

CORPORATE AND CUSTOMER SERVICES

Director: Mrs. J.E. Jones

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: AMcL/CD

Please ask for: Mrs. C. Dyer

Direct Line/Extension: (01432) 260222

Fax: (01432) 260249

E-mail: cdyer@herefordshire.gov.uk

5th May, 2006

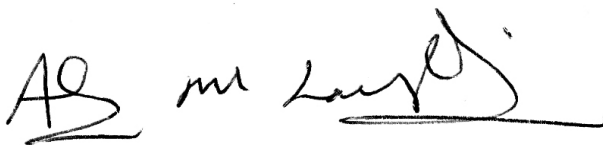
Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the annual meeting of the County of Herefordshire District Council to be held on **FRIDAY, 12TH MAY, 2006** at Shirehall, Hereford at **10.30 a.m.** at which the business set out in the attached agenda is proposed to be transacted.

Council will be asked to approve the Community Strategy which is enclosed with the agenda as well as the Statement of Community Involvement and the Children and Young People's Plan for Herefordshire which were circulated separately. Please bring these documents to the meeting.

Please note that 30 car parking spaces will be reserved at the Shirehall and 10 car parking spaces at the Town Hall for elected Members.

Yours sincerely,



A.J. McLAUGHLIN
HEAD OF LEGAL AND DEMOCRATIC SERVICES



A G E N D A

COUNCIL

Date: **Friday, 12th May, 2006**

Time: **10.30 a.m.**

Place: **Shirehall, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

*Christine Dyer, Members' Services
Manager and Executive Officer*

**Tel: 01432 260222, e-mail:
cdyer@herefordshire.gov.uk**

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the COUNCIL

To: All Members of the Council

	Pages
<p>1. CHAIRMAN To elect the Chairman of the Council.</p> <p>Note: The Vice-Chairman of the Council will preside during the election for the Chairman of the Council.</p>	
2. PRAYERS	
<p>3. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on this Agenda.</p>	
5. VICE-CHAIRMAN To appoint the Vice-Chairman of the Council.	
<p>6. MINUTES To approve and sign the Minutes of the meeting held on 10th March, 2006.</p>	1 - 10
<p>7. APPOINTMENT OF THE LEADER OF THE COUNCIL To appoint the Leader of the Council.</p>	
<p>8. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES</p> <p>(a) To make appointments to the positions of Cabinet Members, Chairmen and Vice-Chairmen of committees, the appointment of which is reserved to Council;</p> <p>(b) to establish the allocation of seats to political groups based on proportionality and to agree arrangements for making the necessary adjustments to proportionality based on appointments to individual committees in order that proportionality can be applied across the Council as a whole; and</p> <p>(c) to make arrangements for such appointments to committees and other bodies as may be necessary.</p> <p>Note: The Council may be asked under this item to confirm or agree alternative arrangements for appointments to Committees and other bodies pursuant to Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990 as amended.</p>	11 - 18
<p>9. CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.</p>	
<p>10. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.</p>	19 - 22

11. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS	
To receive any written questions.	
12. NOTICES OF MOTION UNDER STANDING ORDERS	
To consider any Notices of Motion.	
13. CABINET	23 - 32
To receive the report and to consider any recommendations to Council arising from the meetings held on 16th and 30th March and 20th and 27th April, 2006.	
14. STRATEGIC MONITORING COMMITTEE	33 - 42
To receive the report and to consider any recommendations to Council arising from the meeting held on 10th April, 2006.	
15. STANDARDS COMMITTEE	43 - 46
To receive the report and to consider any recommendations to Council arising from the meetings held on 17th February, 10th March and 21st April, 2006.	
16. AUDIT COMMITTEE	47 - 50
To receive the report and to consider any recommendations to Council arising from the meetings held on 20th February and 7th April, 2006.	
17. REGULATORY COMMITTEE	51 - 54
To receive the report and to consider any recommendations to Council arising from the meetings held on 28th February and 18th April, 2006.	
18. PLANNING COMMITTEE	55 - 60
To receive the report and to consider any recommendations to Council arising from the meeting held on 3rd March and 21st April, 2006.	
19. CASUAL VACANCY IN THE KERNE BRIDGE WARD	61 - 62
To formally receive notice of the resignation of Councillor Mrs. R.F. Lincoln and to note the steps to be followed to fill the resulting casual vacancy in the Kerne Bridge ward.	
20. WEST MERCIA POLICE AUTHORITY	63 - 66
To receive the report of the meeting of the West Mercia Police Authority held on 21st March, 2006. Councillor B. Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.	
21. DATES OF FUTURE MEETINGS	
To confirm dates for Council meetings in the year 2006/07 as follows:	
Friday, 28th July, 2006	
Friday, 10th November, 2006	
Friday, 9th February, 2007	
Friday, 9th March, 2007 (To set the Council Tax) (Shirehall)	
Friday, 27th April 2007	
Friday, 25th May, 2007 Annual Council (Shirehall)	

All meetings will commence at 10.30 a.m. and will be held in the Council Chamber, Brockington, 35 Hafod Road, Hereford unless advised otherwise.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- A member of the public may, at a meeting of the full Council, 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 that question is deposited with the County Secretary and Solicitor more than seven clear working days before the meeting i.e. by close of business on a Tuesday in the week preceding a Friday meeting.

Please Note:

Agenda and individual reports can be made available in large print, Braille or on tape. Please contact the officer named below in advance of the meeting who will be pleased to deal with your request.

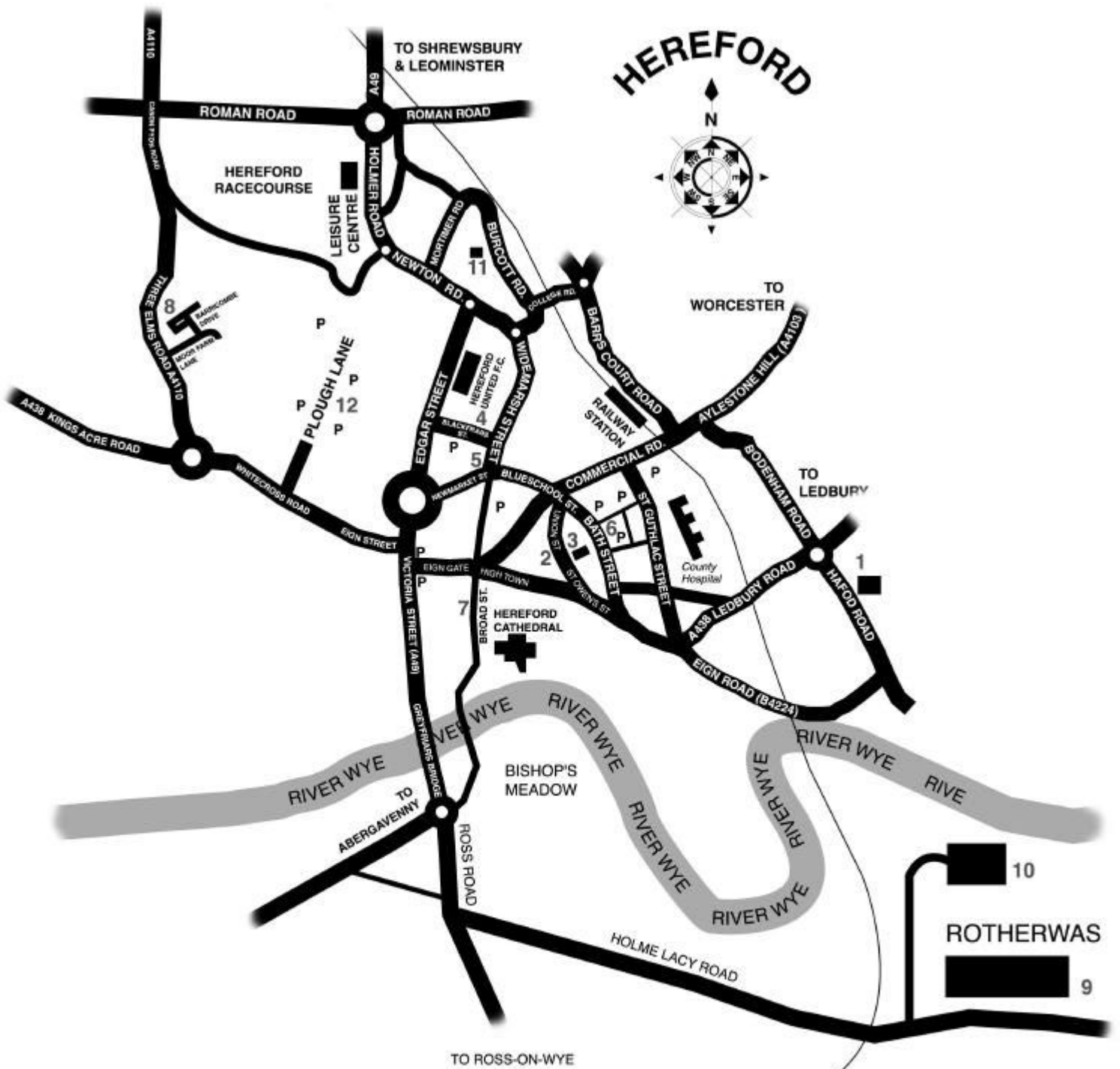
The meeting room is accessible for visitors in wheelchairs via the main entrance by prior arrangement. Please telephone 01432 272395

A map showing the location of the Shirehall can be found opposite.

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning Mrs Christine Dyer on 01432 260222 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.



- | | | | |
|---|------------------|----|-----------------------------------|
| 1 | Brockington | 7 | Kemble House |
| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre |
| 4 | Education Centre | 10 | Herefordshire Commercial Services |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

FIRE AND EMERGENCY EVACUATION PROCEDURE

IN CASE OF FIRE

(no matter how small)

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

ON HEARING THE ALARM

Leave the building by the nearest exit and proceed to assembly area on:

GAOL STREET CAR PARK

Section Heads will call the roll at the place of assembly.

MINUTES of the meeting of COUNCIL held at The Assembly Hall, The Shirehall, Hereford on Friday, 10th March, 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, P.E. Harling, 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, 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, Mrs E.A. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

69. PRAYERS

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

70. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. E.M. Bew, J.W. Newman, Mrs. J.E. Pemberton.

71. DECLARATIONS OF INTEREST

There were no declarations of interest made.

72. MINUTES

The Chairman advised that the list of attendees would be amended to include Councillor Mrs. E.A. Taylor, and apologised to her for the omission.

RESOLVED: That, subject to that amendment, the minutes of the meeting held on 10th February, 2006 be approved as a correct record and signed by the Chairman.

73. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that the Civic Service would be held on Sunday, 19th March at 3.30 pm in the Cathedral and that the Dean of Hereford, the Very Reverend Michael Tavinor would be in attendance.

The Chief Executive announced that the Council has received the Inspector's report on the Unitary Development Plan and that there would be a confidential briefing for Members at the conclusion of the Council meeting.

74. 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 Head of Legal and Democratic Services more than six clear working days before the meeting. No such questions had been received.

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

Councillors may ask questions of Cabinet Members and Chairmen of Committees so long as a copy of the question is deposited with the Head of Legal and Democratic Services 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.

Councillor D.J. Fleet had submitted two questions. The Chairman ruled that the second of these could be dealt with at Item 1.2 of the Cabinet Report to Council - Revenue Budget 2006/07 (see Minute No 77).

Question asked by Councillor D.J. Fleet.

"Is the refurbishment of Eign Gate now complete? If so when will Members be informed of the final total cost of the works together with the cost of street lights, furniture etc."

Councillor Wilcox, Cabinet Member (Highways and Transportation) replied that the Eign Gate refurbishment scheme was substantially complete. He said that although final accounts for the scheme were yet to be confirmed, the current costs were £662,427, against a capital budget allocation of £680,000. He did not expect that the final costs would be significantly different and would arrange for Councillor Fleet to have the details as soon as possible.

In response to a further question from Councillor Fleet, Councillor Wilcox said he was unaware that the lighting columns were lit for 24 hours a day and would investigate the matter with a view to them being lit during periods of darkness only.

Question asked by Councillor W.J. Walling

"In the light of the considerable amount of disquiet that has been expressed by very many members of the public to me and my colleagues concerning the proposals for the refurbishment of High Town, disquiet which I and my colleagues share would this Council please consider deferring the much reduced and disappointing plans for the refurbishment until next year, leaving the Widemarsh Pedestrianisation scheme time to settle and avoiding all the highly disruptive stop-start refurbishment work, which will be caused by the Mayfair and the Three Choirs Festival?"

Councillor Wilcox advised that future uncertainties regarding local authority funding made it imperative for this refurbishment work to be done by the end of the 2006/2007 financial year, or the opportunity to fund the work may be lost. High Street was now open and would stay open until after the May Fair, when work would start in High Town. The scheme would be done in five stages to minimise disruption but still allow the work to proceed as quickly as possible. The work in High Town would stop for the Three Choirs Festival, when the works compounds would be removed, and continue afterwards until expected completion in mid November.

In response to another question about the wisdom of continuing with this work during the Three Choirs Festival and the effect that would have on the image of the County and on the Council, Councillor Wilcox stated that a considerable amount of funding would be lost if the works were not carried out during the proposed period. He said he was conscious of the effect of works on the A49, and the Victoria Footbridge, but these works could not, safely, be put off any longer. He restated the intention to minimise any inconvenience during the Three Choirs Festival itself.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes

"Due to the proposed temporary closure of the Victoria Footbridge, has the Council investigated the erection of a Bailey/Temporary Bridge across the River Wye to accommodate the hundreds of people who cross the bridge on a daily basis?"

Councillor Wilcox stated that the refurbishment of Victoria Footbridge was a complex engineering operation requiring closure of the bridge during the whole of the summer (May to October).

He said that the feasibility of providing a temporary alternative during the works had been investigated but, quite apart from the fact that a suitable site would have been difficult to find, the costs involved would have been in the region of £250,000. This would have had a significant impact on the funding for the Council's bridge maintenance programme across the County.

Councillor Mrs. Lloyd-Hayes said that her investigations had led her to believe that a temporary bridge could be provided for £56,000 and she would be willing to approach businesses south of the river for contributions in return for advertising, to off-set the costs.

Councillor Wilcox said that the works required would have to comply with Environment Agency regulations and although £56,000 may be the initial sum quoted for a basic crossing, it was not a realistic figure for the whole scheme.

Question asked by Councillor W.L.S. Bowen

"Can the Council be informed as to the recreational activity that is to be permitted and encouraged on those parts of the River Wye that flow through Herefordshire and perhaps, in particular, through the City of Hereford?"

Councillor Wilcox replied that, in relation to 'permitting' proposals for recreational activities on those parts of the River Wye running through Herefordshire, the Council's regulatory powers included certain boat licensing and those that fall within the category of 'development requiring planning permission'. Where they fall within that category proposals would be considered in the light of policies set out in relevant Local Plans and the Unitary Development Plan, other material planning considerations and the Habitats Regulations 1994. He advised that if a use resulted in a 'statutory nuisance' then the Council had powers to take action against this.

The Council's current policy was contained in the Unitary Development Plan. The Council was developing a policy in relation to the use of River Wye which includes recreational and leisure activities, being mindful that it can only seek to influence other bodies and organisations who may wish to undertake such activities.

Question asked by Councilor W.L.S. Bowen

"Are there any plans to make use of the flow of the river for the generation of electric (or any other) power? Are there any plans for the commercial use of the river that

would also respect the environmental integrity of the river?"

Councillor P.J. Edwards said that the Council was not aware of any firm proposals for using the flow of the River Wye to generate electricity, but was aware that a number of groups were looking at opportunities for utilising weirs or traditional water mills for this purpose. He was not aware of any specific plans or proposals for commercial uses that combined with measures to respect the environmental integrity of the river.

In response to a further question Councillor Edwards said harnessing the flow of the River Wye may not be practical but he would be happy to discuss best practice with neighbouring authorities.

The Chairman spoke of the Environment Agency's efforts to assist migratory fish and the effect this might have on the ability of the River Wye to generate power.

76. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

77. CABINET

Before calling on the Leader of the Council, to present the report of Cabinet, the Chairman advised that the Revenue Budget and Council Tax for 2006/07 would be debated at page 17 of the agenda. If any Member wished to move an amendment, they should do so once the Leader had proposed the Council Tax and Budget. Once the Council had agreed the whole of the Cabinet report, it would move to item 10 of the agenda to set the Council Tax and Revenue Budget for 2006/07, formally, in accordance with the legislation.

Councillor Fleet was reminded that his question about the Service Level Agreement with Hereford City Council would be dealt with under this item

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 23rd February, 2006

In relation to Item 1.1 Corporate Plan 2006/09 - Councillor Phillips reminded Council that the Corporate Plan covers a three year period and sets out the Council's intentions for its contribution to the Herefordshire Plan and its own organisational improvement. It includes performance measures and targets for 2006 to 2009, actions to achieve them, associated risks and their mitigation and the resources to be allocated.

In relation to Item 1.2 - Revenue Budget 2006/07 - Councillor Phillips presented the Corporate Management Board's proposals for the Revenue Budget for 2006/07. The proposals had been endorsed by the Budget Panel, consisting of the Group Leaders and Union representatives; and by the Strategic Monitoring Committee and Cabinet. He reminded Council that the Government had introduced a new approach to calculating Formula Grant allocations known as the "Four Block Model" that deals in cash grant rather than assumptions about spending. He said that the new system was less transparent than the previous system and thought it would be unsustainable beyond two years. He was concerned that the new system shifted the council tax burden from urban to rural authorities and felt that central government needed to carry out a spending review to address the situation.

He spoke of the devolved budgets for schools (4.3% in 2006/07 and 4% in 2007/08)

which would be useful for medium term financial planning but was concerned about a rise in the non-schools budget of only 2.4% which would not meet the previously agreed salary increase of 2.9% or the expected strain on pension costs over the next two years. He said that the predicted rise in fuel and vehicle running costs would have a serious impact on providing services in Herefordshire.

He spoke of the rising demand for essential services, such as safeguarding children, care of the elderly, the disabled, those with learning difficulties and the mentally ill.

He said that the proposed increase in Council Tax was 4.7%, which was below the Government's recommended maximum level of 5% and was comparable to other local authorities and with the Fire and Police Authorities (4.9%). However, he understood that this would still be a burden for the large numbers of people in Herefordshire who were on a low or fixed income.

He reminded Council that despite Herefordshire's budget being 8% below the average for all Unitary authorities in the Country it had achieved a good CPA score for value for money and use of resources. He confirmed that the Council had achieved £3 million efficiency savings last year and had pledged to realise another £1.65 million next year.

He proposed that the overspends in the Social Care budget and in the Property budget be written off. He said that the biggest challenge for the County continued to be in Social Care, and that this was the same across the country with many other authorities having large overspends on the Social Care Budget. Nationally, there has been a shift, over the past few years, of patients from NHS to local government services. There were many reasons for this, but Herefordshire was likely to be particularly hard hit due to a rapidly increasing older generation. There would also be continuing pressures on the learning disabilities budget, as parents and carers grew older and Primary Care Trust contracts were reduced or withdrawn. He asked the Scrutiny Committees to consider recent trends in provision of services as a model for future delivery.

Councillor D.W. Rule, MBE, Deputy Leader of the Council, spoke in support of the proposals and said the Council had a duty to provide services in the most cost-effective way possible.

Councillor T.M. James, Leader of the Liberal Democrat Group, said that the Council had a painful, but not difficult, decision to make on the level of council tax because of the restrictions imposed by central government. He said that he had abstained from voting the previous year because of concerns over the level of the social care budget particularly in those areas which did eventually overspend such as care of the elderly and for children. He said that council tax was a bad tax that fell on those least able to pay and that central government needed to think about how vital local services could be better funded.

Councillor R.I. Matthews, Leader of the Independent Group fully supported the proposals but was concerned about the impact of a 4.7% increase on those least able to pay. He said the Council should be making every effort to save money where possible and provide good value for money.

Councillor Phillips agreed with the comments and said that central government needed to engage with local authorities on the best way of providing funding for local services.

Councillor Phillips, then responded to the following question previously submitted as a written question by Councillor D.J. Fleet

"Has the assessment been made yet on the impact to future services provided in the City resulting from the change to Hereford City SLA. If so what services are affected and to what extent?"

Councillor Phillips replied that there had been a series of discussions through the course of the current financial year about the extent of the Service Level Agreement for grounds maintenance within the Hereford City area. The Council was eventually advised that the City Council would seek to reduce their contribution to the Service Level Agreement by £80,000 for the financial year 2006/07. That advice came too late for the Council to review the specification for the forthcoming year, although no funding was included to meet inflationary or budget overspend pressures. He said there would be no adverse impact on this year's Three Choirs Festival. This will need to be examined in future years, but it was hoped there would be minimal impact on the Three Choirs Festival.

Councillor Fleet said the City Council needed to know where the money was being spent. He was grateful that there would be no impact on the city during the forthcoming year and that works on parks and gardens, the refurbishment of High Town and repairs to the Victoria Bridge and works at Green Street would be continuing. He advised that the money may still be available if the grants criteria could be met.

Councillor Phillips said that the Council would continue to have frank discussions with the City Council on this matter.

In relation to Item 1.3 - Proposals for 2006/07 Capital Programme - The Leader stated that the council's Capital Strategy needs to be integrated with the Medium Term Financial Plan and consequently the Corporate Plan. He highlighted some of the schemes that the Council was already committed to, and recommended a number of new schemes: the Museum Resource and Learning Centre phase 3, redevelopment of Pembridge Travellers' site, improvements to public toilet facilities, Disability Discrimination Act compliance work and the replacement of schools at Hunderton. A number of other schemes were identified should any of the proposed schemes be delayed. He advised that the capital programme would be monitored with reports back to Cabinet and Strategic Monitoring Committee on a regular basis throughout the year.

In relation to Item 4.i(i) - Joint Area Review - Improvement Plan - In response to a query the Leader confirmed that a report was expected from the relevant Minister by mid-March, but that work had already started on implementing improvements.

RESOLVED: That the reports from the meetings of Cabinet held on 23rd February, 2006 be received and the recommendations set out below be adopted:

- That (a) the Corporate Plan 2006/09 be approved, subject to any changes being made to reflect the new Herefordshire Plan, (depending on its timing) the Local Area Agreement with Government and budget decisions;
- (b) the budget strategy as outlined in the report (paragraphs 1 - 3 of the report refer) be confirmed;
- (c) the Council's responsibilities under Sections 25 - 29 of the Local Government and Finance Act 2003 as outlined in the report

(paragraphs 4 - 9 of the report refer) be noted;

- (d) the position on financial standing and risk as outlined in the report (paragraphs 10 - 13 of the report refer) be endorsed;
- (e) the financial context to the preparation of the budget strategy and detailed budget plans for 2006/07 (paragraphs 14 - 33 of the report refer) be noted;
- (f) the assumptions for funding the revenue budget outlined in the report (paragraphs 34 - 36 of the report refer) be noted;
- (g) the revenue budget proposals for 2006/07 be approved for Council Tax setting purposes, (paragraphs 37 - 40 of the report refer);
- (h) the efficiency plans outlined in the report (paragraphs 41 - 43 of the report refer) be approved;
- (i) the need to develop a robust Service Improvement Programme and deliver the benefits as part of the medium-term financial strategy of using reserves flexibly to deliver a soft landing in planned spending (paragraphs 44 - 46 of the report refer) be endorsed;
- (j) the Supported Capital Expenditure (Revenue) awarded for Children's Services, Transport and Housing provisionally be ringfenced to those areas;
- (k) a minimum level of Prudential Borrowing of £5,843,000 for 2006/07 be approved as set out below:

PRUDENTIAL BORROWING REQUIREMENTS				
	Total	2006/07	2007/08	2008/09
	£'000	£'000	£'000	£'000
2006/07 Bids Recommended by CSG	6,063	3,105	2,258	700
Allocations agreed in 2004/05 to be funded	1,863	813	1,050	
Allocations agreed in 2005/06 to be funded	3,850	2,050	1,800	
Non-earmarked SCE(R) able to fund SSP bids	(250)	(125)	(125)	
Net Prudential Borrowing Required	11,526	5,843	4,983	700
Indicated level of Prudential Borrowing Available	(15,000)	(5,000)	(5,000)	(5,000)
Additional Requirement / (Capacity)	(3,374)	843	(17)	(4,300)

- (l) £5,000,000 Prudential Borrowing be approved for each year 2007/08 and 2008/09 to enable commitments from previous years Prudential Borrowing allocations to be funded and to enable future bids to be considered; and
- (m) the capital strategy permits the ability to re-profile schemes should slippage occur in projects funded by Prudential Borrowing. This flexibility is retained to ensure projects can be brought forward should any Prudential Borrowing become available through slippage.

- (n) the Prudential Indicators detailed in Appendix 3 of the report , which include the projected Capital Programme, be endorsed;
- (o) the Treasury Management Strategy in Appendix 4 of the report be endorsed;
- (p) the borrowing limits outlined in Appendix 4 of the report be approved;
- (q) the Treasury Management Policy Statement at Appendix 5 of the report be approved;
- (r) the Local Transport Plan 2006/07 to 2010/11 be approved for submission to Government with any subsequent editorial changes being delegated to officers, subject to the approval of the Director of Environment following consultation with the Cabinet Member (Highways and Transportation); and
- (s) further representations be made to Government regarding the adverse impact on the Council's future level of funding for integrated transport improvements resulting from the adoption of the new formulaic allocation of Integrated Transport block funding.

78. COUNCIL TAX AND REVENUE BUDGET RESOLUTION 2006/07

Following the resolution at Minute 77 above, it was **unanimously** formally **RESOLVED:**

THAT

- (1) In respect of the Council's 2006/07 Budget:
 - (a) a council tax of £1,043.80 be levied (at Band D);
 - (b) service areas contain expenditure within "cash limits" i.e. outturn budgets with no further allowance for pay or price inflation beyond that already provided; and
- (2) in respect of council tax for 2006/07 that the following amounts be approved by the Council for the year 2006/07 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

(a)	£303,922,929	being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
(b)	£183,637,000	being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
(c)	£120,285,929	being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget

requirement for the year;

- (d) £47,041,744 being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
- (e) £1,073.12 being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £2,000,929 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) £1,043.80 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford & Worcester Fire and Rescue Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992.

- (3) Pursuant to the requirements of the Local Government (Functions and Responsibility) (England) Regulations 2000, any decisions on the application of reserves and balances as required from time to time during the financial year be taken by Cabinet.

79. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 14th February, 2006.

Police Restructuring - The Leader informed Council that all the Councils within the West Mercia region were opposed to a single Regional Force and supported the retention of the West Mercia Constabulary. He said it was important to ensure effective service delivery at the local level.

Capital Programme - Councillor Hunt agreed to respond in writing to a request for details of the Capital Programme.

Ambulance Service - Councillor Hunt referred to the consultations for restructuring of the Ambulance Service and the proposal for a sub-regional structure to be coterminous with the West Mercia Police Authority Area and queried whether this was part of the Government's overall strategy for regional government.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 14th February, 2006 be received.

80. 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 15th December, 2005 and 15th February, 2006.

RESOLVED: That the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 15th December, 2005 and 15th February, 2006 be received.

The meeting ended at 11.45 a.m.

CHAIRMAN

APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, AND APPOINTMENT TO COMMITTEES

Report By: Chief Executive

Wards Affected

County-wide

Purpose

1. To exercise those powers reserved to Council at its annual meeting:
 - (a) to make appointments to the positions of Cabinet Members and chairmen and vice-chairmanships of committees, the appointment to which is reserved to Council;
 - (b) to establish the allocation of seats to political groups based on proportionality and to agree arrangements for making the necessary adjustments to proportionality based on appointments to individual committees in order that proportionality can be applied across the Council as a whole; and
 - (c) to make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. Provision is made within existing budgets for the expenditure that will be incurred on special responsibility allowances.

Appointment of Cabinet Members, Chairmen of Committees, etc.

3. Council is required to make appointments to the offices set out in Standing Order 4.3. S.O. 4.3.9 allows for those Committees that do not have a Chairman elected at the annual meeting of Council to elect their own Chairmen at the first meeting following the annual meeting. This will apply to the Social Care Appeals Panel, Appointments and Contract Review Panel and the Employee Appeals Panel whose memberships vary and are drawn from a wider list of Councillors, and to the Standards Committee which includes non-elected members. Consideration is to be given to the individual Cabinet portfolios as part of the improvement planning process following the Corporate Assessment. The Constitutional Review Working Group has been unable to complete its consideration in time to report to the Annual Council meeting and the Leader will therefore propose extending the existing appointments of Cabinet Members, Chairmen of Committees, etc. as set out in Appendix 1 until the meeting of Council on 28th July, 2006 when the report of the Constitutional Review Working Group will be available.

Allocation of Seats to Political Groups and Appointments to Committees

4. The Local Government and Housing Act 1989 and Regulations require the allocation of committee seats to political groups to be in proportion to the size of those groups on the Council and that the Council reviews that allocation each year at the Annual Meeting. The requirement is for representation to be proportional on each committee and across the relevant committees taken as a whole.
5. The membership of the political groups has changed as a result of the Tupsley By-election in December 2005 and the current vacancy in the Kerne Bridge ward. However, this report assumes that:
 - the Conservative and Independent Groups will continue to form the administration and hold between them all the seats on Cabinet;
 - that the Liberal Democrats and the Labour Group will wish to continue in an opposition role holding the majority of Scrutiny Chairmanships and Vice-Chairmanships.
6. It has also been assumed that Members of Council will continue in their declared political groups. The political balance is currently: Conservatives: 21; Independents: 15; Liberal Democrats: 17; Labour: 4, with one vacancy.
7. Under executive arrangements the strict calculation of proportionality required by the Local Government and Housing Act 1989 is across all standing committees and the Scrutiny Committees only. The strict calculation does not include the seats on Cabinet. However, it is assumed that Council will wish to continue with the arrangement whereby the opposition continue to hold the majority of the seats on the Strategic Monitoring Committee, by virtue of holding the majority of Chairmanships and Vice Chairmanships of the Scrutiny Committees, balancing those held by the administration on Cabinet.
8. Such alternative arrangements can only be made where they are approved by Council without any Member voting against. This is known as a nem con vote by the Council. Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity.
9. If the nem con vote is not approved it would not be possible to maintain the convention of allocating the majority of Scrutiny Chairmanships and Vice-Chairmanships to the opposition Group as this would mean that the Strategic Monitoring was not politically proportionate. If the alternative arrangements are not approved, the Chief Executive, in consultation with the Group Leaders, will have to exercise his delegated powers to make any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments in accordance with the nominations of the political group leaders.

Appointment to Committees, Etc.

10. Under Standing Order 4.4.1.1 Members appointed to Committees retain their seats until the annual meeting after the next ordinary election. It is only necessary

therefore to make new appointments to give effect to any changes in proportionality or where Members wish to resign their current appointments. However, account will need to be taken of the need to allocate seats to any Chairman and Vice-Chairman already appointed by Council. These adjustments will be dealt with by Group Leaders following the annual meeting and the new appointments will be made by the Chief Executive giving effect to the notification given by Group Leaders using his delegated powers. Council is also asked to authorise the Chief Executive, in consultation with the Group Leaders, to make any adjustments to Committee memberships once the result of the By-Election for Kerne Bridge is known. It is also proposed that in accordance with past practice the newly appointed Chairman of the Southern Area Planning Committee be formally appointed to serve on the Planning Committee.

11. It is helpful for the Chief Executive, in consultation with the group leaders, to have delegated authority to adjust the size of committees and/or bodies as this can be important in ironing out inequalities in the application of the rules on proportionality.

Appointment to Bodies by Reference to Area

12. Membership of the Planning Area Sub-Committees is determined in accordance with Ward membership. There is an exception in the Local Government (Committees and Political Groups) Regulations 1990 which enables appointments to be made to groups composed of all the Councillors for an area without the rules on proportionality being applied. Those groups and their membership are set out at Appendix 2 for information.

RECOMMENDATIONS

- THAT (a) the arrangements for appointments to committees and other bodies be agreed;**
- (b) that existing office holders of the offices described in Appendix 1 be confirmed until the Council meeting on 28th July 2006 when it is anticipated that the report of the Constitutional Review Working Group will be available.**
- (c) the Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders, including any changes that will be necessary following the by-election for the Kerne Bridge ward.**

BACKGROUND PAPERS

None identified

**AGENDA ITEM 8
APPENDIX 1**

Cabinet Member (Children and Young People)	D W Rule, MBE	Ind
Cabinet Member (Community Services)	RVS Stockton	Con
Cabinet Member (Corporate and Customer Services and Human Resources)	Mrs. JP French	Con
Cabinet Member (Economic Development)	Vacant	
Cabinet Member (Environment)	PJ Edwards	Ind
Cabinet Member (Highways and Transportation)	DB Wilcox	Con
Cabinet Member (Resources)	RM Wilson	Ind
Cabinet Member (Rural Regeneration and Strategy)	JC Mayson	Ind
Cabinet Member (Social Care Adults and Health)	Mrs LO Barnett	Con
Chairman of Audit Committee	A.C.R. Chappell	Lab
Vice-Chairman of Audit Committee	Vacant	
Chairman of Planning Committee	TW Hunt	Con
Vice-Chairman of Planning Committee	JB Williams	Ind
Chairman of Regulatory Committee (and Regulatory Sub-Committee)	RI Matthews	Ind
Vice-Chairman of Regulatory Committee (and Regulatory Sub-Committee)	Brig P Jones, CBE	Con
Chairman of Strategic Monitoring Committee	TM James	Lib Dem
Vice-Chairman of Strategic Monitoring Committee	Mrs P A Andrews	Lib Dem
Chairman of Adult Social Care and Strategic Housing Scrutiny Committee	Mrs MD Lloyd-Hayes	Lib Dem
Vice-Chairman of Adult Social Care and Strategic Housing Scrutiny Committee	Mrs PA Andrews	Lib Dem
Chairman of Children's Services Scrutiny Committee	BF Ashton	Lib Dem
Vice-Chairman of Children's Services Scrutiny Committee	JP Thomas	Lab
Chairman of Community Services Scrutiny Committee	ACR Chappell	Lab
Vice-Chairman of Community Services Scrutiny Committee	H Bramer	Con
Chairman of Environment Scrutiny Committee	JHR Goodwin	Con
Vice-Chairman of Environment Scrutiny Committee	WLS Bowen	Ind
Chairman of Health Scrutiny Committee	WJS Thomas	Lib Dem
Vice-Chairman of Health Scrutiny Committee	TM James	Lib Dem
Chairman of Central Area Planning Sub-Committee	DJ Fleet	Lib Dem
Vice-Chairman of Central Area Planning Sub-Committee	R Preece	Lab
Chairman of Northern Area Planning Sub-Committee	JW Hope, MBE	Con
Vice-Chairman of Northern Area Planning Sub-Committee	K Grumbley	Con
Chairman of Southern Area Planning Sub-Committee	PG Turpin	Ind
Vice-Chairman of Southern Area Planning Sub-Committee	Vacant	

MEMBERSHIP OF AREA BASED BODIES

NORTHERN AREA PLANNING SUB-COMMITTEE

Councillor	Ward	Councillor	Ward
B.F. Ashton	Ledbury	T.W. Hunt	Bringsty
Mrs. L.O. Barnett	Mortimer	T.M. James	Kington Town
W.L.S. Bowen	Bircher	Brig. P. Jones	Leominster North
R.B.A. Burke	Leominster South	R.M. Manning	Frome
P.J. Dauncey	Bromyard	R. Mills	Hope End
Mrs. J.P. French	Leominster North	R.J. Phillips	Pembridge and Lyonshall with Titley
K.G. Grumbley	Hampton Court	D.W. Rule	Ledbury
J.H.R. Goodwin	Golden Cross with Weobley	R. V. Stockton	Hope End
P.E. Harling	Ledbury	J. Stone	Upton
J.W. Hope	Castle	J.P. Thomas	Leominster South
B. Hunt	Bromyard		

CENTRAL AREA PLANNING SUB-COMMITTEE

Councillor	Ward	Councillor	Ward
Mrs. P.A. Andrews	Three Elms	Mrs. J.E. Pemberton	Backbury
Mrs. W.U. Attfield	St Martins and Hinton	Ms. G.A. Powell	Belmont
Mrs. E.M. Bew	St. Nicholas	R. Preece	St. Martins and Hinton
A.C.R. Chappell	St Martins and Hinton	Mrs. S.J. Robertson	Burghill, Holmer and Lyde
Mrs. P. A. Daniels	Three Elms	Miss. F. Short	St. Nicholas
P.J. Edwards	Belmont	Mrs. E.A. Taylor	Tupsley
D.J. Fleet	Central	W.J.S. Thomas	Hollington
J.G.S. Guthrie	Sutton Walls	Ms A.M. Toon	Three Elms
Mrs. M.D. Lloyd-Hayes	Tupsley	W.J. Walling	Tupsley
R.I. Matthews	Credenhill	D.B. Wilcox	Aylestone
J.C. Mayson	Wormsley Ridge	A.L. Williams	Aylestone
J.W. Newman	Belmont	R.M. Wilson	Hagley

SOUTHERN AREA PLANNING SUB-COMMITTEE

Councillor	Ward	Councillor	Ward
H Bramer	Penyard	Mrs. J.A. Hyde	Llangarron
M.R. Cunningham	Ross-on-Wye West	Vacancy	Kerne Bridge
N.J.J. Davies	Golden Valley North	G Lucas	Ross on Wye West
Mrs. C.J. Davis	Ross-on-Wye East	D.C. Taylor	Stoney Street
G.W. Davis	Pontrilas	P.G. Turpin	Valletts
J.W. Edwards	Old Gore	J.B. Williams	Golden Valley South
Mrs. A.E. Gray	Ross on Wye East		

6. QUESTIONS FROM MEMBERS OF THE PUBLIC**Report By: Members Services Manager and Executive Officer****Wards Affected****Purpose**

1. To receive any questions from members of the public deposited more than six clear working days before the meeting of Council.

Background

2. Standing Order 4.24 of the Constitution states that: A member of the public may 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 that question is deposited more than six clear working days before the meeting i.e. by close of business on a Wednesday in the week preceding a Friday meeting. No supplementary questions may be asked.
3. A total of 25 minutes shall be set aside for the answering of questions from members of the public save that the Chairman, or Vice-Chairman, if presiding, shall have absolute discretion to vary the period of time by making it shorter or longer as he/she considers appropriate. Any questions unanswered at the expiry of the time limit shall be dealt with by way of written reply to the questioner.
4. Any question which contains defamatory material or the publication of which is likely to be detrimental to the Council's interests, may be rejected.

Questions

5. One question was received by the deadline and is attached at Appendix 1.

Question from M Bucknell, J Barton, T Heath and K Worsley, Hereford

It has come to our notice following the recent Canoe Club planning application that the Hereford and District Angling Association (HDAA) claimed to own riparian rights that will not only affect riverside property owners but also the rights of all citizens to access the River Wye.

Is Hereford Council supporting the HDAA in pursuit of their claim?

REPORT OF THE MEETINGS OF CABINET

HELD ON 16TH AND 30TH MARCH AND
20TH AND 27TH APRIL, 2006

Cabinet Members: R.J. Phillips (Leader of the Council),
D.W. Rule, MBE (Deputy Leader),
Mrs. L.O. Barnett, P.J. Edwards, Mrs. J.P. French, J.C. Mayson,
R.V. Stockton, D.B. Wilcox, R.M. Wilson.

This is the final report submitted to Council for the current year and covers proceedings of the meetings listed above together with any items previously considered which are reserved to Council under Part 4 of the Constitution.

1. DECISIONS RESERVED TO COUNCIL UNDER PART 4 OF THE CONSTITUTION

- 1.1 **Review of the Herefordshire Plan (Community Strategy)** - The Herefordshire Plan was first developed in 1999 and has been updated in 2001 and 2003. A significant review of the Herefordshire Plan was undertaken in 2005, leading to a number of recommended changes to the document itself and to the way in which the Herefordshire Partnership will function to deliver the Plan. The final document is now ready for approval. Its name has been changed to the Herefordshire Community Strategy. It contains more information and background/explanatory text than the previous document. A short, non-jargon executive summary is also being produced.

Cabinet recommends to Council that the Community Strategy be approved.

- 1.2 **Children and Young People's Plan for Herefordshire** – Cabinet has endorsed the Children and Young Peoples' Plan for Herefordshire for 2006/08. The Plan is to be used as the basis for routine annual performance assessments both of the Council and wider partnership performance. It has been the subject of much partner discussion and input and has incorporated the views of children and young people. It also forms the basis for developing Children's Trust arrangements and integrated multi-professional working in Herefordshire. The performance management arrangements will be undertaken by the Children and Young People's Partnership Board and will include the children's aspects of the Local Area Agreement and wider Joint Area Review improvement planning.

Cabinet recommends to Council that the Children and Young People's Plan for Herefordshire be approved.

- 1.3 **Statement of Community Involvement** – The Statement of Community Involvement is required to be prepared as part of the Council's Local Development Framework, which will ultimately replace the Unitary Development Plan.

The purpose of the SCI is to:

- Identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;

- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership early in the process and on agreed outcomes;
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents. This compliance must be kept under review and revised where necessary.

The SCI submission draft has undergone two consultation exercises. It is subject to further consultation and this is proposed to take place for a six week period between 12th June and 24th July, 2006. This final consultation is different from the previous exercises, which were about gathering information to improve the document. This time the consultation is about gaining support or otherwise to a document that is being submitted to the Secretary of State for consideration. If there are objections to the soundness of the document that cannot be met by the Council then these will be dealt with by an independent Inspector. The Inspector's report will be binding on the authority.

Cabinet recommends to Council that the Statement of Community Involvement be approved for the purposes of submission to the Secretary of State and publication for consultation purposes.

2. NOTICES OF MOTION

- 2.1 **Proposed use of Former Denco Car Park at Holmer Road, Hereford** - Councillor Mrs. M.D. Lloyd-Hayes submitted notice of the following motion to Council at its meeting on 10th February, 2006.

"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.”

The motion was not considered to be urgent and was referred to the Cabinet Member (Resources) who was considering a number of options for the future use of the site.

The Council owns the freehold interest in the land and has received an expression of interest from Hereford City Council for the purpose of providing a skateboard park. A planning application for change of use of the area to allow a public skate park facility on the site had been approved in December 2005. Cabinet has agreed that the site be leased to Hereford City Council for the purpose of the development of a skateboard park. The lease will be for a period of between 10 and 25 years and is to be offered at a peppercorn rent. Cabinet has noted the opportunity cost to the Council of not realising the market value of the site, estimated at £10,000 a year at current levels.

3. KEY DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS WHICH WERE NOT INCLUDED IN THE FORWARD PLAN

3.1 There were no such decisions made during the reporting period.

4. CORPORATE STRATEGY AND FINANCE (Chairman of Cabinet – Councillor R.J. Phillips)

4.1 Report on Decisions Taken

(i) **Consultations on new Strategic Health Authority, Primary Care Trust and Ambulance Service Arrangements** – The Cabinet has participated in National consultation exercises regarding new boundaries for Strategic Health Authorities (SHAs), Primary Care Trusts (PCTs) and Ambulance Trusts. The consultations relate to changes to organisational boundaries and do not include any proposals for service change. In terms of SHAs in the West Midlands, the proposal being consulted on is to bring together Birmingham and the Black Country SHA, Shropshire and Staffordshire SHA and West Midlands South SHA, to establish one SHA for the West Midlands that is coterminous with the Government Office for the Region.

For PCTs in the South West Midlands, the proposal is to bring together the current PCTs of Wyre Forest, Redditch and Bromsgrove and South Worcestershire to form one Worcestershire PCT. Additionally North Warwickshire PCT, Rugby PCT and South Warwickshire PCT would be merged to create a Warwickshire PCT with Herefordshire PCT and Coventry PCT remaining as currently configured.

The proposal being consulted on for ambulance services in the West Midlands is to bring together the current four Ambulance Trusts (Staffordshire; Coventry and Warwickshire; West Midlands and Shropshire; Hereford and Worcester) to be replaced by one Ambulance Trust covering the whole of the West Midlands conterminous with the Government Office for the Region.

The results of the consultation will be reported by the SHA to the Department of Health who will make a final decision on the re-configurations.

Cabinet has approved responses to all three consultation papers, supporting a West Midlands Strategic Health Authority, the continuation of an independent Herefordshire Primary Care Trust and a single Ambulance Trust for the West Midlands.

- (ii) **Annual Efficiency Statement 2006/07** – The Council is required to provide a Forward Looking Annual Efficiency Statement for 2006/07 as part of the wider Gershon Agenda. It needs to identify as a minimum a cumulative total of £6.619m by the end of 2006/07. This includes the ongoing gains of £3.31m for the current year. At least half of these efficiency gains need to be 'cashable', i.e.: releasing additional cash resources, and £1.65m has been included in the revenue budget for 2006/07 accordingly. Cabinet has agreed a strategy for securing efficiency gains through the "Herefordshire Connects" initiative which aims to ensure improvements in: customer service, providing residents, visitors and businesses access to a broad range of council and partner services; smarter working for all Council staff; more efficient management of records and documents; and better procurements and transaction efficiency.
- (iii) **Local Area Agreements: Outline Proposals** – Cabinet has received a report of the successful negotiation of the Local Area Agreement (LAA) which will run for three years from 1st April, 2006, and has endorsed the actions required for the next stage of the process.
- (iv) **Corporate Performance Assessment - Improvement Plan** - Cabinet has approved an Improvement Plan, following the Corporate Assessment (CA) and Joint Area Review (JAR) which combined to form the Corporate Performance Assessment (CPA). The Improvement Plan does not carry every detail of major pieces of work but will cross reference to underlying projects and processes. This approach has been endorsed by the Audit Commission. The Plan will be checked after three months and a detailed examination of progress will be carried out after six months.
- (v) **Herefordshire Connects Update** - 'Herefordshire Connects' is the Council's strategic transformation project - previously called the Corporate Strategy Review. The project will address the service improvements required and means substantial investment in staff and support systems in order to revolutionise the delivery of Council services. Cabinet has received a report on the completion of Phase 1 of the Herefordshire Connects programme. It has approved the Herefordshire Connects Programme including the outline financial appraisal. It will receive further updates on the programme in due course, including a more detailed financial appraisal so that changes in the approved revenue and capital spending plans can be made. It has approved the use of the £1.928 million Invest to Save budget for 2006/07 to fund additional capital financing costs and direct revenue costs resulting from the programme in 2006/07 and 2007/08. It has noted the potential need to revisit the Prudential Borrowing limits for 2006/07 and beyond as a result of the additional long-term borrowing required to pay for the Herefordshire Connects Programme and has confirmed that the governance arrangement be developed in accordance with the framework set out in the report.

4.2 Report on Items of Interest

- (i) **Local Public Service Agreement** - Cabinet has received a report on the final performance against the first Local Public Service Agreement (LPSA1). It has noted that the performance reward grant earned by the Council for achievement of the LPSA targets is £1.65 million. The grant will be paid in two equal instalments over the next two years and will be used for investment in LPSA2. This will be supplemented by the pump priming grant from the Government of £930,000.
- (ii) **Community Forums** - Cabinet has received a report on the January 2006 round of Community Forum meetings. Attendance at the forums ranged from three to 50, with a total attendance of 137 across all six meetings. Analysis of attendees suggests that there is a core of 70 - 90 people who attend the forums regularly. Items discussed at this round of meetings included: Council Tax and the Budget; the Primary Care Trust Consultations; the National Grid Gas Connection projects; climate change; the learning disabilities service; as well as other local issues. 79% of those who completed the feedback questionnaire felt the meetings were worthwhile or very worthwhile.
- (iii) **Strategic Monitoring Committee** - Cabinet has received and noted the report of the Strategic Monitoring Committee which is the subject of separate report to Council.

5. CHILDREN'S SERVICES (Cabinet Member: Councillor D.W. Rule, MBE)

5.1 Report on Decisions Taken

- (i) **Joint Area Review – Improvement Plan** – Cabinet has received a report on progress so far and the response to the draft improvement plan sent to the Commission for Social Care Inspection (CSCI) and Department for Education and Skills (DfES). The Action Plan sets out what the Council intends to do to ensure a successful response to the recommendations of the Joint Area Review (JAR) Report 2005, and has been drawn up with the key partner organisations, the Primary Care Trust, the Police and the Voluntary Sector. It seeks to ensure that: appropriate criteria are set for the involvement of the Council's professionally qualified social care staff in child protection cases; these criteria are clearly understood by all concerned and consistently applied in practice; there is an effective workforce strategy to address the recruitment and retention problems within the Council's social care service and a written record is made of all contacts with the Social Care Duty Team. The Council has been successful in obtaining consultancy support from the Children's Workforce Development Council which will assist with the development of a workforce strategy.
- (ii) **Review of the Provision of School Places** - Cabinet has approved a County-wide review of school provision in primary, secondary and post-16 phases of education. The review is necessary because falling rolls in schools are significant, are projected to continue until 2016 and are already causing difficulties for schools to maintain the quality of teaching and learning and to

consider the additional initiatives expected of them. The existing review policies within the School Organisation Plan do not provide an adequate basis to consider the full impact of the problem. The review is expected to be completed by the end of 2007.

- (iii) **Children and Young People's Plan for Herefordshire** - A report on this item is to be found at item 1.2 of this report.

5.2 **Report on Items of Interest**

- (i) **Education White Paper October 2005 - Higher Standards, Better Schools for All: Implications for Herefordshire** - Cabinet has received a report on the local implications for Herefordshire of the Government's new Education Bill. Cabinet has noted that the proposals will have a limited impact locally and will do little to resolve the paradox of increasing parental choice and competition between schools, whilst ensuring the Every Child Matters agenda is met, particularly in relation to the most vulnerable pupils and families. The key education issue facing Herefordshire is how to maintain and further improve education standards in the County at a time of falling rolls and the proposals for Trust Schools, or the less radical federated school may be a possible solution to that problem.

6. **COMMUNITY SERVICES** (Cabinet Member - Councillor R.V. Stockton)

6.1 **Report on Decisions Taken**

- (i) **HALO Leisure Trust** – Cabinet has considered a request for a two-year funding agreement and Capital investment programme with HALO Leisure Trust. It has: approved the development of a two-year rolling management agreement with the HALO Leisure Trust, with possible extension to three years subject to agreement by the Cabinet Member (Community Services); authorised the Leader to underwrite the proposed short term Capital Investment Programme outlined within the report, subject to the submission of a satisfactory business case; and requested that further work be undertaken to develop a long-term strategy for capital investment in HALO facilities. Cabinet is opposed to HALO establishing its own independent ICT system.

7. **CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES** (Cabinet Member - Councillor Mrs. J.P. French)

7.1 **Report on Decisions Taken**

- (i) **Implementing Electronic Government 6 Return** – The IEG return is an essential part of the national monitoring process for assessing electronic local service delivery capability against central government's 2005 target and supports the delivery of priority outcomes for local e-government. It is an important feedback mechanism for assessing progress towards realising the benefits from the investment in e-government and the use of IEG funding in

individual local authorities. Cabinet has approved the Implementing Electronic Government return (IEG6).

7.2 Report on Items of Interest

- (i) **Disability Equality Scheme** - The Disability Discrimination Act (DDA) 2005 requires organisations across the public sector to be proactive in ensuring that disabled people are treated fairly. Local Authorities have to produce a Disability Equality Scheme (DES) by December 2006 that shows they have considered the impact of their policies, practices and procedures on disabled people. Herefordshire Council has had a DES since 2002, but this needs updating to take account of the new duty to:

- Eliminate discrimination that is unlawful under the DDA
- Eliminate harassment that is unlawful under the DDA
- Promote equality of opportunity between disabled persons and other persons
- Take steps to take account of disabled person's disabilities, even where that involves treating disabled persons more favourably than other people.

Cabinet has noted the progress to date in developing the Disability Equality Scheme for 2006/09.

8. ENVIRONMENT (Cabinet Member: Councillor P.J. Edwards)

8.1 Report on Decisions Taken

- (i) **Statement of Community Involvement** - A report on this item is to be found at item 1.3 of this report.

9. HIGHWAYS AND TRANSPORTATION (Cabinet Member - Councillor D.B. Wilcox)

9.1 Report on Decisions Taken

- (i) There were no decisions by Cabinet relating to this portfolio during the reporting period.

10. RESOURCES (Cabinet Member - Councillor R.M. Wilson)

10.1 Report on Decisions Taken

- (i) **Proposed use of Former Denco Car Park at Holmer Road, Hereford** – A report on this item is to be found at item 2.1 of this report.

- (ii) **Wesleyan Chapel, Kington** - The Wesleyan Chapel at Kington, originally acquired by Leominster District Council, is a Listed Grade II building which has been in a poor state of repair for many years. Over the last two years officers, Cabinet Members and local interested parties have tried to find a sustainable use for the building. Potential uses of the building included a youth hostel, Info Centre, Library and Sure Start Centre and more recently mixed private sector and community use. In all cases the high cost of conversion and ongoing revenue costs rendered each scheme non-viable. Conversion costs are estimated to be from £950,000 to in excess of £1.6 million. A variety of funding options have been explored but none would be adequate for the extent of the work required. Cabinet has noted that any attempt to de-list the building would be unlikely to succeed. Cabinet has given approval for the disposal of the Wesleyan Chapel on the open market.

11. RURAL REGENERATION AND STRATEGY (Cabinet Member - Councillor J.C. Mayson)

11.1 Report on Decisions Taken

- (i) **EU Funding Programmes 2007-2013** - Cabinet has received a report on the European Commission's key proposals on the EU Structural Funds, particularly the Competitiveness and Employment Fund and England Rural Development Programme 2 (ERDP2). Euro 6.2 bn will be available for the new Competitive and Employment Programme and a further 0.6 bn will be available for the new Interreg Programme across the Country. In addition, the ERDP2 funding levels will be about the same as the current levels which is £3.5 million per year for the West Midlands. Cabinet has authorised officers to continue engagement in shaping the programme and lobbying for support.

12. SOCIAL CARE ADULTS AND HEALTH (Cabinet Member Councillor Mrs. L.O. Barnett)

12.1 Report on Decisions Taken

- (i) **Integrated Community Equipment Service** - The Integrated Community Equipment Service (ICES) is a joint service provided by Herefordshire Council under a pooled budget arrangement with Herefordshire Primary Care Trust (PCT). In 2005/6, the pooled budget was £486,940. This budget covers all running costs, including accommodation and staffing costs, as well as the purchase of equipment items. The Integrated Community Equipment Service was established under guidelines issued by the Department of Health requiring health and social care to work together. This has now become an essential part of mainstream services and is a key component in the prevention agenda. Cabinet has received an update on performance and development plans related to the community equipment service and, while accepting, in principle, the proposed plans for current and future development of the service to meet the growing demand for specialist equipment across the County, has asked that a further detailed plan be submitted for consideration by Cabinet in September 2006.

12.2 Report on Items of Interest

- (i) **Homelessness Update** - The number of homelessness applications and acceptances in Herefordshire has risen steadily since 2002, accompanied by a significant rise in spending on temporary accommodation. There were 510 homelessness acceptances in 2004/05. In July 2005, Cabinet agreed a number of initiatives, based upon a homelessness prevention agenda. Since then, changes have been implemented which have led to an improving position around homelessness prevention in Herefordshire. Herefordshire Council is now once again providing homelessness and housing advice services following the transfer of services from Herefordshire Housing Ltd. Cabinet has noted that the number of homelessness acceptances in 2005/06 was reduced to just over 400. 30 successful homelessness prevention payments, totalling £9,000, have been made between January and March 2006. This represents a projected saving of approximately £300,000 by preventing temporary accommodation bookings to bed and breakfast establishments. The number of new families booked into bed and breakfast accommodation has fallen steadily from 24 in November 2005 to 9 in March 2006. Cabinet will continue to receive progress reports on a quarterly basis.

**COUNCILLOR R.J. PHILLIPS
LEADER OF THE COUNCIL**

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meeting Held on 10th April, 2006

Membership:

Councillors: T.M. James (Chairman), Councillor Mrs. P.A. Andrews (Vice-Chairman), W.L.S. Bowen, H. Bramer, A.C.R. Chappell, J.H.R. Goodwin, Mrs M.D. Lloyd-Hayes, J.P. Thomas, W.J.S. Thomas.

REVIEW OF THE STRATEGIC SERVICE DELIVERY PARTNERSHIP

1. The Herefordshire Strategic Service Delivery Partnership involving the Council, Herefordshire Jarvis Services Limited (HJS) and Owen Williams Limited commenced in September 2003 with the award of 10 year contracts to each of these two firms.
2. The scope of the contract with HJS includes highway maintenance, grounds maintenance, street cleansing, toilet cleansing, recycling, street lighting, courier services, printing, vehicle maintenance, signage, building maintenance, building cleaning, and event catering. The scope of the contract with Owen Williams Limited covers the provision of engineering services for policy development, design and implementation, including transportation and traffic engineering, management and control; highway design and management; materials testing; general infrastructure development; property/architectural services and other associated technical services. The combined expenditure on the two contracts represents a significant proportion of the Council's revenue and capital procurement budgets (12%).
3. The Committee considered that it was important to scrutinise the operation of the Partnership and commissioned a Review Group to undertake a detailed review. The Executive Summary of the Group's report is appended, together with the recommendations to the Executive which the Committee has endorsed. (A copy of the full report is available on the Council's website as part of the agenda papers for the Committee's meeting on 10th April or is available on request.)
4. The Executive has been asked to report on its response to the recommendations at the Committee's next meeting on 26th June, 2006. The Committee has indicated that it will also wish to review the progress made in response to its recommendations in six months time.

REVIEW OF ICT SERVICES

5. Work on the Committee's review of ICT Services is commencing. The Committee has agreed a revised timetable for the Review, which it is now intended to complete by the end of July, 2006.

PAY AND WORKFORCE DEVELOPMENT STRATEGY

6. In response to its request for more information about staff turnover and findings from exit interviews the Committee has been advised that employee turnover is steady. However, within the overall turnover figures there are areas within Directorates where turnover issues are to be addressed via the Pay and Workforce Development Strategy Annual Operational Plan 2006-7. Actions to address turnover and key shortage areas, and address the Joint Area Review findings include:
 - Developing a system for analysing skills/workforce shortage areas to include local and national trends to inform workforce planning, and

- Development of initiatives to address identified key shortage areas e.g. in Social Care (Children's and Adults), Planning, Environmental Health, Trading Standards based on workforce planning information developed by the end of July 2006.
7. Particular focus within the overall turnover figures is to be given to Social Care (Children's), and Adult Learning Disability Services.
 8. The Committee was also informed that the Council does not currently operate a fixed establishment, making it difficult to assess vacancy rates accurately. An establishment is now to be put in place to make it easier to identify and manage vacancy levels in the future. It is intended that the system will retain a degree of flexibility so that employee levels can continue to be managed according to service delivery needs.
 9. The Committee has also noted the findings of the quarterly surveys of leavers from the organisation and that the Pay and Workforce Development Strategy aims to continue to address the issues raised through the actions in the operational plan 2006-7 and as part of the longer-term aims for 2008 – in particular actions to address pay, reward and recognition and developing a generic careers structure for the Council.
 10. The Committee will continue its regular monitoring of the Pay and Workforce Development Strategy and the implementation of the operational plan.

FORWARD LOOKING ANNUAL EFFICIENCY STATEMENT 2006/07

11. The Committee has noted the Council's strategy for achieving service efficiencies for 2006/07.

LOCAL PUBLIC SERVICE AGREEMENT

12. The Committee has noted that the Performance Reward Grant earned under the first Local Public Service Agreement (LPSA) was £1.65 million, 47% of the total available of £3.54 million and that the sum is to be invested in LPSA 2.

LOCAL AREA AGREEMENT

13. The Committee has noted the negotiation with the Office of the Deputy Prime Minister of the Local Area Agreement (LAA) which will run for three years from 1st April, 2006. The Agreement incorporates LPSA 2 which will in future be described as the reward element of the LAA. The Committee has been informed of arrangements for performance management of the Agreement and that regular monitoring reports on the LAA action plan will be presented to Cabinet.

THE ANNUAL OPERATING PLAN 2006-07

14. The Committee has noted the development of the Council's Annual Operating Plan to serve as the basis for performance management.

WORK PROGRAMMES

15. The Committee is to give further consideration to its work programme and those of the other Scrutiny Committees in response to the Council's overall Improvement Plan, being prepared following the Comprehensive Performance Assessment of the Council, and will also consider the extent to which it should have regard to the Annual Operating Plan referred to above.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

16. The work of the Committees is analysed below as far as practicable under the following five roles for overview and scrutiny: holding the executive to account, best value reviews, policy development and review, external scrutiny, and improvement (performance management and review), the first four of which are identified as key roles in the report on “The Development of Overview and Scrutiny in Local Government published by the Office of the Deputy Prime Minister”. Issues considered by the Strategic Monitoring Committee are listed for completeness.

Summary

17. The **Adult Social Care and Strategic Housing Scrutiny Committee** met on 17th March, 2006 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Review of Services to People with Learning Disability Homelessness Prevention White Paper – Our Health, Our Care, Our Say; a new Direction for Community Services
External Scrutiny	
Improvement (Performance Management and Review)	Budget Monitoring Future Budget Position Performance Monitoring
Other	

18. The Committee is undertaking a review of services to people with a learning disability recognising the pressures on the service caused by changing demography, spending patterns and changes in expectations and the need to review the current use of resources and future needs. A series of visits have been undertaken to meet staff and service users. A number of issues have been raised and the intention is to complete the review and make recommendations to the Cabinet Member (Social Care Adults and Health) for consideration in the summer.
19. The Committee has also given careful consideration to the current and future budget position. It has requested that a seminar be arranged to discuss the budget and future service delivery in more detail.
20. The **Children’s Services Scrutiny Committee** met on 13th March, 2006 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	
External Scrutiny	
Improvement (Performance Management and Review)	Joint Area Review of Children’s Services in Herefordshire Health of Children and Young People in Herefordshire
Other	

21. The Committee has given consideration to recommendations for improvement following the recent Joint Area Review (JAR) of Children's Services. When the Committee met it was noted that the JAR Improvement Plan had been sent to the Commission for Social Care Inspection (CSCI) and the Department of Education and Skills (DfES). The outcome of their assessment of the Service's capacity to improve as a result of the Improvement Plan was still awaited. The Improvement Plan resulting from the JAR inspection and any implications arising from it will be reported to the next meeting. A performance monitoring report on performance against the JAR Improvement Plan, will form an integral part of the Committee's future work programme. The Committee is also to undertake a series of fact-finding visits to the various services within the Directorate to inform its understanding of the Services.
22. The Committee has also been briefed on the work undertaken by Children's Services and its partners to improve and maintain the health of children and young people in Herefordshire, noting in particular the work undertaken by the Herefordshire Healthy Schools Partnership.
23. The **Community Services Scrutiny Committee** met on 24th March, 2006 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Community Youth Service partnership Arrangements with the Voluntary and Community Youth Sector Refurbishment of Kington Library Review of Independent Museums and Heritage Centres
External Scrutiny	Halo Leisure Services Ltd
Improvement (Performance Management and Review)	Performance Monitoring
Other	-

24. The Committee met in Kington to allow the public to hear at first hand an update on progress in refurbishing Kington Library. A question had been submitted by a representative of Kington Tourism Group about the implications of the Scheme for the location of the Tourist Office and she was also able to contribute to the discussion at the meeting. Further discussions are to be held to try to resolve that matter.
25. Last year one of the Committee's Co-opted Members, following a request from a member of the public, proposed a review of the Council's support for independent museums and heritage centres in the County. The Committee decided to undertake the review and has now agreed a scoping statement for the review which it is planned to complete by April 2007.
26. In fulfilling its remit to scrutinise the provision of leisure services the Committee has scrutinised the operation of the external provider HALO Leisure Services Ltd.
27. The Committee has also considered the working relationship with the voluntary and community youth work sector and Herefordshire Council's Community Youth Service. The Committee was concerned that the Service is unlikely to achieve its four DfES key performance indicators by the end of the year due to the low resource base of the Service. It has asked that the Children's Services Scrutiny Committee should be informed of these concerns and should closely monitor developments.

28. The **Environment Scrutiny Committee** met on 27th March, 2006 and considered the following issues:

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	Improvement Plans
Policy Development and Review	Clean Neighbourhoods and Environment Act 2005
External Scrutiny	
Improvement (Performance Management and Review)	Capital Programme Revenue Budget Performance Indicators Environment Directorate's Contribution to the Herefordshire Plan
Other	

29. The Committee has been informed of the principal measures contained in the Clean Neighbourhoods and Environment Act 2005 and received an overview of the potential impact of the Act on the services provided by the Environment Directorate. The Committee has welcomed various aspects of the Act including the introduction of new Litter Clearance Notices which should enable the Council to enforce areas it had been unable to do previously. The Act also confirmed that cigarette butts and discarded chewing gum were classed as litter. In this respect the Committee particularly noted a comment that the Government were considering imposing a hefty tax on chewing gum with the proceeds being used to help Councils with the cost of cleaning chewing gum from footways. The Committee has recorded its support for such a proposal to tax chewing gum, particularly the synthetic gum, and invited the Executive to make representations on the matter.

30. The **Health Scrutiny Committee** met on 16th and 23rd March, 2006 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Public Health Services Development of Stroke Services in Herefordshire White Paper – Our Health, Our Care, Our Say; a new Direction for Community Services
External Scrutiny	
Improvement (Performance Management and Review)	
Other	NHS Reconfiguration

31. The Director of Public Health's (DPH) Annual Report, considered by the Committee in January 2006, noted that people in Herefordshire are, in general, healthier than they are in the rest of the Country. However, overall MMR vaccine uptake rates are below the nationally recommended levels with a variation in uptake rates across the County. There is also now evidence of a rise in the infections the vaccine is supposed to prevent. The DPH report also highlighted that the percentage of 5 year olds free from tooth decay is below the average for England and Wales and is the lowest within the West Midlands (South) Strategic Health Authority area and that fluoridation of the water supply is agreed to be the most effective tool in reducing

dental health inequalities. The Committee requested and received detailed information on these two areas of concern. It will be seeking to support the Primary Care Trust in achieving improvement in these two areas as part of the Committee's focus on the public health agenda as a whole.

32. The Committee has also received a detailed presentation on proposals for the development of stroke services in the County, another area where the need for an improvement in provision has long been acknowledged, and has supported the approach being proposed by the Primary Care Trust in conjunction with the Council.
33. The business to be conducted by the Strategic Monitoring Committee at its meetings on 13th February, 2006 and 10th April, 2006 is summarised below.

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Review of the Strategic Service Delivery Partnership Review of ICT Services Revenue Budget Strategy and Capital Programme 2006/07 Annual Operating Plan 2006-07
External Scrutiny	
Improvement (Performance Management and Review)	Pay and Workforce Development Strategy Forward Looking Annual Efficiency Statement 2006/07 Local Public Service Agreement Local Area Agreement
Other	Work Programme

**T.M. JAMES
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

BACKGROUND PAPERS

- Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 10th April, 2006.

REVIEW OF THE STRATEGIC SERVICE DELIVERY PARTNERSHIP**Executive Summary**

1. The Herefordshire Strategic Service Delivery Partnership (The Partnership) commenced on 1st September 2003 with the award of initial 10-year contracts to Herefordshire Jarvis Services Limited (HJS) and Owen Williams Limited. HJS is a joint venture between Herefordshire Council and Prismo Limited, a wholly owned subsidiary of Jarvis PLC.
2. The current expenditure under the service delivery agreement between the Council and HJS is approximately £15 million per annum. The scope of the contract includes highway maintenance, grounds maintenance, street cleansing, toilet cleansing, recycling, street lighting, courier services, printing, vehicle maintenance, signage, building maintenance, building cleaning, and event catering.
3. The current expenditure under the service delivery agreement between the Council and Owen Williams Limited is approximately £1 million per annum in fees. The scope of this contract covers the provision of engineering services for policy development, design and implementation, including transportation and traffic engineering, management and control; highway design and management; materials testing; general infrastructure development; property/architectural services and other associated technical services.
4. This combined expenditure represents a significant proportion of the Council's revenue and capital procurement budgets (12%) and provides for the delivery of a wide range of important services.
5. The Strategic Monitoring Committee decided in July 2005 that it would be timely to scrutinise the operation of the Partnership and appointed a Review Group comprising 6 Members of the Committee to carry out this task.
6. The Group's principal finding is a concern about the viability of Herefordshire Jarvis Services and the implications of this for service delivery. Factors leading to that concern include evidence that assumptions underpinning the Business Plan were optimistic and that the negativity associated with the Jarvis name is preventing the Company generating significant new business. Coupled with ongoing annual rate reductions for jobs and an 8% fee on the sum invoiced to the Council paid to Jarvis PLC for managerial support it appears extremely difficult to see how HJS can continue to deliver the contract and make a profit. In these circumstances the Group was concerned that the temptation would be for the contractor either to seek to inflate the cost of each job or to reduce service delivery in some way and that this might not be immediately apparent to the Council. The Group has made a number of recommendations intended to suggest a way forward but can not pretend to be optimistic.
7. It has particular reservations about the 8% fee on the sum invoiced to the Council by HJS for works it has carried out under the service delivery agreement which is paid to Jarvis PLC for managerial support. These relate to the implications of the annual fee for the profitability of HJS and the benefit received in return for the payment.
8. To date, although the fee is shown in the HJS accounts no money has actually been taken out of the HJS business because the business is not earning enough to pay the charge. The Group was told that within 2 years HJS expected that the business would be able to sustain the charge, with the aim of generating a profit of 10% within

5 years. The Group can not therefore see how in future HJS could repay the debt which has accumulated and continues to accumulate. It is also therefore unlikely that the Joint Venture Company, in whose profits the Council expected to share, will now in fact be able to make a profit once the 8% charge is taken into account.

9. Although HJS receives certain services from Jarvis PLC in return for the 8% sum the Group also did not consider this payment represented value for money. There was no evidence of the input into the Partnership of significant additional expertise and innovation which might have been expected from a large Company such as Jarvis PLC.
10. The Group has therefore recommended that firm representations be made to Jarvis PLC to write the sum off. The Group has also recommended that the Council explore whether it is possible to ensure that future payments for management services are only made when evidence is received that these have been provided and that the payment therefore does represent value for money.
11. The Group has also identified shortcomings in the Business Planning Process highlighting the need both for HJS to revisit its process and to comply with the provisions of the Contract governing production of the Business Plan. It has also commented on the need for the Council to recognise its own role and to monitor and influence the contract, adopting a more robust and challenging approach.
12. The Group has also commented on the implications for HJS of the negative image associated with the Jarvis name and the potential hindrance that the association with Herefordshire might have in securing external work.
13. Given its concern about the viability of HJS the Group sought and received assurance from officers that service delivery would continue in the event of failure of HJS. It has also noted the need for the Council's Contingency Plan to be updated and robust, and for systems to be in place to ensure that the services are being and continue to be delivered to the quality, cost and standard required.
14. In relation to Owen Williams the overall picture presented to the Group was that Owen Williams had sought to develop a responsive local team that sought to provide a good service. If problems did occur Owen Williams was ready to seek a constructive solution. The Group did, however, consider that the fee levels charged by Owen Williams required further monitoring and examination.
15. In terms of the operation of the Partnership as a whole the Group has commented on the need for closer working relationships to be developed, in particular between HJS and Client officers. It has noted that co-location of staff has had some benefits in this respect.
16. It has recognised the progress in developing a Joined Up Programme of work and action being taken to continue to improve the process. However, the Group thought that there was a need for a renewed focus on developing the Partnership to maximise the potential benefits.
17. The Group hopes that its report will make a constructive contribution to consideration of the future operation of the Strategic Service Delivery Partnership.

15. Recommendations

- 1. That the scope for further improvements in the working practices of both HJS and the Council should be vigorously explored.**
- 2. That each partner needs to have a clearer understanding of what each can contribute to the Partnership to improve service delivery and consider what can be done to remove the barriers which are impeding progress, with the Council proactively seeking to draw on the expertise available from Jarvis PLC which HJS representatives have said is available.**
- 3. That HJS be encouraged to revisit its business planning process.**
- 4. That action should be taken to ensure compliance with the provisions of the Shareholders agreement.**
- 5. That the Council's Observers on the Board should take a more proactive role.**
- 6. That monitoring reports should be presented to the Corporate Management Board and to Cabinet by the Council's observers on a quarterly basis.**
- 7. That it be clearly understood that the 8% recharge relates only to that part of the turnover of the Company that is related to the work undertaken for the Council under the Service Delivery Agreement.**
- 8. That the issue of the accruing HJS deficit needs to be addressed and firm representations should be made to Jarvis PLC to write this sum off.**
- 9. That as the Group could find no evidence that the Joint Venture Company received value for money from this fee it further recommends that the Council explore whether it is possible to ensure that future payments for management services are only made when evidence is received that these have been provided and that the payment therefore does represent value for money. A breakdown of costs of past services should be requested to inform this discussion.**
- 10. That a robust updated contingency plan be prepared.**
- 11. That emphasis be placed on the development of good, closer working relationships between HJS and client officers and progress closely monitored by Senior Management/the Corporate Management Board.**
- 12. That the need for staff to be familiar with the detail of the Contract with HJS should be reinforced and appropriate training provided, with refresher sessions for trained staff at appropriate intervals and a clear formal induction programme for new staff.**
- 13. That the fee levels charged by Owen Williams require careful monitoring and examination with clear procedures in place to ensure fee levels are controlled.**
- 14. That the Partnership Board renew its focus on developing the Partnership to maximise the potential benefits.**
- 15. That HJS should change its name and adopt a new name which does not include the words Jarvis or Herefordshire.**

REPORT OF THE STANDARDS COMMITTEE

Meetings held on 17 February 2006 and 21 April 2006, and Hearing Held on 10 March 2006

Membership:

Robert Rogers (Independent Member) (Chairman); Councillor John Edwards, Councillor John Stone; Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member).

STANDARDS COMMITTEE HEARING ON 10 MARCH 2006

1. The Standards Board for England (SBE) referred a complaint against Councillor Allan Lloyd of Kington Town Council for investigation under the provisions of the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003 (as amended). This was the third case to be investigated locally, and Kevin O'Keefe, Legal Practice Manager, conducted the investigation. The hearing took place on 10 March 2006. This was the fifth hearing that we have held.
2. We heard allegations that, on 15 August 2005, Councillor Lloyd had breached the Code of Conduct by failing to declare a prejudicial interest. We found that Councillor Lloyd had breached the Code of Conduct, and we heard of significant mitigating circumstances. In addition, we noted that Councillor Lloyd had undertaken training recently with the Herefordshire Association of Local Councils (HALC). We therefore decided to impose no sanction in this instance. In the circumstances we were surprised that application was made to appeal against our decision; but welcomed the decision of the President of the Adjudication Panel for England that there were no grounds for such an appeal.
3. At our meeting on 21 April 2006, and in line with our continued improvements to best practice, we have decided to prepare written guidance for those attending hearings so that they are aware of what to expect from the process at the earliest stage possible. We have also asked for a comprehensive internal procedure note to be produced, which takes account of all of the recent hearings guidance produced by the SBE, and of our own administrative arrangements. We shall consider drafts of both of these documents at our next meeting on 30 June 2006.

APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

4. We have granted dispensations to:
 - four members of Holme Lacy Parish Council in relation to their roles as custodian trustees of Holme Lacy Village Hall;
 - four members of Kimbolton Parish Council in relation to their roles as members of Kimbolton Village Hall Committee;
 - seven members of Bridstow Parish Council in relation to Bridstow Village Hall;
 - all members of Kington Town Council in respect of the Kington Recreation Ground Trust. This is the first "block" dispensation we have granted, and it means that, for the duration of a four-year period, any newly appointed town councillor will automatically be afforded the dispensation without having to

apply to the Committee. This is because on acceptance of office, every town councillor automatically becomes a member of the Trust. We feel that it would be unacceptable to make a general rule of granting block dispensations, and that there is usually merit in naming individuals because it helps to maintain a “policing” control over a dispensation. We felt however, that there were exceptional circumstances for doing so in this particular instance, namely: 1. the block dispensation related entirely to the Kington Recreation Ground Trust and to no other matter; 2. the Town Council had provided documentary evidence to prove that all members without exception were trustees, and that this was the only mechanism for becoming a trustee; 3. there is a four-year time limit on the dispensation, and the Town Council will have to re-apply for it at the end of the period.

5. It is clear that dispensation matters can be complex, and we have agreed to produce a short guidance leaflet for town and parish councillors, outlining the broad principles of dispensations and the circumstances in which they might be required. We shall consult HALC on this guidance, and will consider the draft at our next meeting on 30 June 2006.

STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

6. The Office of the Deputy Prime Minister has issued a document “Standards of Conduct in English Local Government: The Future”, in response to recent reports and consultations from the Committee on Standards in Public Life, the ODPM Select Committee and the Standards Board for England. The Chairman of the SBE, David Prince, invited our Chairman to be a participant in a small discussion group to advise the Board on the practicalities of implementation. Our Chairman therefore sought the Committee’s views to that he could include them in his response to the group. Amongst other matters, the Committee commented that Standards Committees were in the best position to assess which complaints to the SBE might be vexatious or trivial, because they had the advantage of local knowledge. We also acknowledged that local investigations might have considerable resource implications due to the need to keep the investigation separate from the hearing, and suggested measures to prevent Local Authorities from becoming overstretched. We also welcomed a proposal to impose higher penalties to support the need to address the most serious cases, and recommended a minimum twelve-month period for suspensions. The Committee’s comments in full can be found at: <http://councillors.herefordshire.gov.uk/ieDocHome.asp> (refer to Standards Committee, 17 February 2006, Minute No. 54).
7. Arising from the discussion on this document, the Committee reviewed its membership, to ensure that it had the best practice in place when conducting hearings under circumstances where members were either absent, or exempt from participating due to a prejudicial interest. One of the issues we considered was whether to have additional parish and town council representatives, and/or ensure representation from each of the HALC area committees. We felt that it was right to continue obtaining nominations for parish and town council representatives from HALC regardless of area, because it was important to ensure we have the most experienced members. This also accords with SBE guidance. There are already means in place to co-opt additional independent or parish and town representatives if necessary. In view of this, and because our existing members have gained considerable knowledge and experience, we felt it was better to leave the dynamics of the Committee unaltered.

FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

8. Some members of the Committee will be attending one or both days of the Fifth Annual Assembly of Standards Committees to be held on 16 and 17 October 2006 at the International Convention Centre in Birmingham. This year's theme is "Bridging the Gap: Towards Effective Local Regulation". We have found the Assembly extremely useful in terms of current awareness and training.

DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

9. We have considered progress reports on current investigations by the Standards Board for England. We have requested details from the SBE in relation to the precise nature of allegations, with particular reference to "Conduct". This will help us to be more responsive to town and parish councillors' training needs, and to any particular trends. We will also be liaising with HALC to arrange some further joint training sessions for town and parish councillors.

LOCAL DETERMINATION: DEVELOPMENTS IN BEST PRACTICE

10. The latest SBE bulletin contains further guidance on conducting local investigations and hearings, and we have reviewed both this, and our recent experiences of hearings. We do not agree with the Board's suggestion that an Investigation Report should be made public five clear days before a hearing, because we feel that the release of what might be seen as the case for the prosecution on its own would not be fair on the subject of the complaint, especially if it gave rise to media coverage before the hearing.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meetings held on 17 February and 21 April 2006, and the hearing held on 10 March 2006.

COUNCIL

12TH MAY, 2006

REPORT OF THE AUDIT COMMITTEE

Meetings Held on 20th February and 7th April, 2006

Membership:

Councillors: A.C.R. Chappell (Chairman), Mrs. P.A. Andrews, Mrs. J.P. French, T.M. James, R.I. Matthews, R.J. Phillips, Mrs. S.J. Robertson.

COMPLETION OF THE ACCOUNTS 2005/06

1. The Committee has noted that the date for the closing of the Statement of Accounts is 30th June, 2006 and that the timetable for completion is well on course. Although the deadline date had been moved forward, the authority remained committed to closing the accounts as soon as possible after the year end. Members noted the planned changes and improvements to the 2005/06 Statement of Accounts. It was emphasised that although there was a wish for simplicity of the accounts, there were restrictions within the formal requirements; however, explanatory notes would be inserted to ease understanding. A summary document will be produced for the public.

CIPFA GUIDANCE ON AUDIT COMMITTEES

2. The Committee was reminded that at its first meeting in September 2005 information was given on the position statement guidance. This highlighted the need for:
 - the Committee to be a fully constituted committee of the Council, independent of both the Executive and Scrutiny functions;
 - Members to receive specific training relevant to their responsibilities;
 - the terms of reference to be reviewed annually, taking into account relevant governance developments;
 - the Chairman to have previous knowledge of or to receive appropriate training on financial and risk management, accounting concepts and standards and the regulatory function; and
 - effective leadership on audit and governance, with the Committee proactive in providing forward looking agenda items;
3. The Committee will be looking at how it can raise its profile. Currently the Committee is made up of Cabinet and Scrutiny Committee Members. However, CIPFA guidance requires that Members are sufficiently independent of other key committees of the Council. The Committee will therefore be re-examining its membership and consider changing the name of the Committee to the Corporate Governance Committee, to cover the other non-financial issues that would need to be dealt with. It felt that it might be more appropriate for backbench Members to make up the membership of the Committee and will be considering the appointment of a wholly independent Chairman. It is important that the Committee is made up of Members with not only financial experience, but a general business background also. The Committee agreed to oversee a number of strategies including Risk Management, the Assurance Framework and Codes of Corporate Governance, standards and behaviour.

4. A training programme is being put together for Members to cover any gaps there may be from the initial induction training Councillors' received. In line with good practice the Committee will meet four times a year.

AUDIT SERVICES INTERIM ASSURANCE REPORT 2005/06

5. The Committee looked at the progress that had been made on the Audit Plan and key internal control issues for 2004/05. Two key areas identified in the Annual Assurance Report for 2005 were the need for improvements in the Council's overall disaster recovery arrangements and the overspends within Social Care. Positive action is to be taken to resolve the issues relating to the overspends.
6. The Committee was advised that there were only two 'critical one' recommendations and these relate to improved school controls over the use of a school mini bus and the details of the legislation and acts listed on the Council's various types of warrant cards. Good progress has been made on improvements; the final position will be reported in the end of year Assurance Report.
7. Two audits that met the criteria for reporting to the Committee were the Social Care financial management and budgetary control and anti-money laundering procedures. An action plan for Social Care has been prepared. CIPFA and the Council's legal department have provided guidance for anti-money laundering procedures. A training programme was implemented and is due for completion by the end of March 2006.
8. The CIPFA benchmarking club audit on Customer Satisfaction gave the Council an overall audit performance of good, with three areas identified for improvement.

STATEMENT OF INTERNAL CONTROL

9. The Statement of Internal Control Assurance Framework Protocols have been drawn up as per CIPFA guidance. It will take time for the assurance framework to be fully embedded in the Council's business processes. The Committee has noted the importance of the involvement of the Section 151 and Monitoring Officers to ensure the process is carried out throughout the year. A checklist has been developed for the Statement of Internal Control.
10. The Committee has noted how all the processes such as service plans; performance management; risk management; and Corporate Management Board/Senior Management Team; feed in to the Statement of Internal Control to make it a corporate document. The Audit Commission commented that there had been no link between the corporate risks and the Statement of Internal Control and this process will overcome that. The improvements resulting from the JAR Use of Resources and CPA reports are being put into practice, along with the a checklist, which links the key areas that make up the Statement of Internal Control and identifies any major gaps, these will be reported on to the Committee at its next meeting. Once the Chief Executive and Leader had signed off the Statement of Internal Control, it will be presented to the Committee.

USE OF RESOURCES IMPROVEMENT PLAN

11. The Committee has received a report on the Use of Resources Improvement Plan, which has been drafted in response to the feedback from the CPA. The Corporate Management Board and the Senior Management team are to be consulted on the plan. One of the key elements of the plan is the setting up of the Audit Committee and keeping up to date on internal controls.
12. Value for Money improvements is an area needing development and firm action to ensure that all necessary parts of the Council engage in the process. A survey of the public is to be carried out on their perception of whether they are receiving value for money.
13. A discussion took place on the standards the Council need to achieve under the new criteria and how they will be embedded into the Council's systems. The Council is comfortably reaching a standard 3 in most areas. It was pointed out that only a handful of authorities had attained a level 4 and that this level was intended to be challenging.

AUDIT COMMISSION REPORTS

14. The Committee has received a report on the process of receipt and action follow up on the Audit Commission reports to the Council. Heads of Service are to play a key role in this process and will liaise directly with the Audit Commission on reports in their service areas. Should recommendations not be actioned quickly, they will then be reported to the Audit Committee. Work will be carried out with the Audit Commission on an agreed limit of recommendations from past reports to ensure all recommendations are picked up, the results of which will be reported the Committee.

AUDIT COMMITTEE MEMBERSHIP

15. The Committee discussed membership of the Committee and the key element was the need for the Committee to be independent of the Executive and of the Scrutiny function. Members acknowledge that presently this was not being achieved, however it was recognised the Committee needed to remain as it is until 2007, but working towards achieving the CIPFA Guidance.

AUDIT PLAN 2006-07

16. The Committee has received a report outlining the processes used to develop the Annual Plan for 2006/07. The preparation of the Audit Strategy and Plan represents best practice and is an integral part of the Council's internal controls and procedures under the CPA Use of Resources and linked to the Statement of Internal Control, Use of Resources and the CIPFA Code of Practice
17. Audit services is broken down into key areas to give audit opinion on the Council's internal controls. The Committee discussed the various audits to be carried out and noted that 85% of Primary and Special Schools have not received an audit visit in the last four years. This backlog cannot be cleared within current resources, however Audit Services is working with schools to provide appropriate training to administrators. The Committee discussed the new DfES Finance Toolkit for schools and whether schools could carry out their own audits using it, but noted that this could prove to be an expensive option for schools.

ANTI MONEY LAUNDERING

18. The Committee have received a presentation on Anti Money Laundering procedures the Council is putting in place to allow staff to deal with money laundering issues. Penalties for laundering money ranged from fines of £5,000 to an unlimited sum of money and from six months to 14 years imprisonment. The main offences involved the concealing, arranging or acquisition of funds. Third party offences included the failure to disclose or to tipping off of the relevant body.
19. The main areas of concern are with suspicious payments, such as overpayments, duplicate/advance payments or large cash payments for land or property. Large payments (currently considered to be over £2,500) even when there was no suspicion are being logged. Although it was unlikely that organised crime would use Herefordshire Council for money laundering, procedures have been put in place to protect the Council and staff.

**A.C.R. CHAPPELL
CHAIRMAN
AUDIT COMMITTEE**

BACKGROUND PAPERS

- Agenda papers of the meeting of the Audit Committee held on 20th February and 7th April 2006.

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 28th February and 18th April, 2006

Membership:

Councillors: R.I. Matthews (Chairman), Brig. P. Jones CBE (Vice-Chairman) Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.G.S. Guthrie, J.W. Hope, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin.

1. ALCOHOL CONSUMPTION IN PUBLIC PLACES – DESIGNATION OF PUBLIC PLACES IN HEREFORDSHIRE

Local authorities have for some time had the power to bring in byelaws to control the consumption of alcohol in streets, roads and other such places within their areas. These powers were strengthened by the Criminal Justice and Police Act 2001 which made it easier for the Police to arrest those engaged in anti-social drinking in such designated places. The Council and its predecessor Councils brought such byelaws into effect in parts of the City of Hereford, Ross-on-Wye, Ledbury, and Bromyard. The powers within the 2001 Act have brought about a change in town centres in terms of the previously held perceptions of some that loutish, anti-social behaviour prevailed. A 'tool' was therefore available to control such behaviour and reduce the chances of drinking vessels being used in acts of violence. Since 2001 Herefordshire Council has made 3 Orders relating to areas of the City of Hereford as well as the village of Madley. The Committee has decided to extend its control by making an Order to designate the following places for the control of the consumption of alcohol:

- Public open space (inc. Ball Court) to the west of Waterfield Road and south of Kestrel Road, Belmont
- Public open space (inc. Skateboard Park) to the east of Brampton Road, to the west of the dismantled railway line and south of Ethalstan Crescent, Newton Farm
- Public open space to the north of Luard Walk and south of the River Wye, Belmont
- Eastholme Centre, Eastholme Road, Belmont (i.e. areas adjacent to and around the library, health centre and community centre including the car park)
- Public open space at Northolme Road, Belmont (to include the building, tarmacaded areas adjacent to the building, children's play area and land between the building and the play area)
- Churchill Gardens, Aylestone, Hereford (in its entirety)
- Recreation ground off Grandstand Road, Bobblestock (i.e. those areas comprising the football pitch, car park, play area, changing rooms, bowling green and areas between these parts)
- Recreation Field (inc. its car park), Peterchurch
- Peterchurch Churchyard, Peterchurch
- Chapel Road (aka Station Road), Peterchurch

Bromyard

- Bromyard Cemetery
- Broad Street
- High Street
- Rowberry Street
- Church Lane (to the entrance to Old School Court)
- Church Street (to its jct. with Porthouse Industrial Estate)
- Cruxwell Street Tenbury Road (to its jct. with Firs Lane)
- Tenbury Road car park
- Land within the curtilage of Bromyard Leisure Centre
- Council Offices
- Alleyway adj. to Library
- Pump Street (to its jct. with Little Hereford Street)
- Market Square
- Queens Passageway
- Kempson Players (formerly the Playing Fields)
- St Peter's Closed Churchyard
- Nunwell Park
- The Knapp Recreation Ground
- Bowling Green and Tennis Courts, Rowberry Street

HIGHWAYS ACT 1980 SECTION 119 PROPOSED PUBLIC PATH DIVERSION ORDERS

2. The Committee has dealt with four applications for Public Path Diversion Orders. Orders have been granted in respect of the following diversions where alternative routes have been provided which are acceptable or preferable under the provisions of the Act following successful consultation with interested parties, the local parish councils and the local Ward Councillors:

- Footpath WZ1 (part) – Walterstone
- Footpath ZC100 – Leominster

The following applications were rejected because the proposed diversions did not meet the specified criteria as set out in section 119 of the Highways Act 1980 in that they were less convenient or more difficult for use by the public:

- Footpaths BF17 (part) And LH25 (part) - Brimfield And Little Hereford
- Bridleway HD22 (Part) - Birley With Upper Hill

APPLICATIONS FOR DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

8. Ten applications for the renewal or grant of Hackney Carriage/Private Hire drivers licences were referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. The applicants and their representatives gave details of the grounds for their applications and they provided the Committee with the circumstances giving rise to their offences or health situations.
9. Having considered all the facts put forward by the Licensing Manager, the applicants and their representatives, the Committee decided that the Licensing Manager should be authorised to renew six applications and grant one new application because it considered that the applicants were fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. The Committee refused three applications because they considered that the applicants were not fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

**R.I. MATTHEWS
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS

- Agenda papers from the meetings of the Regulatory Committee held on 28th February and 18th April, 2006.

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 3rd March and 21st April, 2006

Membership:

Councillors: TW Hunt (Chairman), JB Williams (Vice-Chairman),
BF Ashton, MR Cunningham, Mrs CJ Davis, PJ Dauncey, DJ Fleet, PE Harling,
JW Hope, B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln (3rd March),
RM Manning, PG Turpin (21st April), RI Matthews, Mrs JE Pemberton, R Preece,
Mrs SJ Robertson, DC Taylor, WJ Walling.

REFERRED PLANNING APPLICATIONS

1. The following Planning Applications were determined by the Committee because
 - (i) they related to the Council's own development or to the development of land owned by the Council; (ii) they were applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees are mindful to approve/refuse them contrary to officer recommendations and Council's Policies; or (iii) they were applications by Members or their relatives.
 - (a) DCNC2005/3689/O – site for smithy & stables with farriers cottage and apprentice flat on part Parcel no 4493, Holmer Farm, Pudleston, Leominster – approved contrary to recommendation;
 - (b) DCCW2005/3683/F – wind turbine with 9m diameter blades on a 15m tower at new Whitecross High School, Three Elms Road, Hereford – approved as recommended;
 - (c) DCSE2005/1284/F – Erection of four chalets at Sterretts Caravan Park, Symonds Yat – approved contrary to recommendation;
 - (d) DCSE2006/0052/F – conversion & alterations to existing period barns to b1 catering use and one residential dwelling, Tre-Essey Barns, Llangarron, St Weonards – approved contrary to recommendation;
 - (e) DCNW2005/3550/F – provision of glazed roof and metal columned canopy with internal lighting for market facilities and recreational functions at Place-De-Marines, off Mill Street, Kington – approved as recommended;
 - (f) Public Information Pillars
 - DCCE2006/0128/A- Outside Odeon, Commercial Road, - refused
 - DCCW2006/0130/A- Garrick House Car Park, Hereford – approved
 - DCCE2006/0131/A- Wye Street Car Park, Hereford – refused
 - DCCE2006/0133/A- Hereford Railway Station – approved
 - DCCE2006/0135/A- Outside the Kerry, Commercial Road, Hereford – refused
 - DCCE2006/0136/A- Outside 28 Aylestone Hill, Hereford – refused
 - DCCE2006/0148/A- Outside Herefordshire College of Art – approved

- DCCE2006/0150/A- Outside Technical College, Hereford – refused
- DCCE2006/0151/A-Outside 5/4 St Peter’s Square, Hereford – refused
- DCCE2006/0154/A- Outside 40/42 Holmer Lacy Road, Hereford – refused
- DCCE2006/0155/A- Mail Order Car Park exit, Hereford – refused
- DCCE2006/0161/A- Bus Station, Union Walk, Hereford – approved
- DCCE2006/0164/A- Gaol Street Car Park, Hereford – refused
- DCCW2006/0175/A- Exit from West Street Car Park, Hereford – approved
- DCCW2006/0181/A- Outside 17 King Street, Hereford – refused
- DCCW2006/0185/A- Outside Forbuoys, Whitecross Road, Hereford – refused
- DCCW2006/0188/A- Entrance to Merton Meadow Car Park, Hereford – approved
- DCCW2006/0192/A- Outside Oval Shops, Newton Farm, Hereford – refused
- DCCW2006/0194/A- Entrance To Leisure Centre, Holmer Road, Hereford – refused
- DCCE2006/0300/A- Outside Fat Face, High Town, Hereford – refused
- (g) DCNW2006/0298/F – residential development for 54 dwelling, with car parking spaces, new access road, landscaping, at Maesydari site, Kington, – refused contrary to recommendation;
- (h) DCNW2006/0071/F – new replacement farmhouse at The Vallets, Richards Castle – approved contrary to recommendation;
- (i) DCNW2005/0890/F – new sports hall, changing rooms, cafeteria and library at Weobley High School, Weobley – approved as recommended;
- (j) DCSW2004/3397/F – conversion of redundant farm buildings to farm shop, plant centre and landscape design centre, including erection of polytunnels, display gardens and associated car parking, land at junction of A465 and B4348, Winnal Court, Allensmore - refused as recommended;
- (k) DCCE2006/0275/F – change of use to education/training facility (temporary use until 2008) at Units 2, 3, 14; & DCCE2006/0279/F – change of use to education/training facility (temporary use until 2008) at Units 12/13 BARRS COURT TRADING ESTATE, HEREFORD – approved as recommended;
- (l) DCCW2006/0725/F – 6m arched steel sculpture to be sited on existing stone plinth outside All Saints Church, High Street, Hereford, HR4 9AA – approved as recommended; and
- (m) DCCNE2006/0517/F – removal of condition no 3 on PP MH2181/90. occupancy compliance 2, Brighton Villa, Walwyn Road, Colwall – approved as recommended

AREA PLANNING SUB-COMMITTEES

2. Councillor PG Turpin was welcomed to the Committee, having been recently elected Chairman of the Southern Area Planning Sub-Committee. The Committee expressed its sorrow that Mrs RF Lincoln had been obliged to retire as a Councillor due to ill health and paid tribute to her many years sterling service to the local community with Herefordshire Council and the former South Herefordshire District Council.

Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:

(a) Northern Area Planning Sub-Committee

- Applications approved as recommended – 26
- Applications refused as recommended – 1
- Applications refused contrary to recommendation – 2 (1 referred to Planning Committee by the Head of Planning Services)
- Applications approved contrary to recommendation – 4 (1 referred to Planning Committee by Head of Planning Services)
- Site inspections – 8
- Number of public speakers – 29 (15 supporters, 10 objectors, 4 parish councils)
- Appeals – 11 have been received and 8 determined (1 withdrawn, 5 upheld and 2 dismissed)

(b) Central Area Planning Sub-Committee

- Applications approved as recommended – 18
- Applications refused contrary to recommendation – 2 (1 referred to the Head of Planning Services)
- Applications approved contrary to recommendation – 1 (not referred to the Head of Planning Services)
- Applications refused as recommended – 1
- Site inspections – 4
- Number of public speakers – 16 (9 supporters, 7 objectors)
- Appeals – 7 appeals have been received and 8 determined (5 upheld and 3 dismissed)

(c) Southern Area Planning Sub-Committee

- Applications approved as recommended – 11
- Applications refused as recommended – 1
- Applications refused contrary to recommendation – 3 (1 referred to the Head of Planning Services)
- Applications approved contrary to recommendation – 3 (1 referred to the Head of Planning Services)
- Deferred – 1
- Number of public speakers – 13 (6 supporters, 5 objectors, 2 Parish Councillors)
- Appeals – 13 appeals have been received and 8 determined (2 upheld and 6 dismissed)

SHOBDON DRAFT DEVELOPMENT BRIEF

3. The Committee has commended a Draft Development Brief for the land adjacent to The Birches, Shobdon to the Cabinet Member (Environment) for it to be sent out to public consultation. The site is proposed for the development of housing and open space in Policy H5 of the revised Deposit Draft Unitary Development Plan and the results of the consultation process will be reported in due course.

PROGRAMME FOR THE REVIEW OF CONSERVATION AREAS

4. The Committee has considered a programme for the preparation of Conservation Area Character Appraisals and management proposals throughout the County. It had previously recommended a programme of four reviews in 2005 and four in 2006 but staff shortages and the need to support the development control process during a period of considerable pressure prevented progress. Towards the end of 2005 the Office of the Deputy Prime Minister (ODPM) published a set of Best Value indicators, one of which related to Conservation Areas. That is indicator BV 219 which covers the following:

BV219a – Total number of conservation areas within local authority area.

BV219b – Percentage of conservation areas with up-to-date character appraisals.

BV219c – Percentage of conservation areas with published management proposals.

The ODPM intends that local targets should be set for these and the guidance on the indicator advises that assistance should be sought on archaeological and historic landscape matters related to conservation areas and that Planning Delivery Grant (PDG) be used to fund additional staff resources to help with this work. The following targets for character appraisals and management proposals have been commended to the Cabinet Member (Environment):

Period	Character Appraisal Completed	Management Proposals Published
2006 - Q1	Preparation	
Q2	Hampton Park; Weobley; Almeley	
Q3	Ross on Wye; Aylestone Hill; Mordiford	
Q4	Dilwyn; Sutton, Orleton	Colwall, Weobley; Almeley
2007 – Q1	Cradley; Bosbury; Much Marcle	Hampton Park; Aylestone Hill; Mordiford
Q2	Pembridge, Kington	Dilwyn; Sutton, Orleton
Q3		Ross on Wye; Cradley; Bosbury; Much Marcle
Q4	Leominster; Central Hereford	Orleton; Pembridge
To be determined		Leominster; Central Hereford

STATEMENT OF COMMUNITY INVOLVEMENT

5. Progress has been made on preparing the Council's Statement of Community Involvement (SCI) for consultation purposes. This document is required as part of the new planning system and will set out how the Council will consult on planning matters. The purpose of the SCI is to:
- set out how those involved in the consultation process will be kept informed; set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives;
 - identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
 - set out transparent, accessible and meaningful approaches to community involvement in plan making and decision making on planning applications; encourage early involvement in decision making between the community, interest groups and stakeholders;
 - recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;

- explain how the results of the consultations will be fed into preparation of local development documents undertaken by the Council; and
- ensure that the council complies with the adopted Statement of community Involvement when preparing its Local Development Documents.

The Committee has commended the final draft SCI to the Cabinet Member (Environment) and Cabinet has recommended it to Council for approval for the purposes of submission to the Secretary of State and publication for consultation purposes.

**T.W. HUNT
CHAIRMAN
PLANNING COMMITTEE**

BACKGROUND PAPERS

Agenda for the meeting of the Planning Committee held on 3rd March & 21st April, 2006.

CASUAL VACANCY IN THE KERNE BRIDGE WARD**Report By: Returning Officer****Wards Affected**

Kerne Bridge

Purpose

1. To formally receive notice of the resignation of Councillor Mrs. R.F. Lincoln and to note the steps to be followed to fill the resulting casual vacancy in the Kerne Bridge ward.

Financial Implications

2. There are no direct financial implications.

Notice of Casual Vacancy

3. Notice of the casual vacancy in Kerne Bridge Ward was given in the edition of the Hereford Times published on 13th April, 2006 and by public notice in the Kerne Bridge ward.
4. An election to fill the vacancy is required to be held within 35 days after notice in writing requesting an election is given to the Chief Executive, as Returning Officer, by two local government electors for the area. Saturdays, Sundays and Bank Holidays do not count in the calculation of the 35 days.
5. The requisite notices have now been received and an election to fill the casual vacancy will take place on Thursday, 1st June, 2006.

RECOMMENDATION**THAT the information be noted.****BACKGROUND PAPERS**

- None identified.

**REPORT OF THE EXTRAORDINARY MEETING OF THE
WEST MERCIA POLICE AUTHORITY
HELD ON 21 MARCH 2006**

Police Restructuring

1. The Home Secretary wrote on the 3 March 2006 to all police authorities, county, district and unitary local authorities in the West Midlands region announcing that he proposed to make an order amalgamating the Staffordshire, Warwickshire, West Mercia and West Midlands police areas with effect from 1 April 2007.
2. Under the provisions of the Police Act 1996 consultees have until the 2 July 2006 to make any objections.
3. An extraordinary meeting of the West Mercia Police Authority was held on 21 March 2006 when it was unanimously decided to continue to oppose the Home Secretary's plans to force a merger. The Police Authority remains committed to its view that an enhanced West Mercia Strategic Police Service is the best option for local people.
4. The results of the consultation on police restructuring are shown below and the Police Authority thanks all the councils, stakeholders and members of the public for their input regarding this issue.

Method	Support West Mercia Strategic Police Service	Support Regional Strategic Force
Written responses	92%	4%
Phone in survey	96%	3%
Survey	84%	13%
Mori poll	67%	17%

5. In publishing his reasons for abolishing West Mercia Constabulary the Home Secretary gave as the principal reason to ensure that 'Protective Services' were sufficiently provided within the region.
6. West Mercia Constabulary already provides a high level of 'Protective Services' and the Police Authority is currently in the process of significantly enhancing the number of staff it has to deal with serious and organised crime, murder investigations and firearms incidents.
7. The Police Authority's major concerns with the merger proposals are outlined below:

Costs and Council Tax

- Abolition and merger will be costly. Over the last few weeks the estimates of costs and savings have varied considerably. Sets up costs are currently estimated by the Home Office to be £51 million.

- ❑ Calculations of net annual savings arising from the change proposals have also varied widely, but at present are estimated at £15.3 million. Whether that level of savings will be realised in practice is unknown.
- ❑ The Association of Police Authorities has called upon the Government to bear the costs directly. The Home Office has indicated willingness to fund the reasonable net set-up costs but the details of this offer are far from clear and remain subject to negotiation.
- ❑ Council Tax for policing is currently much lower in the West Midlands conurbation than in the rest of the region. Council Tax equalisation is essential, but how this will be achieved and over what period is still unknown.
- ❑ A continuing concern is that amalgamation will adversely impact the overall level of police resources available in the West Mercia area.

Engaging with our Communities

- ❑ West Mercia is already 'fit for purpose', with more than 4000 staff and on-going recruitment of a further 400, is already a Strategic Police Force, both in terms of area and capability.
- ❑ West Mercia Police Authority and the Chief Constable do not accept the claims made in respect of necessary minimum size of force, and question whether there has been any real examination of optimum size. If the forced amalgamation goes ahead, existing Partnerships will be affected and both the Crown Prosecution Service and Her Majesty's Courts Services would be involved in additional restructuring, disruption and costs.

Efficiency and Effectiveness

- ❑ West Mercia has been assessed as a highly efficient and effective organisation and is widely recognised as being one of the best performing police forces in England and Wales. It already covers a huge area comprising the historic counties of Shropshire (including Telford & Wrekin), Herefordshire and Worcestershire. It achieves excellent results with a low level of Government grant and modest expenditure per head.
- ❑ The Police Authority is currently implementing a comprehensive programme of investments in both protective services and neighbourhood policing that aim to build upon the strong foundations already in place.
- ❑ The claimed financial and efficiency case for a regional-size force is far from convincing and has simply not been demonstrated.

Alternatives to Merger

- ❑ There is no need to change West Mercia's boundaries.
- ❑ West Mercia is able to meet the core responsibilities of policing in a more efficient and effective manner than the Home Secretary's proposals.
- ❑ West Mercia is currently enhancing its protective services with an extra £2.9m of investment in 2006/7. Already a strong performer in this area, these

additional resources will provide top quality teams, available to work collaboratively with our neighbouring forces if the need arises, and capable of responding to any threats that may emerge.

Governance and Accountability Issues

- ❑ The proposals appear to envisage that each County or Unitary Council will have just one seat on the new strategic Police Authority. This is a considerable reduction from the existing levels of local representation on police authorities.
- ❑ The Police & Justice Bill, currently making its passage through Parliament, proposes new sweeping powers for the Home Secretary. When combined with a new policing landscape with substantially fewer police forces, this threatens to substantially increase central government control and direction of policing.
- ❑ Under the Home Secretary's proposals, local police divisions are expected to be subject to greater levels of scrutiny by and accountability to local Councils. The mechanism for this remains unclear, as does its link to the role of the Strategic Police Authority.

Rushed Timescales

- ❑ The process of restructuring the entire framework of policing in England and Wales has received only a few months consideration.
 - ❑ The Government timescales for merger in the West Midlands is currently 1 April 2007. Most of the other authorities in the country facing a forced amalgamation by the Home Secretary are to be given until 2008 to organise and work towards mergers.
 - ❑ There is absolutely no need for the situation to be any different in the West Midlands.
8. West Mercia Police Authority has sought additional information from the Home Secretary to enable it to prepare a fully worked up objection to the proposed amalgamation order, though at present that information has not been received. The Police Authority intends to take such further steps as appear appropriate to oppose the merger.

Signed on behalf of the
West Mercia Police Authority

Paul Deneen
Chair

Further Information

Any person wishing to seek further information on the subject matter of this report should contact David Brierley or Ian Payne on Shrewsbury (01743) 344314.

List of Background Papers

In the opinion of the proper officer (in this case the Director of the Police Authority) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the West Mercia Police Authority held 21 March 2006.

