confidential for the time being to avoid conflicting with commercially sensitive land negotiations.

3. *"When will this Council show some vision and cross-party thinking in order to achieve a County we can all be proud of in 20 to 30 years time?"*

Councillor Phillips reminded Council, that following the 2003 elections he had proposed an all-party administration in order to achieve those objectives. He believed that there was a great deal of evidence to support the Council's commitment to cross-party working and cited the Unitary Development Plan, the Local Transport Plan, development of the Edgar Street Grid as well as the Herefordshire Plan as examples. He spoke of the good work being done in the market towns of Ledbury, Leominster and Ross-on-Wye where local Members from all parties were meeting regularly and discussing issues of importance to their residents and encouraged all Members to come together to discuss matters of mutual interest or concern.

43. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

44. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 1st, 15th and 29th September and 20th October, 2005.

In relation to Item 3.1 - Enforcement of Clean Neighbourhood and Environment Act 2005 - Councillor P.J. Edwards, the Cabinet Member (Environment) answered a number of questions on this matter. He advised that the Council had powers to take enforcement action against landowners who did not keep their grounds in order and that the new Act would confer greater powers in this respect. He said that it was difficult for the Council to police those responsible for causing litter or those who allowed their dogs to foul pavements and other public areas and that the costs associated with clearing such mess was ultimately borne by the Council Tax payer. The introduction of the new fines would help to redress the balance. He advised that organisers of major events should work closely with the street cleaning staff to ensure that appropriate cleaning took place. He confirmed that one additional officer

had been appointed to supplement the existing staff, in addition to the three dog wardens currently employed by the Council. He advised that no fines had yet been issued for the offence of causing litter but that two had been issued for dog-fouling and several other for related offences such as allowing dogs off leads in restricted areas.

In relation to Item 4.1(i) - Capital Strategy - In response to a query about the cost of a new corporate building, the Leader agreed that, whilst awaiting other representations, the Council would continue to pursue the Plough Lane option. He agreed that the intention was for a cost neutral solution taking account of the disposal of other Council property. He confirmed that local Members would be informed of any decisions to dispose of properties in their wards but was not yet in a position to give any indication of the timing of such disposal.

In relation to Item 4.2(iii) - Community Forums - In response to concerns about poor attendance at Community Forum meetings, the Leader advised that he met with the Chairmen of the Community Forums and Cabinet Members after each round of meetings and they would continue to explore ways of encouraging attendance. He asked Members to play their part in this process.

In relation to 5.1(i) - Safeguarding Children - In response to a number of queries regarding the number of children involved, the age of transition from children's services to adult services and associated support, Councillor D.W. Rule, Cabinet Member (Children's Services) said that the Council had 170 looked after children. The Leader referred Council to the agenda to the Cabinet meeting held on 29th September, 2005 which contained a full report on the matter. Councillor Rule agreed to provide additional information after the meeting.

In relation to Item 11.1(i) - Herefordshire Thinks Rural - Councillor J.C. Mayson, Cabinet Member (Rural Regeneration and Strategy) acknowledged the decline of the agricultural economy of the County over recent years. The Leader reminded Council that Herefordshire, as an agricultural county, was a minority in an urban nation. He said that changes to the Common Agricultural Policy would have a profound effect on the landscape which was also a key factor in the County's tourism industry.

In relation to Item 11.1(ii) - Relocation of the Livestock Market - Councillor Mayson agreed to explore the use of Herefordshire Matters as a means of encouraging greater public involvement in the debate over the relocation of the Livestock Market.

In relation to Item 12.1(i) - Housing Strategy for Herefordshire - In response to a comment, Councillor Mrs. L.O. Barnett, Cabinet Member (Social Care Adults and Health) agreed that the Housing Strategy was a very important document. She agreed that the Council must address the considerable challenge of providing sufficient affordable accommodation in the County and urged that applications for permission for such accommodation be treated more favourably.

In relation to Item 12.1(ii) - Herefordshire Older People's Strategy - In response to a query, Councillor Mrs. Barnett said that the plans for the Extra Care Village were progressing well. It was not possible, at this time, to say whether a replacement building would be constructed on the same site as Disraeli Court but she gave an assurance that the existing residents would be found suitable alternative accommodation. She reminded Council that older people, in the future, might have very different requirements to those of today's elderly.

In relation to Item 12.1(iii) - National Health Service Organisational Change - In response to a number of queries, Councillor Mrs. Barnett assured Council that the

Council and the Primary Care Trust were working closely together, being involved in joint discussions and pooling of resources, each playing their part in the delivery of integrated health services.

RESOLVED: That the reports from the meetings of Cabinet held on 1st, 15th and 29th September and 20th October, 2005 be received.

45. STANDARDS COMMITTEE

In the absence of Mr. Robert Rogers, Councillor J.W. Edwards, the Chairman of the Council presented the report of the meetings of the Standards Committee held on 26th July and 7th October, 2005.

Councillor T.M. James, Leader of the Liberal Democrat Group, paid tribute to the work of the local Standards Committee but expressed concern about the effect the new regulations were having on parish and town councils. He said that the majority of local councillors take on the voluntary, unpaid role in order to give something back to the community, but that the requirements to register their financial and other interests would destroy many parish councils and erode their goodwill and comradeship. He called for the Standards Board for England to be abolished, saying that any complaints about parish or town councillors behaviour could have been dealt with under previous legislation. Councillor Edwards said that parish and town councils were required to obey the law. He agreed that they had a difficult job and said that the Council was always willing to help and support them in any way necessary.

RESOLVED: That the report of the meeting of the Standards Committee held on 26th July and 7th October, 2005 be received and the recommendations set out below be approved:

That two additional clauses be included in the Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters (Appendix 13 of the Council's Constitution) as follows:

- 40. If an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Herefordshire Council, the applicant may speak at committee meetings (subject to Standing Order 5.11 – Public Speaking at Meetings of Planning Committees and Area Planning Sub-Committees) or appoint an agent to speak on his or her behalf.**
- 41. The Chairman of the Planning Committee which will determine the planning application in which a Member of the Council has an interest will appoint another Member of the Council to provide procedural and other advice and information to the applicant, and to the town or parish council concerned.**

46. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meeting of the Regulatory Committee held on 23rd August and 25th October, 2005.

He received a number of congratulations from Councillors, some passed on by members of the public, on the excellent work that had been done by the Regulatory

Sub-Committee following the introduction of the new Licensing Act. He in turn paid tribute to the staff who had supported the work of the committee.

He dealt with a number of queries relating to liquor licensing and taxis.

Liquor licensing - He said that 80% of known premises had applied to have their licences converted. As regards the others, he said that the Council would be taking enforcement action, along with the Police. Initially licence holders would be given the opportunity to submit an application but if there was any crime and disorder or law breaking activity the premises would be closed.

In reply to a criticism that local residents were unaware that pubs would be allowed to open until the early hours of the morning every night, Councillor Matthews said that all local residents were fully informed of the applications for change of opening hours and were invited to raise their concerns. He said that not one application had been granted against police recommendations.

Taxis - some concern was raised about the number of taxi licenses being granted for Hereford City. Councillor Matthews said that the Committee was required to obey government guidelines when processing applications and there was no restriction on the number that could be granted. There was also concern that there were not enough taxi ranks to support the number of taxis, leading to health and safety problems on the road and blocked pavements. Councillor Matthews agreed that the Enforcement Team was understaffed at present and that the situation should improve once it was up to its full quota.

Councillor Matthews agreed to take a report on taxi provision to the next meeting of the Regulatory Committee.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 23rd August and 25th October, 2005 be received.

47. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 26th August and 30th September, 2005.

He advised that the matter of the removal of the earth bund at Hereford City Sports Club had been referred to the Enforcement Team.

RESOLVED: That the report of the meetings of the Planning Committee held on 26th August and 30th September, 2005 be received.

48. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meetings of the Strategic Monitoring Committee held on 26th September and 14th October, 2005.

Councillor J.C. Mayson, Cabinet Member (Rural Regeneration and Strategy) welcomed the opportunity to remind Council that the search for a suitable site for the relocation of the livestock market was continuing. He said that the call-in of the decision to name a preferred site at Stretton Sugwas gave the Cabinet the opportunity to announce this change to the original decision.

Councillor S. Thomas, Chairman of the Health Scrutiny Committee confirmed that all interested parties, including district nurses, were being consulted in the review of GP out of hours services.

In response to a series of questions, it was confirmed that youth services were currently the responsibility the Cabinet Member (Community Services) but that this was likely to be re-allocated to the Cabinet Member (Children's Services) in line with the recommendations of the Youth Matters Green Paper. This would require an amendment to the Council's Constitution which was expected in early 2006. It was confirmed that the youth service caters for those aged 13-19 years.

In response to a call for a realistic budget to be set for Adult Social Care in the next financial year, the Chief Executive reminded Members that the responsibility for setting the Policy Framework and Budget rested with the Council as a whole, although the Executive (Cabinet) had the right to consider and advise on those issues before a decision was taken by Council.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 26th September and 14th October, 2005 be received.

49. AUDIT COMMITTEE

In the absence of the Chairman of the Committee, Councillor A.C.R. Chappell, Councillor Mrs. Robertson presented the report of the meeting of the Audit Committee held on 30th September, 2005.

Corporate Risk Management and Audit Planning - concern was raised about school transport, as it was claimed that, once the initial criteria for eligibility had been satisfied, no further checks were carried out.

RESOLVED: That the minutes of the meeting of the Audit Committee held on 30th September, 2005 be received.

50. INDEPENDENT REMUNERATION PANEL

Having declared a prejudicial interest, Councillor R.I. Matthews left the meeting for the duration of the discussion on this item.

Councillor J.W. Edwards, the Chairman of Council presented the report of the meeting of the Independent Remuneration Panel held on 3rd October, 2005.

In response to a number of queries and comments, the Chief Executive advised that the Independent Remuneration Panel was an advisory body only and that, although only two members of the panel had attended the meeting the others had been sent the notes of the meeting, including the recommendations for comments.

In referring to a letter from UNISON that had been circulated to all members of the Council, prior to the meeting, he regretted that the union did not wish to be represented on the panel but hoped they would participate in the future. He apologised for not recording the reasons for their non-attendance in the report to Council.

It was noted that, if parish and town councils decided to pay allowances to their Councillors, it would be for each individual council to determine the level of allowances and these would be met from the parish precept.

He advised that it was for Council to determine whether it wished to approve the recommendations of the Panel.

RESOLVED: That the report of the meeting of the Independent Remuneration Panel held on 3rd October, 2005 be received and that the recommendations set out below be approved.

- That
- (a) The Councillors' Allowances Scheme be amended to provide that the Special Responsibility Allowance payable to the Chairman of the Council's Regulatory Committee be increased from Band 4 to Band 3 on an interim basis until the next review of the scheme, from 1 April 2005, to reflect the recent increase in responsibility and frequency of meetings;
 - (b) the Panel meet during 2006/07 to review the Council's Members' Allowance Scheme in advance of the May 2007 local elections and taking into account practice elsewhere in the Country; and
 - (c) work be carried out on measurement of Members' performance and a report submitted to a future appropriate meeting;
 - (d) Town and Parish Councillors be eligible to claim reimbursement for travel associated with their parish council duties at the same level as Herefordshire Council elected Members (currently 40p per mile);and
 - (e) before any recommendation be made by the Panel on level of town and parish council allowances, HALC, the Market Town Councils and Hereford City be asked about interest in introducing a scheme for payment of a Parish Basic Allowance, and, if interested, to present information on time commitment and level of responsibility and comment in support.

51. CASUAL VACANCY IN TUPSLEY WARD

Council noted the report of the Returning Officer about the arrangements for a bye-election in the Tupsley Ward following the death of Councillor G.V. Hyde.

52. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 20th September, 2005.

Police Restructuring - Councillor Hunt reminded Council of the presentation it had had from the Chief Constable of the West Mercia Constabulary immediately prior to the meeting. He said that the Police Authority supported the proposal to form a West Mercia Strategic Police Service, as any of the other proposals would be likely to lead to a reduction in policing performance in the County. The Leader of the Council expressed concern about the impact any changes to the structure of the police force might have on the County. The Leader of the Liberal Democrats said that the police should be looking at a Herefordshire Police Force within the Strategic Force to ensure that local priorities were met. Councillor Hunt was concerned that there was no mention of who would bear the costs of the restructure and how the per capita budget would be allocated.

Councillor Hunt responded to a number of questions and comments. He agreed that

future reports should include a glossary of terms; he said that a police presence would be maintained in Leominster Town Centre but that the main station would be re-located to premises on the industrial estate.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 20th September, 2005 be approved.

53. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor G.W. Davis presented the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 13th June and 23rd September, 2005.

In response to a query about a new Fire Station in Hereford he said that there was a 10-year refurbishment and new build programme for Fire Stations across the authority's area. The Hereford Station would be unlikely to be affected for at least another five or six years.

He confirmed that the regional fire control centre for the West Midlands was to be located in Wolverhampton and that its success would depend on significant development and investment in communications provision among other things.

RESOLVED: That the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 13th June and 23rd September, 2005 be received.

The meeting ended at 1.10 p.m.

CHAIRMAN