

**MINUTES of the meeting of COUNCIL held at The Council Chamber, Brockington, 35 Hafod Road, Hereford. on Friday, 10th February, 2006 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. W.U. Attfield, Mrs. L.O. Barnett, W.L.S. Bowen, H. Bramer, R.B.A. Burke, 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, 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, R.V. Stockton, D.C. Taylor, Mrs E.A. 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

**54. PRAYERS**

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

**55. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs. E.M. Bew, P.E. Harling, Miss F. Short and A.L. Williams.

**56. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor	Item	Personal/ Prejudicial
Mrs. P.A. Andrews	Cabinet Report Item 9.1(ii) Widemarsh Street, Hereford	Personal
Mrs. W.U. Attfield	Cabinet Report Item 4.1(iii) Hereford City Council Service Level Agreement with Herefordshire Council, and Item 6.1(ii) Voluntary and Community Sector Support Strategy	Personal
A.C.R. Chappell	Cabinet Report Item 4.1(iii) Hereford City Council Service Level Agreement with Herefordshire Council, and Item 6.1(ii) Voluntary and Community Sector Support Strategy	Personal
J.W. Edwards	Cabinet Report Item 8.1(i) - Update on the Operation of the Herefordshire Code of Practice for the Temporary Agricultural Use of Polytunnels	Prejudicial
D.J. Fleet	Cabinet Report Item 9.1(ii) Widemarsh Street, Hereford	Personal
Mrs. M.D. Lloyd-Hayes	Notice of Motion	Personal

R.J. Phillips	Cabinet Report Item 9.1(ii) Widemarsh Street, Hereford	Personal
J.P. Thomas	Cabinet Report Item 12.1(iv) Community Equipment/Independent Living	Personal
Ms A. Toon	Cabinet Report Item 9.1(ii) Widemarsh Street, Hereford, and Item 4.1(iii) Hereford City Council Service Level Agreement with Herefordshire Council	Personal
D.B. Wilcox	Cabinet Report Item 9.1(ii) Widemarsh Street, Hereford	Personal

**57. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 4th November, 2005 be approved as a correct record and signed by the Chairman.

**58. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman congratulated Councillor Mrs. E.A. Taylor on her recent election as Councillor for Tupsley Ward and welcomed her to her first meeting of the Council.

He also welcomed Mrs. Sonia Rees, the Director of Resources.

He announced the death of Mr. Graham Morgan, who had previously served as a Councillor on the Herefordshire Council and prior to that on the South Herefordshire District Council.

He confirmed the appointment of Mr. Clive Richards OBE as Chairman of the Edgar Street Grid Regeneration Company and Jonathan Bretherton as the Chief Executive.

**PETITION**

The Chairman received a petition prior to the meeting from the Jason Jones Memorial Committee which is seeking to find land where they can supervise youngsters riding their bikes and also offer health and safety advice etc. He passed the petition to Councillor R.V. Stockton, Cabinet Member (Community Services).

**59. 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 more than six clear working days before the meeting. Eight questions had been received in time to be included in the agenda. The questions and responses are set out below:

**Question from Philip Taylor, Hereford**

*"Following the last full council meeting on 4th November 2005 I was so pleased to hear the leader of the council, Cllr Roger Phillips' reply to the question put to him by Cllr Marcelle Lloyd-Hayes. She asked him whether there were any discussion being held regarding putting a supermarket on the Edgar Street Grid. He replied, "No, not to my knowledge, not at all."*

*My question is, whether we, the public, can be reassured that Cllr Phillips' assertion at the last full council meeting on 4th November 2005, that he did not know of any*

*discussions being held regarding putting a supermarket on the Edgar Street grid, will indeed mean that no supermarket will be build on the grid. I am also opposed to the Tesco supermarket being transferred from the Bewell Street site. As a 21 year old post graduate currently training Worcester University for my PGCE, I feel it would be better for Hereford not to have any additional supermarket there. We need many more things for the youth of Hereford, not a supermarket."*

Councillor R.J. Phillips, the Leader of the Council responded by saying that the Edgar Street Grid masterplan envisages the development for retail and mixed uses of the Livestock Market site and provision for an enhanced retail development which complements existing city centre uses. The emerging Unitary Development Plan provides for what is described as a Class A1 retail use. This Class embraces all forms of retail, including but not limited to food retail. No specific proposals are yet available for the form that this retail provision will take. The masterplan also lists additional uses for the Edgar Street Grid site, such as cultural and leisure facilities. The final retail use of the Market site will be subject to planning permission which will include further consultation.

#### **Question from Rob Hattersley, Hereford**

*"Have the Council done an assessment of the economic impact on the city centre of any increase in retail capacity on the Edgar Street grid and if not, do they intend to? Will the Council publicise the results of such an economic impact assessment, and provide time for public debate and scrutiny to allow city centre retailers and their customers a chance to add their voice to the debate? How important do the Council believe it is to prove that the diversity of Hereford city centre will be enhanced and not compromised by competition from big off-centre retailers, before giving those retail developments the go-ahead?"*

The Leader replied that work undertaken for the Unitary Development Plan has included a Retail Assessment which identified a range of additional retail provision which is necessary if Hereford is to maintain its role and status as a sub-regional shopping centre. Provision for such development is made in the Plan, including the Livestock Market site. To this end the site has been included within an expanded Central Shopping and Commercial Area. These provisions in the Plan have all been considered by the independent Inspector at the UDP Public Inquiry in 2005. He will recommend on the need for further retail provision and whether such new development should be located as proposed on the Livestock Market site. Impact assessments are not required for town centre uses which are within the defined city centre. The Leader reiterated his previous answer and confirmed that, as part of the planning permission process, reports will be made available for public scrutiny and result in public debate.

#### **Question from Edward Owen, Hereford**

*"I just wanted to raise a few questions for discussion at the next council meeting about a use for the old Denco car park. I understand there has been some interest in using the site for some sort of skatepark and I wanted to address this issue.*

*I have been involved in skateboarding for over 5 years now and over that time I have seen that sport, along with BMX and rollerblading, become very popular, to the point where I feel it warrants as much attention as sports like football. However, activities such as football are catered for very well, with facilities for its pursuit widely available, in contrast to skateboarding which is ignored. If skateboarding were even nearly as popular, then why is it so poorly catered for ?*

*Hereford is a large city, but, after the decommissioning of the ramps at Whitecross, it has only one real dedicated location for skateboarding, the park in Newton Farm. The construction of the small skatepark in Hunderton is a step towards improving the situation, but it is not nearly enough. There is no easily accessible, well designed skatepark to cater for the large numbers of young people who need somewhere in Hereford. Why does the council treat skateboarding differently ? Obviously skating in schools or other public places is restricted, yet the council does not provide an alternative.*

*Wouldn't it make perfect sense to use the site in question to construct a skatepark which would fill the void that currently exists? Is the council even aware that it needs to do something to correct the problem of young people not having a dedicated site ?*

*I have heard news over the past few years of various plans to build a good skatepark in Hereford, but they have all gone nowhere. Does the council realise that this is the best chance to finally give the 'wheeled sport enthusiasts' of Hereford what they need ?*

*The situation of a skatepark in Hereford needs to be resolved, and this is the perfect opportunity to do so. The site near Denco would be a great location, so why not make use of it?"*

#### **Question from Spencer Davies**

*"My names spencer davies. Im 17 yrs old, i go to HCS college. Im emailing you about the new idea of a skatepark being built near the leisure centre. Im a skateboarder and i skate pretty much all the time out of college hours. I'm so glad to hear that theres actually thoughts about a new park being built north of the river.*

*However, as good as it is to hear this idea, it could also go horribly wrong.. What do i mean by this?*

*Ive been and seen a number of places around the UK and USA. Ive recently watched a video where a pro skateboarder was asked to plan a "skate plaza" in the town of kettering, Ohio, USA. What he did was go to the street spots where he skated, take measurements, ideas and whathaveyou and try and REPLICATE these spots. Its not necessarily a skate park but a "park to skate in" if you see what i mean?*

*It doesnt even need to be so high tech with so many ramps and huge out of proportion obstacles, it could be so much more simple. i.e. these street spots that we want to skate so much yet we get kicked off by the staff, managers, security and then the police. The latter occurs because we go back to the place as we love it so much.*

*I dont really have any major questions to ask... but all i want to say is dont make a park with no planning and thoughts which will end up not being used to its full capacity (which is what we want right?). If anyone needs a guidance just take a look at recent projects in the UK (stoke-on-trent plaza and prissick plaza in middlesbrough)."*

#### **Question from Christian Montez**

*"Don't you think that it is about time for people of Hereford to get a decent skate park. We skate the streets and get treated like terrorists, frowns and abuse from passers by, stopped and searched by the police. It isn't even illegal to skateboard*

*through high town, even though we get threatened with legal action and the confiscation of our boards. Even if you ask the police to quote which laws you are breaking they can never tell you. We cant skate the parks because they are either too dangerous due to them falling apart such as white cross, or they are been used as crack dens and or places where prostitutes practice their arts such as under the ramps at newton farm. The council at the moment are surly liable for being sued for the state of the ramps at white cross, if someone comes off and slices themselves open on the splintered de-laminating wood it think you guys would be in trouble.*

*It is about time the north of Hereford got a skate park, and a decent one at that. Hereford has now got a large growing population of skateboarders, bmx riders and bladers etc that need to be accommodated. Its about time the backwards people in Hereford got down of their high chairs and did something that they didn't directly got a benefit from. If they are that worried about young people in town, build the park at Denco. It is perfect! easy access from town, down the back of Sainsbury and there are already plenty of zebra crossings in place for people to safely cross.*

*Common guys don't you think its time you did something for us? after all we are going to be the people in charge of your nursing homes ;)"*

#### **Question from Eliot Sargeantson, Fownhope**

*"just a letter to say , lately there has been a lot of hassle from police and members of the public about skaeboarders and bmxers riding in and around town, although i have been told by a member of Hereford council that it is legal to skateboard in town, the police are saying otherwise. there is currently nothing available on the north side of the river and i was wondering whether anything is going to be done about it. i have asked several times over the period of the last six years and nothing has ever come of it. please help us out."*

#### **Question from Nick Galloway**

*"Why? unlike every other major city and country in Europe has Hereford taken so long to acknowledge these activities as serious and permanent sports and leisure activities, that are soon to be acknowledged by other nations as Olympic sports come Beijing 2008, and why it has become such a long winded process since most elder members of the public lived through the boom during the 1970s and why the opinion of Hereford's public has changed so dramatically in the last 30 years?"*

Councillor Stockton Cabinet Member (Community Services) said that the acceptance of skateboarding as a legitimate sports and leisure activity by the Herefordshire Council and its predecessor Councils has been well founded. Provision for young people has been afforded at Ross-on-Wye and at two locations in Hereford City over the last decade.

The reasons why such provision has not been extended or developed are twofold: there has never been, until now, a co-ordinated body of support for the activity that have served to develop the sport at a local level, and it has not been possible to identify an appropriate site to develop a large-scale facility to service the needs of experienced participants.

Although it is recognised that significant efforts have been made to resolve these issues, there is still a great deal of work to be done to ensure that these essential building blocks are in place.

Skateboarding and bmx bike racing in themselves are not illegal activities. The question of illegality will depend on the specific location of activity and impact that it

has on the safety and wellbeing of others. On grounds of health and safety, the Whitecross facility was decommissioned in August of last year. A replacement structure of the same material will not be contemplated. Any new facility will be properly commissioned to ensure sustainability and fitness for purpose.

The Council are working in partnership with others, such as Hereford City Council, to try and identify a suitable site for the development of a stand alone facility for skateboarders and practitioners of wheeled sports.

The Council continues to investigate the potential of the site of the former Denco car park for the provision of a dedicated skatepark facility.

#### **Question from Lionel Meredith, Hereford**

*"Can the tax payers be made aware of the financial cost of the failure of Herefordshire Council to locate relevant case notes in a recent case (September 2005) concerning street trading and what action has been taken to ensure that such mismanagement will not reoccur?"*

Councillor Mrs. J.P. French, Cabinet Member (Corporate and Customer Services and Human Resources) replied that the Council's Legal Services Section has an enviable record of success in prosecutions brought on behalf of Herefordshire Council. Most recent available figures demonstrate a success rate of in excess of 95% better than that achieved by other public bodies. Success rate is not the only or best measure of effectiveness. It would be easy to achieve 100% success by only taking the most straightforward cases.

The case in question was one where the defendant was initially convicted in connection with the prosecution brought by the Council in the Magistrates Court. The defendant appealed to the Crown Court on six grounds, all of which, with the exception of one technical argument were rejected by the Court. However, in view of the fact that one of the arguments succeeded, the appeal was allowed. No costs order was made against the Council. The defendant was entitled to costs from "central funds" which means effectively that he will be paid by central government. An order for costs from central funds is the usual order where it cannot be established, to the Courts satisfaction that the prosecuting Council was unreasonable in bringing the case.

The sole ground of appeal, which was allowed by the Court, was a temporary inability to produce a bound volume of resolution of the Council in the shadow period in 1997 prior to it becoming operational from 1st April 1998. Procedures have been reviewed with regard to record keeping in respect of historic resolutions of Council. This will ensure that these can be readily produced in future should technical arguments again be raised by defendants in any future prosecutions.

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

Councillors may ask questions of Cabinet Members and Chairmen of Committee so long as a copy of the question is deposited at least 24 hours prior to the meeting. A list of questions, set out in the order in which they had been received, was circulated at the beginning of the meeting.

#### **Question asked by Councillor J Stone**

*"Will the Cabinet Member (Highways and Transportation) raise with the Highways Agency and the Chief Constable the serious impact of traffic diversion on villages like Luston when the A49 is closed due to accidents which happen with increasing*

*frequency?"*

Councillor D.B. Wilcox Cabinet Member (Highways and Transportation), agreed to do so, but reminded Council that there are often few options in choosing the diversion routes which are signed when incidents occur and, even then, some drivers seem to ignore them on occasions. He advised that the Traffic Management Act 2004 had imposed new duties on the Council to facilitate traffic movement on both its own highway network and those of other highway authorities, such as the Highways Agency. In developing a comprehensive Network Management Plan for the County, it is intended that a series of key diversion routes will be reaffirmed or revised, supported by detailed operating plans, to support the use of those routes during emergencies. The Police will be included in consultations about these diversion routes.

In response to a further question Councillor Wilcox agreed that the accident record on the A49 was very bad. He said that he had been involved in discussions with the Director of Environment and the Highways Agency. A speed limit study was being undertaken between Hereford and Leominster and a safety review in Ashton was nearing completion which should lead to the introduction of a package of safety measures. Although the Council could continue to pursue a solution, he was reluctant to commit any Council funding for something which was the responsibility of the Highways Agency. He reminded Council that a reduction in the number of serious and fatal road accidents was a feature of both the Local Area Agreement and the Local Public Service Agreement.

**Question asked by Councillor DJ Fleet**

*"In view of the Council's commitment to re-furbish High Town to a similar level of the recent refurbishment of Eign Gate, can I be informed what was the total cost for the Eign Gate refurbishment including all Design Fees, Hire charges for plant and equipment, together with the Greyfriar's storage compound and other ancillary charges. Also costs for street furniture, lighting and trees etc."*

Councillor Wilcox confirmed that the Eign Gate refurbishment project was the first stage of the wider refurbishment of the city centre. The project costs to the end of January 2006 were £650,000 and within budget. These costs included design fees and contractors costs.

Individual parts of the refurbishment work, such as street lighting and trees, form part of the itemised contract for construction of the scheme and were commercially confidential. Contractors plant and equipment, together with temporary storage facilities, were incorporated into unit prices for the works contract.

In response to a further question Councillor Wilcox confirmed that the costs as at January 2006 amounted to £650,000 and that some final invoices were still to be settled. He agreed that £2 million had been allocated to refurbish the City Centre and that, although High Town was the priority, other works would be undertaken within the budget, as appropriate.

**Question by Councillor Mrs. E.A. Taylor**

*"Regarding the pedestrianisation of Widemarsh Street, I realise that the disabled parking bays in Widemarsh Street will be lost and would like to know whether the Council has considered the possibility of making disabled parking available in the area known as Norgate Street, opposite Barclays Bank? This would be approached via West Street, turning left into Norgate Street and parking in up to eight angled bays facing Barclays Bank. Altering this junction, by cutting back the pavement, which juts out, would also assist coaches approaching the Cathedral."*

Councillor Wilcox stated that when Cabinet decided to retain the Widemarsh Street pedestrianisation scheme, it also agreed to consider a range of further measures to

address many of the concerns raised during consultation on the experiment.

He advised that a review is currently being carried out of options for improving parking and waiting facilities for disabled drivers, taxis and coaches. This review will incorporate the potential to use the area at the northern end of Broad Street (Norgate Street) for parking or waiting. However, this area is open to through traffic outside the pedestrianised hours and he had some concerns about the potential for conflict between disabled vehicles and through traffic if angled parking bays were to be introduced.

He confirmed that the junction of Broad Street and West Street would be adjusted to assist turning by long vehicles such as coaches, and these works were expected to be put in hand during the summer.

Councillor Mrs. Taylor thanked the Cabinet Member for his response and urged him to look again at facilities for disabled drivers.

#### **Questions to be asked by Councillor Mrs MD Lloyd-Hayes**

1. *"Much as I support the Extracare housing project I cannot support the proposed closure of the Rose Garden in Ledbury Road for two years, this large open space is used on a daily basis by many members of the community.*

*Additionally the closure of the footpath would cause great inconvenience to the public as it is a much used route by all ages to schools and to the city centre. Why cannot the council make arrangements for part of the site to be available to the public and arrange for the footpath to be diverted during the build?"*

Councillor Mrs Barnett, Cabinet Member (Social Care Adults and Health) said that, with regards to the closure of the Rose Gardens open space, a Public Notice was placed in The Hereford Times in December advising of the Council's intentions with particular regard to disposal of a small section of the open space adjacent to the existing access road to enable the creation of an improved access to the proposed Extra Care site, and the temporary closure of the remainder of the open space for a period of two years. Objections or queries were invited to the proposals outlined in the Notice. As a result some concerns were raised by the local Member and some members of the public. These concerns were discussed at a meeting that she had attended along with the Cabinet Member (Community Services), and officers and the disposal of part of the Open Space was agreed together with the temporary closure of the remainder of the site for a maximum period of two years.

Further details were presented at the meeting with regard to the extent of the Flood Alleviation Works and Improvement Works proposed for the Rose Gardens site. A briefing for local members had therefore been arranged for 10th February.

A public consultation event was being arranged for 21st February between 1.30pm and 6.00pm, at Brockington. This would provide an opportunity to view the development proposals and the works proposed to the open space. Written representations will be invited through the Public Notice.

The Housing Association developing the Extra Care Scheme are seeking closure of the footpath only, for a period of eight weeks to enable improvements to the access road running parallel to the footpath. Councillor Mrs. Barnett regretted any inconvenience this would cause to those who used the footpath.

Councillor Mrs. Lloyd-Hayes asked why consultation had not taken place prior to the public notice being published. Councillor Mrs. Barnett replied that, in an effort to progress matters quickly, some things may not have been done in the right order, but these were being put right.



2. *"Following the commendable work by Jarvis of cutting back the dense vegetation from Eign brook alongside the Extracare development, will the Council continue to keep the brook clear of debris on a regular basis as it flows between the Meadowbank development and Brookside area en route to the river?"*

Councillor Mrs. Barnett advised that the Council was responsible for ensuring that the Eign Brook was properly maintained and would continue to discharge its responsibilities for maintenance and supervision of this critical watercourse. The Council is currently liaising with the Environment Agency who will be taking over responsibility for critical ordinary watercourses in the County in the near future.

## 61. NOTICES OF MOTION UNDER STANDING ORDERS

Councillors Mrs M.D. Lloyd-Hayes had submitted the following notice of motion:

***I would like to propose that the recently vacated Denco car park site, adjacent to the Hereford Leisure Centre be the location for a skatepark facility to serve the many young people who have been working towards this objective for more than a decade.***

*The vacated Denco site is not in a residential area and planning permission for change of use to a Skatepark was granted in November 2005 . This is a unique opportunity for the local authority to actively support young people. No other suitable site has become available for years and the Leisure Centre will benefit from increased usage.*

*In collaboration with other partners, we believe this site would provide a much needed resource for young people, improving health, reducing anti-social behaviour and providing much needed pleasure. We would welcome the investment of the Herefordshire Council for our younger generation.*

Although Urgency had been requested, under SO 4.22.2 the Chairman ruled that the matter was not urgent, as the Leader had provided an assurance that no irrevocable steps would be taken prior to a report being submitted to Cabinet.

Councillor Mrs. Lloyd-Hayes moved urgency and that motion was duly seconded. However, the motion was defeated and the matter was referred to the relevant Cabinet Member for potential consideration by Cabinet.

## 62. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 17th November and 15th December, 2005 and 12th and 26th January, 2006.

**In relation to Item 1.1 - Review of the Constitution** - In response to a query the Leader confirmed that Councillor Mayson, as Cabinet Member (Rural Regeneration and Strategy) would be responsible for all Markets within Herefordshire, including Hereford Livestock Market. If this was not sufficiently clear in the redrafting then the necessary drafting amendments would be made under delegated powers.

In response to a request for the re-instatement of Programme Panels to allow Members a voice when issues relating to their wards were being considered, the Leader advised that best practice indicated a developing role for Members in scrutiny committees rather than the re-introduction of Programme Panels. This also reflected

how other local authorities were operating.

**In relation to Item 3.1 - Bargates Air Quality Management Area** - In response to concerns about the timescale for improvements, the additional traffic likely to be generated from the additional homes to be built at Baron's Cross and the effect this would have on the health of local residents and on their property values, Councillor P.J. Edwards, Cabinet Member (Environment) advised that the proposals for improvements would be the subject of public consultation. The timing would be closely related to other planned development and improvement in the area. The junction at Bargates would be improved to increase the flow of traffic, reduce the impact of any additional traffic volume and improve air quality. He said he understood the Local Members' frustration but stated there was no intention of putting an additional bypass in place around Leominster. Local Members would be invited to participate in the consultation exercise.

**In relation to Item 4.1(iii) - Hereford City Council Service Level Agreement with Herefordshire Council** - In response to a query the Leader confirmed that an assessment had not yet been made of the impact any changes to the SLA would have on the services provided in the City.

In response to a number of questions about the provision of a skate park on the Denco car park site the Leader advised that there was still a considerable amount of work to be done before a final decision would be made. Outstanding issues include responsibility for management of the site and responsibility for health and safety. Several members called for a quick decision and further talks with interested parties.

**In relation to Item 4.1(iv) - Police Restructuring in England and Wales** - A number of concerns were raised about the impending restructuring: including the consultation which was considered inadequate, the cost and who would pay, the effect on service delivery and whether West Mercia Police Authority could be dissolved without the agreement of the constituent Councils. The Leader confirmed that, with the consent of the other political groups, he would write to the Home Secretary expressing the Council's concerns about the proposed restructuring. He would also work with the other local authorities involved.

**In relation to Item 4.2(i) - Comprehensive Performance Assessment: Corporate Assessment and Joint Area Review** - In response to a number of comments and concerns about the Council's assessment, particularly with regard to "staying safe" the Leader agreed that the matter was serious, but was being addressed through an improvement plan which would seek to provide sufficient capacity and finance to deliver an appropriate level of service. Councillor D.W. Rule, MBE, Cabinet Member (Children and Young People) advised that officers would be looking again at the thresholds for identifying vulnerable children, which would provide the necessary reassurance that no child was overlooked. He praised the work of those responsible for the care of "looked-after" children and agreed that addressing the shortage of staff would be a major factor in improving the service for these and other vulnerable children.

Councillor Mrs. J.P. French, Cabinet Member (Corporate and Customer Services and Human Resources) acknowledged that it was difficult to recruit experienced social workers who seemed to prefer to work for County Councils, rather than rural Unitary authorities. She said the Council must look at how to make the best use of the existing experienced staff and train junior staff to develop the requisite skills. She advised that changes to working practices, including the introduction of front and back office staff would help to improve the service.

Councillor T.M. James, Chairman of the Strategic Monitoring Committee, said that prior to the inspection Members had been unaware of the scale of the problems relating to recruitment and retention of staff and urged Council to identify sufficient funding to ensure that the proposed improvements can be implemented.

**In relation to Item 4.2(iii) - Proposals for 2006/07 Capital Programme** - In response to a query the Leader confirmed that the Council would be carrying out a programme of improvement to buildings to comply with the Disability Discrimination Act. The work was scheduled over a number of years because of the large number of premises the Council was responsible for.

With regard to the funding for a replacement school at Hunderton, Councillor Rule, the Cabinet Member (Children and Young People) confirmed that the Council had been unsuccessful in its two bids for government funding.

**In relation to Item 5.1(i) - Youth Matters - Green Paper** - In response to a number of comments about involving young people in decisions which affected their lives and in particular provision of leisure facilities and access to transport, the Leader reminded Council of the forthcoming elections for a Youth Council which would give young people a greater say in decision making. He said that the Council had a duty to provide facilities for the whole community and access to transport and leisure facilities were big issues for everyone, not just young people, in a rural county like Herefordshire. The Council had a history of forming partnerships with other organisations to help deliver such services.

**In relation to Item 7.1(i) - Implementing Electronic Government 5 Return** - In response to a question about provision of IT in schools, Councillor Mrs. French, Cabinet Member (Corporate and Customer Services and Human Resources) advised that officers continued to work with schools to resolve issues which were generally to do with information security.

Council noted that, although the Council's website was rated, technically, as the best local authority website in the country, some of the information was out of date.

Councillor French agreed that staff should be trained to receive compliments and complaints, particularly from those who had difficulty or were unable to read or write and proposed that this be done through staff briefings.

**Councillor J.W. Edwards, having declared a prejudicial interest in the following item vacated the Chair and left the Council Chamber while the item was discussed**

**Councillor J. Stone assumed the Chair.**

**In relation to Item 8.1(i) Update on the Operation of the Herefordshire Code of Practice for the Temporary Agricultural Use of Polytunnels** - In response to a number of comments about the operation of the voluntary code, Mr. Kevin O'Keefe, the Legal Practice Manager, advised that it would be premature for the Council to take account of a recent decision in Surrey, which was still subject to appeal, and could be varied, revoked, or confirmed. He confirmed that he was closely monitoring the situation as part of the ongoing review process. Council noted that it was important to balance the sometimes conflicting demands of agriculture and tourism.

**Councillor Edwards returned to the Chamber and resumed the Chair.**

**In relation to Item 8.1(iv) - Herefordshire 'Unitary Development Plan (UDP): Inspector's Report** - in response to a query about the lack of Labour and Liberal

Democrat members on the Unitary Development Working Group, the Leader advised that the Working Group would advise Cabinet on the Planning Inspector's recommendations. Councillor P.J. Edwards, Cabinet Member (Environment) said that the Working Group's first meeting would take place in early March and that details of the Inspector's draft report would be released to all Local Members and the public as soon as it was received.

**In relation to Item 9.1(i) - Concessionary Fares Scheme** - Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) confirmed that the concessions applied to all those over the age of 60 and the disabled. Although the Government's proposals recommended that the scheme should operate between 9.30 am and 11.00 pm this restriction would not apply in Herefordshire.

**In relation to Item 9.1(ii) - Widemarsh Street Hereford - Review of Experimental Pedestrianisation** - In response to a request that the street be re-opened to traffic at 5.30 pm rather than 4.30 pm, Councillor Wilcox, Cabinet Member (Highways and Transportation) reported that there was an ongoing survey of traffic to assist in deciding the best time to re-open the street. He said he had had no formal request from the Police to vary the 4.30 pm opening.

In response to a request that the city centre car parks be changed from "pay and display" to "pay on exit", he said this would be unlikely to happen because it would require staff to be on site to deal with any breakdown in equipment, with the associated additional costs of employment.

He did not agree that the pedestrianisation of Widemarsh Street was having an adverse effect on Broad Street and King Street, but confirmed that the proposed changes to the access at West Street would make it easier for coaches and lorries to negotiate the turning.

In response to a query about increased traffic on the Edgar Street Roundabout, he confirmed that the traffic lights at the roundabout, and on the approach roads, would be reprogrammed to improve the traffic flow.

He acknowledged the assistance provided by the Community Services Scrutiny Committee through its consultation with the public. He said that, although it would be impossible to please everyone, he felt that the majority of those consulted, apart from the taxi drivers and the Cathedral, were in favour of the scheme. Councillor A.C.R. Chappell, Chairman of the Community Services Scrutiny Committee regretted the negativity that he had experienced from some of those consulted. He cited previous occasions when various parts of the city had been pedestrianised with no apparent loss of income to the city. He suggested that the local and regional press be approached to publicise the additional benefits pedestrianisation will bring to shoppers and visitors.

**In relation to Item 12.1(iii) - Herefordshire Housing Post Transfer Improvement Programme** - Councillor Mrs. M.D. Lloyd-Hayes advised that, as the Housing Corporation would be carrying out an inspection of Herefordshire Housing Limited, the Adult Social Care and Strategic Housing Scrutiny Committee did not feel it needed to be included in its workplan.

**RESOLVED:** That the reports from the meetings of Cabinet held on 17th November and 15th December, 2005 and 12th and 26th January, 2006 be received and the recommendations set out below be adopted:

That (a) the duties previously assigned to the County Treasurer (including Section 151 Officer) be re-assigned to the Director of

**Resources;**

- (b) the duties previously assigned to the County Secretary and Solicitor (including Monitoring Officer) be re-assigned to the Head of Legal and Democratic Services;
- (c) Cabinet Member portfolios be revised so that the Cabinet Member (Community Services) takes responsibility for Common Land (including Council-owned Commons and determination of any complaints about the management of the Council's Commons) and Public Rights of Way; the Cabinet Member (Children Services) takes responsibility for Youth Services (but see para (d)); and that the Cabinet Member (Resources) takes responsibility for Housing Benefit;
- (d) the Children's Services portfolio be renamed Children and Young People to reflect its enhanced role;
- (e) in the case of unexpected vacancies arising in Cabinet the Leader be authorised to re-assign responsibilities within the Cabinet, until such time as the Council has an opportunity to review the situation or to appoint a Cabinet Member to the vacant post;
- (f) SO 6.2.2.1 - Terms of Reference for Cabinet be amended to include responsibility for Risk Management;
- (g) the following words be added to S.O. 2.11 of the Constitution "There are additional rights of access to documents for Members of overview and scrutiny committees as set out in Regulation 18 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000."
- (h) Councillors' rights to inspect documents and proposals set out at Appendix 4 of the report be endorsed;
- (i) the rules relating to the co-ordinating role of the Strategic Monitoring Committee be revised as set out in Appendix 5 of the report;
- (j) the Independent Remuneration Panel at its next scheduled meeting in September 2006 considers whether the post of Chairman of the Audit Committee should be entitled to a Special Responsibility Allowance;
- (k) Appendix 4 - Financial Regulations, paragraph 6.2 be amended to include "Where the signature is printed on the cheque by a Council system, the signature will be that of the Director of Resources.";
- (l) Appendix 23 - Allocation of Miscellaneous Functions be revised to correct typographical errors at items 14 and 31;
- (m) a revised Appendix 6 Appointment and Discipline of Employees (attached) be approved; and
- (n) the Political Group Leaders be asked to consider what changes they might wish to make to the membership of the Constitutional Review Working Group to ensure that political proportionality across the Council is more closely reflected, and subject thereto, the Chief Executive be authorised to implement the appointments notified by the four Political Group Leaders.

For the avoidance of doubt Council was also asked to confirm that the Cabinet

**portfolio for Cabinet Member (Rural Regeneration and Strategy) be revised under delegated powers to make it clear beyond doubt that the portfolio holder was to take responsibility for all Markets within the County.**

**63. PLANNING COMMITTEE**

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 25th November, 2005 and 20th January, 2006.

In response to a concern about the number of planning applications being submitted retrospectively, Councillor Hunt advised that there were established procedures for dealing with retrospective applications and details would appear in the new Planning Chairman's newsletter. Various views were expressed including lobbying central government for a change in the law, or for some form of penalty to be imposed on those who build without the necessary permissions. Some concerns were raised over whether retrospective applications were treated more or less favourably than others. Members were urged to exercise caution and ensure that all planning applications, including retrospective applications were considered on their planning merits, and that there should be no presumption, either in favour of, or against, retrospective applications.

**RESOLVED: That the report of the meetings of the Planning Committee held on 25th November, 2005 and 20th January, 2006 be received.**

**64. REGULATORY COMMITTEE**

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 29th November 2005, and 31st January, 2006.

**RESOLVED: That the report of the meetings of the Regulatory Committee held on 29th November, 2005 and 31st January, 2006 be received.**

**65. STANDARDS COMMITTEE**

In the absence of Mr Robert Rogers, Councillor J.W. Edwards presented the report of the meeting of the Standards Committee held on 2nd December, 2005.

**RESOLVED: That the report of the meeting of the Standards Committee held on 2nd December, 2005 be received.**

**66. STRATEGIC MONITORING COMMITTEE**

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 26th January, 2006.

**RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 26th January, 2006 be received.**

**67. RESULT OF THE TUPSLEY BY-ELECTION**

Council received formal notification of the results of the Tupsley By-Election held on 1st December, 2005.

The full result of the by-election was as follows:

Elizabeth Ann Taylor	Liberal Democrat	831
John Walter Perris	Conservative	608
Guy Griffiths	Independent	274
John Henry Olivier	Labour	118
Richard Thomas	Independent	56

Council noted that the four political group leaders had agreed to increase the membership of the Children's Services Scrutiny Committee by one to enable Councillor Mrs. Taylor to serve on that Committee pending the review of Committee membership at the annual meeting of Council in May.

**68. WEST MERCIA POLICE AUTHORITY**

Councillor B Hunt presented the report of the West Mercia Police Authority held on 13th December, 2005. He referred Members to the Newsletter he had circulated at the beginning of the meeting which included an update on the restructuring of the police service. Councillor Hunt was asked if he could ask the Police to look at how incidents of malicious reporting were investigated and agreed to do so.

**RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 13th December, 2005 be received.**

The meeting ended at 1.08 p.m.

**CHAIRMAN**