

MINUTES of the meeting of COUNCIL held at The Shirehall, St Peter's Square, Hereford on Friday, 16th May, 2008 at 10.30 a.m.

Present: Councillor J Stone (Chairman)
Councillor JB Williams (Vice Chairman)

Councillors: PA Andrews, WU Attfield, LO Barnett, CM Bartrum, DJ Benjamin, AJM Blackshaw, WLS Bowen, H Bramer, RBA Burke, ACR Chappell, ME Cooper, PGH Cutter, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, MAF Hubbard, B Hunt, TW Hunt, JA Hyde, TM James, JG Jarvis, P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, PD Price, SJ Robertson, A Seldon, RV Stockton, JK Swinburne, AP Taylor, DC Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

12. CHAIRMAN

The Vice Chairman, Cllr JB Williams called for nominations to the office of Chairman. Councillor JE Pemberton proposed Councillor J Stone and Councillor WLS Bowen seconded the nomination.

RESOLVED:

That Councillor J Stone, be elected Chairman of the Council until the annual meeting of Council in May 2009.

Councillor Stone signed the Declaration of Acceptance of Office and officiated in the Chair for the remainder of the meeting.

13. PRAYERS

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

14. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Hunt and RH Smith for the meeting.

15. DECLARATIONS OF INTEREST

The Chairman reminded Members of their obligation to notify the Assistant Chief Executive, Legal and Democratic of any changes affecting their Declaration of Financial or Other Interests within 28 days of any change taking place. He asked them to complete and return the necessary forms to the Members Support office as

soon as possible

Councillors ACR Chappell and WU Attfield both declared a personal interest as Governors of Wyebridge College which was referred to in the Cabinet Report (Item 14, page 95)

Councillors PJ Edwards and RJ Phillips declared a personal interest in the Strategic Monitoring Committee Report (Item 20, page 337 [paras 16/17 - 'Smallholdings Estate Policy and Working Practices']).

16. VICE-CHAIRMAN

The Chairman called for nominations to the office of Vice-Chairman.

Councillor RI Matthews proposed Councillor JB Williams and Councillor JW Hope MBE seconded the nomination

RESOLVED:

That Councillor JB Williams be appointed Vice-Chairman of the Council until the annual meeting in May 2009.

Councillor JB Williams signed the Declaration of Acceptance of Office.

17. MINUTES

RESOLVED:

That the Minutes of the meetings held on 8 February 2008 and 7 March 2008 be approved as a correct record subject to the changes noted below and signed by the Chairman.

- (a) Item 6, Minutes of 8 February 2008**
A list of named votes of 8 February 2008 to be appended to the formal record of the meeting.
- (b) Item 6, Minutes of 8 February 2008, page 30**
'expenditure of £1.1 million' be amended to read '£1.4 million'
- (c) Item 6, Minutes of 8 February 2008, page 30**
For the formal record, Councillor MD Lloyd Hayes requested it be noted that she left the Council meeting prior to Councillors TM James and WJ Walling.

The Chairman advised Council that the principle of appending a list of named votes would be adhered for future meetings as appropriate.

18. REPORT ON THE ELECTION OF A COUNCILLOR

The Chief Executive in his role as Returning Officer, formally advised the Council of the result of the by election held on 10 April in the Old Gore ward. The Chairman congratulated Councillor Durkin on his election and welcomed him to his first formal meeting of the Council. Councillor Durkin was additionally congratulated by Councillor Matthews.

RESOLVED:

That the content of the report be noted.

19. APPOINTMENT OF THE LEADER OF THE COUNCIL**RESOLVED:**

That Councillor RJ Phillips be appointed Leader of the Council until the annual meeting in May 2009.

Councillors Lloyd-Hayes and Dawes requested that the record formally noted their objection to this resolution.

Councillor Phillips advised Council that he had appointed Councillor JP French as Deputy Leader of the Council, a position which would have an extended role in supporting the development of joint working and partnerships agenda. He confirmed the names of his other cabinet members, which would remain as in 2007/08 with the addition of Councillor PD Price who had been appointed as Cabinet Portfolio for Educational Improvement and ICT. He confirmed that any changes to the titles and remit of scrutiny committees would follow the formal procedure as laid down in the constitution.

The Leader thanked Councillors for their continued support and stated that he was passionate about the County's future whilst acknowledging its rich heritage and past. He thanked staff for their delivery of the strategies, policies and services on behalf of the Council. Those Members who were standing down from various positions were thanked for undertaking their roles with due diligence.

Council was advised that a review would be undertaken of both the constitutional and civic processes and there would be a priority for improving service delivery by working with PCT and others to improve services within the County, by improving from the inside out. It was recognised that there were challenging infrastructure issues for both the County's market towns and City. It would be important for the Council to lobby to retain the centre of population of business, a key element of which would be the Edgar Street Grid. It was stated that had the ESG been in establishment, it was possible that Chadds would not have closed.

The opening of the Rotherwas Access Road would be the first new road in the City since 1968 (Greyfriars Bridge) and there had not been any building in the county's infrastructure in the subsequent 40 years. As Leader, Councillor Phillips vowed to deliver new infrastructure in the next four years to provide foundations for the future of Herefordshire. The county must have a living economy whilst also cherishing the natural environment, and continue to provide residents with a good standard of living and quality of life.

8The Leader advised Council that he would champion the rural services and the way of life – he stated that the Government did not fully understand the rural agenda and that he would lobby on behalf of the rural agenda and inform Government of the realities of servicing our communities. An example of such a reality was given as the impact to the Council budget as a consequence of the increase in fuel prices, which to date had been an additional cost of £200, 000. The Leader stated that it would be important to forge links with similar Councils of a rural nature to collectively challenge and lobby appropriately. Additionally, the Leader stated that it would be essential to develop strong sub regional agendas within both West and East Midlands regions.

20. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES AND OTHER BODIES

In advance of discussion on this item, the Chairman thanked Members who had served as Chairmen and Vice Chairmen of the Committees during the last municipal year.

A list of those offices to which the Council had powers to appoint, together with nominations was circulated at the beginning of the item (attached at Appendix 1 of the minutes for ease of reference). The Leader proposed the names as indicated on the Appendix for consideration by Council.

Members were advised that the allocation of seats to political groups would be proportionate, and that, where one political group held the majority of seats on the Council, it was entitled to the majority of seats on each of its committees. In order to continue the existing arrangement of allowing the Chairmen and Vice-Chairmen of the other Scrutiny Committees to sit on the Strategic Monitoring Committee it would be necessary to suspend proportionality. This would allow the membership of the Strategic Monitoring Committee to be made by Council on a basis which departed from political proportionality. Members were advised that any vote on suspension of proportionality would need to be "nem con", that is, with no councillor voting against the proposal.

Councillors were reminded that the membership of the Committees was for group leaders to determine, taking account of political proportionality and was not for consideration or formal agreement at the Council meeting.

It was further noted that for clarity, those posts which were currently 'gifted' by the majority group to other political groups would be highlighted and be clearly identifiable within appropriate documentation.

RESOLVED: (nem con) THAT:

- (a) the recommendation to partially suspend the rules of proportionality be approved;**
- (b) Councillors be appointed to the offices contained in Appendix 1 for a term of office which will expire at the next Annual Meeting of Council;**
- (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;**

21. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all Councillors and guests to the Annual Meeting of Council and looked forward to seeing them in the Town Hall for the Chairman's lunch.

Councillors JE Pemberton and Lloyd-Hayes were welcomed back following their recent period of ill health.

It was announced that Councillor RBA Burke had served 50 years as a Councillor representing the Leominster area. The Council was advised of Councillor Burke's notable achievements and he was warmly congratulated on this significant milestone. In response, Councillor Burke advised the Members that he was greatly privileged to hear the tributes and thanked everyone very much.

The Chairman stated that prior to the annual lunch, a presentation would be held for the Lord Lieutenant and his wife, Sir Thomas and Lady Dunne, for the 32 years service they had given to the County, as Sir Thomas would be retiring from the position in the Autumn.

The success of Hereford United (achieving automatic promotion to League 1) and their manager Graham Turner (named Manager of the year) was recognised, as was the achievement of Wooferton Football Club, crowned champions of the Herefordshire Times Herefordshire League premier division.

The Chairman also took to opportunity to promote a coffee morning to be held on 21 May at the Town Hall in support of Noah's Ark Trust, a Herefordshire and Worcestershire charity for bereaved children.

Petitions

1A petition had been received from Mrs Carol Honer relating to traffic calming by St Francis Xavier's School. The petition was passed to the Cabinet Member for Highways and Transportation, Councillor DB Wilcox.

22. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman reminded Council that under the Constitution a member of the public could ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council had powers or duties, or which affected the County, as long as a copy of that question was deposited with the Assistant Chief Executive, Legal and Democratic Services more than six clear working days before the meeting.

The Chairman advised the Council that 14 submissions had been lodged by members of the public, with the majority relating to the planning application by Bloor Homes at Bullinghope and the Rotherwas access road. In order to deal with all the questions the Chairman advised the Council that the Cabinet Member Environment and Strategic Housing would provide a composite answer to those questions asked by the majority relating to Bloor Homes and the Rotherwas access road and that following the meeting, individual written responses would be sent to each individual who had submitted a question. It was additionally stated that the questions and their responses would be individually minuted for the record (and are attached as appendix 2 to the minutes).

Composite answer provided by Councillor J Jarvis, Cabinet Member for Environment and Strategic Housing

(a) Position on Planning Application

- (i) The application to develop 300 dwellings on land at Bullinghope, Hereford (DCCE2008/0970/F) was submitted on 3 April 2008. A detailed Environmental

Statement and other supporting information have been submitted and are available for public scrutiny and comment. No detailed timetable has been established for the determination of the application. A separate but related challenge to the allocation of the site in the UDP would be considered in the Royal Court of Justice on 26 and 27 June 2008. The Council is currently carrying out detailed consultations with statutory consultees and local groups. At this stage elements of the detailed information raised in some of the questions is not available at this stage of the processing of the application.

(b) Financial Position of the Rotherwas Access Relief Road

- (i) Bloor Homes first broached the possibility of residential development at Bullinghope making provision for related road infrastructure in their submission to a public consultation entitled 'Planning for the New Millennium' in 1999. This was linked to the then safeguarded route of the former Hereford bypass scheme in this locality. This route was also taken as a basis for the Rotherwas Access Road. As a public consultation, the results of this were appraised by officers and reported to members following usual processes.
- (ii) The Rotherwas Access Road is being funded as part of the Rotherwas Futures Project. The road element of the project is already fully funded by the Council and Advantage West Midlands and does not rely on a contribution from Bloor Homes. The Actual spend to date on the project is £10,524,810. The funding of spend to date is Advantage West Midlands £6,500,000. Council Local Transport Plan funding £1,817,076. Council Prudential borrowing £2,207,734. The estimated final cost is £12,780,000.

(c) The High Court Challenge

- (i) The application issued by Dinedor Residents Association Limited seeking a review of a proposed site for residential development at Bullinghope will be heard by the High Court at London on the 26 and 27 June 2008. In readiness for that hearing a schedule of costs will be produced to the court by the Council, encompassing all legal costs up to and including the date of the hearing, incorporating Counsel's fees and any disbursements incurred in traveling to London, overnight accommodation and similar expenses. It is not possible to identify what sum will be submitted to both the court and to the Claimant, by a schedule of costs at this stage. The schedules are ordinarily submitted on the week of the hearing, so that all professional time can be captured. In answer therefore to the question no estimated costs have yet been submitted to the court as to do so would be wholly premature.
- (ii) The Protective Costs Order obtained by the Claimant is for an overall figure of £15,000. The Claimant has not identified how this figure was generated, although the court considered that the sum was an appropriate level to which the Claimant's liability for the Council's costs should be limited, in the event that the Claimant was unsuccessful in those proceedings. In the event that the Claimant is unsuccessful and the Council is awarded its costs, the said sum of £15,000 would be used to pay for professional time and disbursements of the sort identified in the answer above.

(d) Highway Issues

- (i) There is no specific threshold relating to the requirement or not for contributions to public transport. A range of options would normally be considered including; the provision of new infrastructure (bus shelters with high level kerbs for disabled access), the diversion of an existing bus service to serve a new development (this would need to consider the benefits to new

users against the increased journey time for existing users) or ultimately the provision of an entirely new service (this would require a substantial developer contribution to cover the cost of a 3-5 year contract). The Council will consider this application in respect of a wide range of sustainable transport issues including improvements to public transport provision.

- (ii) The Transportation Service is currently reviewing the Transport Assessment supplied with the application. This will include comparison with assessment of the site during the UDP Inquiry and liaison with the Highways Agency with respect to impacts on the trunk road network. As this review has not yet been completed it is not possible to comment in detail on the comment included in the question. The result of this review will be submitted to the planning officer for consideration and inclusion in the report on the application.

(e) Housing Values & Affordable Housing

- (i) The issue of the market value of houses is not a material planning consideration. In the event that the application is granted planning permission it will be for the developer to set its own marketing strategy.
- (ii) Neither the Central Area Planning Sub-Committee nor the Planning Committee has yet considered the application. When the application is reported to Committee it will be for Members to balance up the issues and any planning obligations, in general, and the absence of affordable housing in particular.

(f) Archaeological Issues

- (i) The Council's Archaeologist is liaising with contractors acting for Bloor Homes to identify the scale and nature of the archaeological importance of the site. Contractors working for Bloor Homes are completing a full evaluation process as set out in PPG 16. This will allow the County Archaeologist to have an appropriate opportunity to assess the results before the Committee determines the application. Additional consultation will be carried out on the completed evaluation.

(g) The Proposed Section 106 Agreement

- (i) The planning application proposes a financial contribution to Rotherwas Futures. This is unspecified and will be the subject of detailed discussions between the Council and Bloor Homes around the scale and nature of any planning obligations package in the event that planning permission is forthcoming.
- (ii) The planning application proposes a financial contribution of £40,000 towards local libraries including Belmont Library and £40,000 towards Belmont Community facility. This part of the proposed application will also be considered in the detailed discussions to be arranged. These discussions will explore the opportunities that exist to secure community facilities in the three mentioned wards and others in the City.

(h) Technical Matters

- (i) Welsh Water is one of the statutory Consultees on the Planning Application. Council officers have consulted Welsh Water on the application and are awaiting their response.

(j) Rotherwas Industrial Estate and Rotherwas Futures

- (i) The issues of sustainable residential design have been discussed with the applicant and the application proposes the following features:
 - surface water drainage through a private system.
 - the use of sustainable drainage techniques where possible.
 - construction methods to respect the Code of Sustainability themes.
- (ii) The asset valuation for the Council owned part of Rotherwas Industrial Estate for 01/04/08 is £10,850,000. This figure is provided for financial regulation purposes and not as a value for the Council.
- (iii) The applicant has had detailed discussions with the Environment Agency as part of the submission of the application. The details of Flood Risk and Water Resources are set out in Section 15 of the Environmental Statement. The Association of Rotherwas Enterprises indicated its support for the housing development at Bullinghope prior to the start of construction of the Access Road and has made no comment for or against it since construction started.

Questions from Mr R Steeds, Bringsty, Worcestershire

SCHOOL CLOSURES

Prospective Bromyard school parents and current teachers need to know which policy the Council are following? This cannot wait until 2011 as determined people will seek the best long term outcome for themselves and their families and will seek to avoid uncertainty.

As it seems geographic considerations and current educational performance are not to be criteria for school assessment in the matter then it is reasonable to ask the Council to list the criteria they will consider?

Answer from Cllr J Hyde, Cabinet Member Children's Services:

The Council is not considering the closure of any school, and therefore the identification of criteria to give schools 'a degree of protection' is irrelevant.

The Council has invited schools in their areas to discuss if and how falling numbers of children will affect schools, and what action could be taken to mitigate any problems. We are aware the schools in the Bromyard Area have already begun this debate and we look forward to seeing positive outcomes from this, which may provide not only ideas for other areas of the County but possibly for other areas of the country.

THE GOVERNANCE OF BROMYARD DOWNS

(i) In December 2006 the Cabinet responded with an action plan involving proper consultation to be completed by April 2007. Nothing happened.

(ii) When can we expect a response?

(iii) Why has the District Council involved Legal Counsel? Surely this cost is not justified and if needed should be AFTER consultation NOT BEFORE.

(iv) Is the District Council aware that the Commons Management Committee, to whom it has been formally delegated financial responsibility, spent just £49 on the Common in the year 2006/07?

(v) How much did Herefordshire District Council spend on the Bromyard Downs Common "physically and administratively" in 2006/07?

(vi) Why did Herefordshire Council spend anything?

(vii) Are the Commons Management Committee's accounts properly audited and incorporated into the Parish Council's accounts? If not, why not? Have the District Council ever inspected the accounts?

Answer from Councillor A Blackshaw, Cabinet Member Economic Development and Community Services

Mr Steeds is referring to the Consultation process last year. The consultation documentation has been prepared following Counsels advice. This will be circulated shortly to all interested parties, including the User Groups, Committee Management Group and Parish Councils and others. The issues raised over the current arrangements involve complex legal issues which have required adequate advice.

I would invite all concerned to participate in the consultation to express their views for further consideration.

The accounts for the Management Committee are open for inspection and copies are available at the Annual General Meeting (AGM) of the Commons Management Committee.

The Council paid for the "Firebreak" cutting, but no separate account is kept of the amount of time spent on individual commons.

Herefordshire Council owns the common and therefore has overall responsibility for it.

The Management Committees accounts are completely separate from the parish Councils. The accounts are available and they are handed out at the AGM. There is no requirement in the management agreement for Herefordshire Council to audit the accounts

LINTON TILE WORKS

(i) Why does the Council say it has no right to repair the access road? Surely it has a duty to see the road is repaired. No good will come by threatening the existing owners with the law. Surely the Council should seek their cooperation and pay most if not all the costs? Has there been any joint meeting of all the parties with an interest in the road?

(ii) When can we expect to see the road improved?

(iii) As the road is so poor would the Council allow 4x4's and trailers to use the site "domestically"?

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

The access road is a private road in private ownership; the Council only has access rights over the road and a requirement to contribute to the cost for the maintenance. The Council has no right to maintain it the road and whatever works the Council did would have to be by agreement with the owners. The registered owners have been written to with a request that they confirm they still are the owners and requesting that they carry out works for which the Council will contribute. The Council could, if the owners agree the specification and how much each party contributes, carry out the works. There are three registered owners, so far a response from only one of the owners.

Vehicles with trailers and 4x4's can use the Household waste sites across Herefordshire and Worcestershire for domestic waste recycling and disposal as long as they are driven by a resident and have a "Commercial vehicle & trailer permit". The permit system was brought into effect in April 2007 to ensure that only residents with household (domestic) waste used these sites rather than traders using it as a

free tip. Permits are available to residents by ringing 0845 607 2007.

MALVERN ROAD, BRINGSTY

- (i) Who authorised the work?*
- (ii) Why were the proper authorities not consulted?*
- (iii) Whose budget is expected to pay for it?*
- (iv) The work is neither sufficient nor complete. Can we be assured that the job will be completed to the satisfaction of both the Land Agent and the victims?*
- (v) When will the Council implement Mr Grover's simple recommendations and bring to an end this era of mismanagement?*

Answer from Councillor A Blackshaw Cabinet Member Economic Development and Community Services

The Bromyard Downs Management Committee are entitled to make management decisions under the Schedule of Regulations, which under paragraph three includes drainage works. The matter was discussed with the Committee and an executive decision was made to employ Mr Poyner to do the work.

There is no obligation for Herefordshire Council to be consulted, although various Council officers were consulted, mainly highways.

The Management Committee will be paying for the works.

The work has yet to be completed and the Herefordshire Council drainage officer will be consulted before it is completed.

The Council are shortly to issue consultation on the governance issues regarding the Downs to include all interested parties.

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

The Chairman advised that 11 Councillors had lodged questions with several relating to Bloor Homes at Bullinghope. One composite answer was been provided at the Council meeting by Councillor J Jarvis Cabinet Member Environment and Strategic Housing which covered all key points raised by questions received from Councillors Dawe, Chappell, Hubbard, James and Davies.

COMPOSITE ANSWER PROVIDED BY COUNCILLOR J JARVIS, CABINET MEMBER FOR ENVIRONMENT AND STRATEGIC HOUSING

(A) POSITION ON THE PLANNING APPLICATION

- (i) The application to develop 300 dwellings on land at Bullinghope, Hereford (DCCE2008/0970/F) was submitted on 3 April 2008. A detailed Environmental Statement and other supporting information have been submitted and are available for public scrutiny and comment. No detailed timetable has been established for the determination of the application. A separate but related challenge to the allocation of the site in the UDP would be considered in the Royal Court of Justice on 26 and 27 June 2008.

- (ii) The Council is currently carrying out detailed consultations with statutory consultees and local groups. At this stage elements of the detailed information raised in some of the questions is not available at this stage of the processing of the application.
- (iii) The quality and detail set out in any planning application is ultimately a matter for the applicant's discretion within the context set by national and local standards. Contractors working for Bloor Homes are completing a full evaluation process as set out in PPG 16. This will allow the County Archaeologist to have an appropriate opportunity to assess the results before the Committee determines the application. Additional consultation will be carried out on the completion of the evaluation.
- (iv) The issues raised on the accuracy or otherwise of the traffic assessment and the flood risk assessment submitted with the application is a matter which is awaiting detailed responses from key consultees. Due to the comprehensive nature of the Environmental Statement the Council is procuring its own consultants to verify the accuracy or otherwise of its contents.

(B) POSITION ON FUNDING FOR THE ROTHERWAS ACCESS ROAD

- (i) The Rotherwas Access Road is fully funded as part of the Rotherwas Futures Project. The Council has fully explored a range of different funding methods for the Rotherwas Access Road and as a result secured a funding package for the Road through the Rotherwas Futures Scheme. In addition, the Council will continue to seek Section 106 agreements from any developments that could further contribute to the package. The Rotherwas Access Road has secured its own funding package and is not financially reliant on the development of the Bullinghope site.
- (ii) Detailed discussions will take place with Bloor Homes shortly on the range and nature of the Section 106 agreement package that would accompany the application in the event that planning permission is granted. The submitted application includes no proposals for affordable homes on the site. This reflects the contents of paragraph 5.4.13 of the adopted Unitary Development Plan.

(C) ARCHAEOLOGY

- (i) The Council carried out some preliminary studies on the site when it was proposed as an objection site in earlier stages of the UDP. Further detailed work has been carried out since the adoption of the Plan and as the application has been prepared. This work is informing the detailed archaeological assessment which is being undertaken by contractors engaged by Bloor Homes.

(D) FLOODING AND SEWERAGE

- (i) Bloor Homes has carried out a range of work on the technical considerations in relation to its proposed development of the Bullinghope site. This work is detailed in the Environmental Statement and other supporting documents. The Council is still awaiting the detailed responses from a range of statutory consultees on the proposal.

Supplementary question from Councillor Dawe

Is the Rotherwas Access Road fully funded as in earlier answer reference was made to prudential borrowing?

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

Yes, that is correct

Supplementary question from Councillor Chappell

It is perplexing as to why houses are developed in the North of the City of Hereford and pay for the development of the Rotherwas Access Road. Could details be made available of all funding methods for the Rotherwas Futures and Road.

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

The information relating to the funding of the Rotherwas Access Road funding is in the public domain.

Supplementary question from Councillor M Hubbard

There is a link between affordable housing and funding of the Access Road as there is no reference to affordable housing in the Bloor Homes development as the development would be contributing to the Access Road. If the development is not contributing to the Access Road, why have Bloor Homes been relieved of the requirement to ensure the development provides for 35% affordable housing?

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

When the development is considered by the Planning Committee, Members will discuss the content of the application. It is for the Planning Committee to determine the outcome of the application having taken all aspects into consideration.

Supplementary question from Councillor T James

What is really known about the archaeological importance of the site as this needs to be clarified before any further progress is made?

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

PPG 16 states that proper investigation must take place prior to further development. It is difficult to know in detail what may be found until the works commence. Additionally, in responding to a point of order raised by Councillor Toon, the Cabinet Member stated that a further response would be provided with relation to question 6.1 (which refers to the Council's records on historic archaeological information on the Bullinghope/Bloor Homes site).

Question from Councillor ACR Chappell to Cabinet Member Corporate and Customer Services and Human Resources

With an ever increasing population of migrants coming to the county, from several different parts of Europe and Asia, will the Leader give serious consideration to the appointment of a 'Herefordshire Ambassador'?

An 'Ambassador' for the county would travel to the main countries from which migrants to the county come, would liaise with government departments, local authorities, families etc., to foster good relations between our communities. In the event of illness, or other serious incidents within the migrant community, the Ambassador would be first port of call for migrants and their families and for the authorities in this country.

Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources

An ambassador that is funded by public money, travelling to an extensive number of countries (over 20) would be difficult to justify. What we would like to see is a local approach, with a central point of contact, to support foreign nationals.

Significant elements of the ambassador role are already undertaken within this country with local and international business and public service partners by Herefordshire's Leader, Deputy Leader and other political leaders.

Supplementary question from Councillor Chappell

The Council seeks to maintain the status quo. The economic contribution of migrant groups within the County is substantial and this, together with their other contributions should be acknowledged through a dedicated position. The business sector could also be requested to consider a similar proposal.

Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources

Whilst the Council is actively involved in a number of projects, including the Friendship Centre this does not preclude consideration with partners of future options.

Question from Councillor GFM Dawe to Cabinet Member Corporate and Customer Services and Human Resources.

Can you tell me how many times Herefordshire Council has used the Regulation of Investigatory Powers Act (2000)?

If the RIPA Act (2000) has been used, what offences were investigated and what surveillance methods employed.

Which departments within HC have made use of RIPA?

Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources

Article 8 of the European Convention on Human Rights confers a right to respect for private and family life. This right makes it unlawful for a public body to covertly monitor the private or family life of a citizen unless it be for the purposes of investigating crime, safeguarding national security or public safety, the protection of public health or morals, the protection of the rights of others or safeguarding the economic well being of the country. In the exercise of its duties, the Council sometimes needs to covertly investigate allegations of wrongdoing. Where such techniques are used, the Council adheres to the legal requirements of The Regulation of Investigatory Powers Act (RIPA). Before undertaking any surveillance, investigators must firstly obtain a written authority from one of a handful of specially trained senior officers. In Herefordshire authorisations are comparatively

rare, as less intrusive evidence-gathering techniques must be exhausted or prove impractical before permission will even be considered. The Office of the Surveillance Commissioner oversees all public bodies operation of procedures under The Regulation of Investigatory Powers Act and conducts periodic spot-audits. The Council has received two such audits over the past few years and has received consistent praise for the way in which it operates its procedures, under the supervision of The Legal Practice Manager. The Council also completes an Annual return to the Office of the Surveillance Commissioner each April, outlining the numbers of authorisations made in the previous twelve months. The following numbers of authorisations have been made:- 2003/04 - 11 authorisations; 2004/05 - 2 authorisations; 2005/06 - 3 authorisations; 2006/07 - 4 authorisations; 2007/08 - 7 authorisations.

RIPA authorisations have been given to assist Council officers investigate various matters including allegations of benefit fraud; the apprehension of 'joy-riders' in the County's parks at night; the adherence of retailers to the new no-smoking laws and the operation of unlicensed vehicles in the City. Additionally RIPA powers have been used to facilitate test-purchases at a number of stores in order to clamp down on the sale of alcohol and tobacco to minors. The Council also makes RIPA authorisations at the request of the Police, to allow our CCTV cameras to be used in the furtherance of police-lead criminal investigations. Surveillance methods include video and still photography along with officer observations which are subsequently captured in formal statements.

The Directorates which have used RIPA are Resources and Environment.

Questions from Councillor GFM Dawe to Cabinet Member Corporate and Customer Services and Human Resources

Is it Council Policy to censor political films, if so can you point me to that policy?

On 26 March 2008 (or thereabouts) The Barrels pub received a hand delivered letter from the council saying that if the film 'On The Verge' was screened the landlord would be fined and possibly imprisoned. Who wrote the letter, on whose instructions and why? Was this letter written with the full backing of the Council?

*Who was the most senior officer to authorise the Council's action to prevent the showing of the film 'On The Verge' at the Barrells pub on 26 March 2008?
Who gave the advice that the Landlord could be fined or imprisoned if the film was shown?*

Since the Police had chosen not to intervene, who would have initiated a prosecution if the film had been shown? Please identify the exact legal reference that demonstrates an obligation for the Council to have followed this course.

Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources

No, it is not Council Policy to censor political films

The Barrels was not licensed for showing films. The penalties for breaching the licence were detailed as is normal in these circumstances and follows the principles laid out in the National "Enforcement Concordat" issued by the Home Office and agreed by the LGA. We acted as a responsible council by helping them apply for and obtain a temporary events notice.

It was agreed by the Head of Service

The Licensing Service gave the advice that the Landlord could be fined or imprisoned if the film was shown.

The Head of Environmental Health and Trading Standards has delegated powers to initiate prosecutions for a breach of licensing conditions. Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held.

Question from Councillor ACR Chappell to Cabinet Member Environment and Strategic Housing

With a long waiting list for allotments, will the Leader ensure that Planning Policies include either a financial contribution towards provision of allotments or land provision by Developers?

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

Para 3.9.12 of the recently adopted Supplementary Planning Document on Planning Obligations recognises the importance of allotment gardens as a response to a specific set of needs. The document indicates that any contributions will be negotiated on a case by case basis. The Head of Planning Service is in direct contact with the Acting Town Clerk at Hereford City Council on this matter

Supplementary question from Councillor ACR Chappell

Consideration of access to allotments needs to be given for both market towns and City dwellers.

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

Comments were noted and would be taken into consideration.

Question from Councillor ACR Chappell to Cabinet Member Economic Development and Community Services

The Hay Festival is a week away and 1000s of people from across the UK and further will pass through Herefordshire. Next year Hereford will host the Three Choirs Festival. The Royal National College for the Blind will host part of the Blind World Cup Football Championships in 2010 and will be host to one of the national teams for the 2012 Para Olympics in 2012.

What plans does the Cabinet Member have to ensure the County and the City gets maximum benefit from these events? Will he talk to traders, hoteliers, cafes etc., about extending opening hours and ensuring that suitable access is available for all?

Answer from Councillor A Blackshaw, Cabinet Member Economic Development and Community Services

Visit Herefordshire are working with the Hay Festival by helping with accommodation enquiries via the Tourist Information Centre and we have contributed to a shuttle bus service running from Hereford Railway station to Hay on Wye and back 4 times a day. This makes it easier for people who are travelling by train but also has the benefit of ensuring that people stay within Herefordshire during the festival. The total cost for this service is £10,000, of which Herefordshire Council was contributing

£1,000 (other partners included the Welsh Assembly, Powys Council and Brecon Beacons National Park)

In relation to the Three Choirs Festival we have always helped with accommodation enquires if we can but the Three Choirs have their own accommodation sub committee that they have indicated they would be pleased to have us sit on, this is being followed up and there is close working taking place with the Chairman of the Committee.

The World Blind Football Championships in 2010 is already being prepared for, the Visit Herefordshire team are working on a guide of accessible accommodation, attractions, restaurants, shops etc and this is being done in partnership with the Royal National College for the Blind. There is an action point on the Herefordshire Olympics Action plan to develop relationships with overseas teams and we are working with Tony Larkin, Chair of the Sports Council (who is leading on the project from the Royal National College for the Blind) to establish what countries will be visiting Hereford in 2010 and how we can work with them to maximise the publicity for both residents and visitors who may be in the county at that time. It is planned to have a full meeting and put a formal proposal together following the Paralympics in Beijing this year.

In relation to getting people to stay open for longer for visitors we did have a discussion with operators in the city before the last Three Choirs and many of them operate at their full capacity did not really feel the need to extend their opening hours or change the way they operated their business. We will however approach them again for next year's Three choirs Festival by working with the Festival committee to get times of concerts out early for businesses to plan.

In relation to the 2012 games we will have a comprehensive guide available by then and hopefully we will have offered training to businesses (subject to funding) on Customer Care and dealing with customers with disabilities.

Supplementary question from Councillor Chappell

Most retailers close by 6.00p.m each evening and are closed on a Sunday. Public conveniences close by 10.00p.m. With the huge possibilities events of this nature can offer, it is imperative that local businesses, both within the City and in the Market Towns, are made aware of such opportunities.

Answer from Councillor A Blackshaw, Cabinet Member Economic Development and Community Services

It is recognised that there are phenomenal opportunities to grasp in relation to the centres of our city and market towns. It is important to emphasise that a thriving café culture is not about extending the opportunity for binge drinking. It is acknowledged that there is much to do prior to 2010 and 2012.

Question from Councillor ACR Chappell to Cabinet Member Children's Services

Following the Scrutiny Committee's overwhelming support to re-open the St Martin's LEA Swimming Pool, which organisation has she spoken to with regard to 'Partnership' working of the pool?

Answer from Councillor J Hyde, Cabinet Member Children's Services

Officers have not spoken to individual organizations about the possibility of a

partnership running the pool, as it was important to clarify possible costs. Scrutiny Committee did request an independent view of running costs of the St Martin's Pool. These have been estimated by an independent consultant to be over £130,000 per annum, excluding maintenance costs. Cabinet will be considering the future of the pool and a report is being prepared setting out options, and including the views expressed at Scrutiny Committee.

In response to concerns raised concerning the lack of reference about partnerships, the Chairman stated that he understood the concerns raised and had been present at the Scrutiny Committee in question.

Supplementary question from Councillor Chappell

The South Wye Regeneration Partnership was only contacted about this issue yesterday and other organisations that use the pool had yet to be contacted. As Cabinet would discuss the item on 29 May, it was important that all problems were raised in order that they could be fully considered.

Answer from Councillor J Hyde, Cabinet Member Children's Services

An independent scrutiny of costs outlined the importance of getting the full costs known which included the increased cost of pool use. It was emphasised that that full consideration of all information would be taken on board and that it was not about forming a quick decision.

Councillor Toon stated that Halo had been good partners in the provision of Swimming Pools and in accommodating the needs of both schools and ordinary swimmers.

Question from Councillor ACR Chappell to Cabinet Member Children's Services

What is the Cabinet Member doing to ensure that county schools provide locally accessed food for our schools? Is she aware that local producers want to provide decent wholesome food in our schools and schools are trying to encourage pupils to learn to cook home grown fresh food?

Answer from Councillor J Hyde, Cabinet Member Children's Services

The Council is aware of the interest of local producers in this matter and of the efforts of schools to promote local, healthy food. There are a number of initiatives being undertaken to use locally grown food in schools.

There is a policy encouraging school caterers to use local sources, and this is being translated into contracts. In future the aspiration is for schools to work towards the Food for Life Targets of using 75% fresh, 50% local and work towards 30% organic ingredients in the next two years. This is being put into catering contracts as they are renewed.

In partnership with Bulmer's foundation and through the Healthy Schools Initiative, staff have been employed to establish gardens in schools to produce fruit and vegetables for consumption.

Under the Fruit Scheme complaints have been made to the government appointed agency who manage this scheme through regional contracts. The Council has made representation that we wish our schools to be supplied where possible from Herefordshire Grown fruit rather than fruit from Europe. It has now been established

that we can get out of the regional contract and establish our own arrangements. The practical arrangement of how this is to be done is being discussed by a Schools Meals Working party on which all interested parties are represented.

An initiative in partnership with the Duchy of Cornwall Local Food Partnership Feeding Young Minds, the Bulmer Foundation and Health Schools is encouraging schools to; promote food safety, increase the consumption of healthy and nutritious food, improve sustainability of production and distribution, increase tenders from local producers, increase co-operation among buyers and producers and increase the sustainability of public food procurement

Question from Councillor RI Matthews to Cabinet Member Highways and Transportation

Having discovered by reading in the local press, that the Cabinet Member for Highways and Transportation was hopeful that the extra cash being raised from the recent increase in Car Parking charges would be invested in a Park and Ride scheme to be situated off the A49 at Holmer, is it not time that he informed Members of the exact location and size of this proposed site? Or, does he intend to announce that through the press as well?

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

The link between the Council's approach to car park charges and future support for Park and Ride is made clear in the Council's Local Transport Plan. The Plan highlights that it is necessary to coordinate the provision of park and ride sites with our strategy for car parking charges in the centre of the City to encourage use of park and ride and to assist with the future revenue costs of operating such services. As Chairman of the Environment Scrutiny Committee, Councillor Matthews may recall this link in policy terms was also recently highlighted at the Environment Scrutiny Committee meeting on 25 February 2008 in relation to a report on On-Street Parking.

With regard to progress on delivering the Hereford Park and Ride Scheme to the north of the City, this has been subject to lengthy land negotiations. Whilst potential sites have been identified in the vicinity of the A49, discussions are currently underway with land owners to secure agreement for a suitable site. As these negotiations have not been concluded it has not been appropriate to discuss the details in the public arena. Once negotiations are complete it is anticipated that a planning application would be submitted to take the proposal forward. This will enable full consideration of the proposal in the public arena and will need to be accompanied by details on environmental and traffic impacts of park and ride. In accordance with normal practice, Members will be advised of the proposed site at the appropriate time and any press releases placed in the Members Room.

Supplementary question from Councillor Matthews

Whilst appreciating the need to maintain confidentiality, Members take a dim view of reading issues of such a nature in the press. It is imperative that relevant and appropriate briefings are provided to Members.

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

The issues under question were raised on 25 February during a public meeting.

Question from Councillor PJ Edwards to Cabinet Member Children's Services
Why were Local Members not informed of plans to withdraw transport provision for

all non entitled riders' going to Bishops and St Mary's RC High School, from South Wye?

Has the Council considered promoting some alternative environmental friendly transport scheme to aid these pupils travel to schools of their preference, given that the withdrawal of buses will almost certainly exasperate school travel congestion times across the City?

Local Councillors were advised by e-mail on 8 May of the planned withdrawal of the Vacant Seat opportunities for some of the denominational transport routes, effective from September 2008.

Answer from Councillor J Hyde, Cabinet Member Children's Services

The reasons for the withdrawal was a review of the routes and provision of transport for pupils attending The Bishop Of Hereford's Bluecoat School & St Mary's RC High School from all areas south of the river including Belmont, Hinton, Putson areas along the A49, Ross on Wye, Fownhope and Mordiford.

The numbers of non-entitled riders (56 overall), the numbers of pupils leaving at the end of year 11 being less than those starting in year 7 and the numbers of spare seats on buses. Currently we have 7 buses serving the schools and this will be reduced to 5, resulting in savings of approx £40,000 as from September 2008.

Transport will be withdrawn from all non-entitled riders (those pupils who are not attending the schools on denominational grounds or are in the catchment area for Bishop's), as from September 2008.

Parents of those pupils affected were informed and local Members were also supplied with a copy of that letter for their information.

In the letter to parents there was information about alternative public transport arrangements that they could make use of if they so wished - a particularly environmentally friendly transport solution albeit it may cost more than the subsidised Vacant Seat Scheme. The uptake of alternative public transport would not exacerbate travel congestion.

Supplementary Question from Councillor PJ Edwards

As the local Ward Member, he was only informed of the issue when a number of parents contacted him. Whilst letters were sent to parents on a Friday the email to Members was not sent until the following Monday. It is imperative for Members to be notified in a timely manner and for them to be informed of such issues.

Question from Councillor PJ Edwards to Cabinet Member Highways and Transportation

Given that I have requested the very poor quality paving at Haywood Lane / A465tr between Belmont Housing Estate and Newton Coppice plus Belmont Abbey PCT Office complex be repaired for some years, when will this important 'pedestrian safety action' be carried out?

Is the Cabinet Member aware that "South Wye Walking to Health" formal guided walks use this junction? Is he aware that approx 600 staff are employed at the PCT offices, many wishing to walk between their homes and their place of employment?

Is the Cabinet Member aware that the footway was scheduled to be reinstated

during August 2007, then January 2008 (due to Bellwin flood damage works) and was last promised to be completed by the end of March 2008 yet has not yet been attended to?

Whilst welcoming the new speed limit order on Haywood Lane approach road to Belmont from The Callow, was there a statutory duty to place 16 speed limit signs along this relatively short distance of 2 mile country lane and are they to be a permanent or temporary blots on the landscape?

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

It had been hoped to provide a section of footway behind the existing kerb-line across the frontage of Lake Cottage, on the approach to the junction of Haywood Lane with the A465. This work would have dealt with part of the concerns expressed but was delayed due to resources having to be directed towards flood damage repairs and the ongoing revision of the highways programme for 2007/08. Whilst generally the overall programme was successfully delivered, it was not possible to complete this particular scheme during the financial year. Unfortunately due to staff changes the local Member was not kept informed of this change to the programme, and for that I apologise.

The footways alongside the A465 Trunk Road are the responsibility of the Highways Agency, and this includes any current or new paving around the corner of the junction into Haywood Lane. The Highways Agency has identified a proposed scheme for footways and cycleways at the Tesco roundabout, and the wider picture of other pedestrian movements around the Trunk Road will be raised with them.

In order to provide a more comprehensive solution to improving conditions for pedestrians at this location, it is now proposed to combine the minor works previously planned as part of a new footway from the junction on the A465 along Haywood Lane to where the recently re-stoned footway emerges onto the lane opposite Newton Coppice. It is intended to take forward a suitable scheme during the current financial year.

I am aware of the importance of this pedestrian route both for the staff employed at the PCT and those taking part in the Walking to Health initiative. I will ensure that we continue to work with the Highways Agency to seek to bring forward a comprehensive scheme to improve conditions for pedestrians.

I am pleased that the introduction of the new speed limit order on Haywood Lane is welcomed. The speed limit has been introduced in accordance with the relevant standards to ensure that it is effective and enforceable.

The Traffic Signs And General Directions Regulations require repeater signs to be placed throughout speed limits, with a few exceptions, such as 30mph limits under streetlights. These repeater signs have been placed in Haywood Lane at the maximum spacing distance required by the regulations to keep the number of signs to the minimum whilst still complying with the regulations. Without these signs the speed limit is not legal and cannot be enforced and, as such, the effectiveness of this Experimental Traffic Regulation Order, and its impact on the safety and network management issues that led to its introduction, would therefore be curtailed. The regulations seek to ensure motorists remain aware of the prevailing speed limit throughout its length. The Council cannot deviate from the requirements of the Regulations without Department for Transport authorisation. It is considered that this authorisation is highly unlikely to be forthcoming in this particular case. Should the Experimental Traffic Regulation Order be deemed a success, then the signs will

have to remain as a consequence.

Supplementary question from Councillor PJ Edwards

How can an authority leave a well used paving in such a dangerous state?

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

There is a possibility of a better scheme once the Highways Agency have given due consideration. The work on the footway will be undertaken in this financial year.

Question from Councillor AT Oliver to Cabinet Member Resources

In respect of the new contract that Herefordshire Council has taken out with TNT for the sorting of the Council's second class mail at their Bristol Centre and return to Royal Mail's Worcester office for final delivery by Royal Mail, projected savings are said to be £70,000 a year. Would you advise the following:

- (a) The length of the contract with TNT?*
- (b) The consultancy fee paid to Civica UK Ltd for reviewing the Council's postal services?*
- (c) The consultancy fee paid to Stenmoore for reviewing the review by Civica UK Ltd, and implementing the new service?*
- (d) What are the average number of items collected daily by TNT?*

Answer from Councillor H Bramer, Cabinet Member Resources

The Council agreed a procurement efficiency programme as part of its financial strategy for 2008 – 2011 in March 2008. We are aiming to deliver £750k a year in savings through more efficient procurement of goods and services in order to protect services to the public. One of the projects included in that programme was to reduce postal costs. Initial estimates are that up to £70k a year could be saved.

The Council is therefore piloting new postal arrangements with TNT for second-class post with a view to making cost savings. This company collect post from Council offices and take it to their sort station and are paid a fee per item. Royal Mail then collects the sorted post and makes the final delivery. They also get paid a fee. The Council saves approximately 7p per item compared to the existing arrangement with Royal Mail.

We have secured TNT's services through a framework contract prepared by the Eastern Shires Purchasing Consortium, a partner of West Mercia Supplies, the purchasing organisation that Herefordshire Council co-owns with Worcestershire, Shropshire and Telford & Wrekin. This framework contract expires in 2010 and the current fees paid to TNT are guaranteed until then. The Council is not, however, tied into using TNT until this period. This gives us total flexibility in piloting this initiative. Approximately 1,400 items of second class post a day were handled by TNT in their first month of operation. The number of items handled by TNT is expected to grow as more buildings pilot the new arrangement. Where the new arrangement proves not to be practical, the Council will pursue cost reductions with Royal Mail although we do not expect this to produce the same level of saving.

Civica UK carried out an initial review of the Council's procurement arrangements for postal services in 2007. The review cost £16,000 in total with the cost shared equally between the Council and the West Midlands Centre of Excellence – the

regional body promoting procurement efficiency.

The Council didn't have the in-house capacity to review Civica's work so this activity was outsourced to Stenmore at a cost of £4,500.

The total one-off cost to the Council of reviewing procurement arrangements for postal services in order to deliver recurring annual savings of up to £70k a year has been £12,500.

Supplementary question from Councillor Oliver

The comprehensive answer was appreciated. However on the statistics given, the Council would need to send 1 million items to deliver the annual £70,000 savings at 7pence per item. Current figures provided are way off the mark. An additional concern is the risk placed on Royal Mail postal delivery and the possible consequences on the provision of rural services. Does the Council not have a social conscience to maintain the services within the Royal Mail system?

Answer from Councillor Bramer, Cabinet Member Resources

The Council has a duty of care for the public's money. The authority has spent £12,500 to deliver an annual saving of £70,000 which demonstrates that we are using the Council's money wisely. There is no doubt that the £70,000 will be delivered in efficiency savings as additional office sites are included in the scheme.

Question from Councillor WLS Bowen to Cabinet Member Environment and Strategic Housing

Do you agree that it is time that Herefordshire became a plastic bag free county? Are you aware that there are several extremely viable alternatives to plastic bags ranging from paper to jute and even bio-degradable bags made from starches?

Answer from Councillor J Jarvis, Cabinet Member Environment and Strategic Housing

The Council has the opportunity to consider whether or not it wishes to become a "Plastic Bag Free" County as it is in the process of agreeing a Draft Joint Municipal Waste Management Strategy with its partner local authorities in Worcestershire. The aim for Herefordshire to become "Plastic Bag Free" should be included in the consultation process for that Strategy and discussions are taking place with Officers on this issue.

Question from Councillor PJ Watts to Cabinet Member Environment and Strategic Housing

Would the Cabinet Member Environment and Strategic Housing consider a complete review of Herefordshire Council Housing Allocation Policy to take place in conjunction with the ongoing review of Homepoint which is currently taking place by the appropriate Scrutiny Committee chaired by Councillor PA Andrews.

Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing

As this is a matter relating to the operation of Home Point and the Housing Allocations Policy the question would normally be responded to by the Cabinet Member for Social Care Adults and Health. However, in view of cross-cutting considerations around access to affordable housing my colleague Councillor Barnett

has agreed that I will respond in my role as Cabinet Member for Strategic Housing. I would like to reassure Councillor Watts that a review of the Home Point Housing Allocations Policy is taking place as part of the current scrutiny review being Chaired by Councillor Andrews and that once concluded, both Cabinet Members will consider what, if any, further actions or amendments to policy will be put into action if required.

Question from Councillor AT Oliver to Cabinet Member Corporate and Customer Services and Human Resources

What was the total cost of individual contractors on long term placements in the ICT division engaged in implementing the Back Office System (BOP) and the Community Network Upgrade (CNU) projects?

Answer from Cabinet Member Corporate and Customer Services and Human Resources

Contractors were appointed within ICT to ensure that the Council has the necessary capacity and expertise to deliver on its programmes.

In common with other local authorities contractors are used to facilitate delivery not necessarily limited to one programme or project but to a number of projects that are ongoing at any particular time within a local authority. It is therefore very difficult to breakdown the cost of individual projects to an individual contractor for that reason.

In respect of the Committee network upgrade and back office project five contractors can be identified whose primary role is to support these projects.

Over the three year period 2005 – 2007 the costs identified within ICT for these contractors is approximately £677,546.39.

At present there are not contractors supporting either of these projects within ICT so there is no contractor cost to the Council. Much effort has been put into the recruitment of permanent staff.

Mr McLaughlin, the Assistant Chief Executive Legal and Democratic Services gave a general statement with regards to past ICT issues.

Members and Councillor Oliver will recall that a compromise agreement was entered into by the Council with the person concerned. As part of that agreement both parties are bound by the confidentiality requirements of that agreement. Failure to adhere or comply with the terms of the compromise agreement would place the Council at risk of legal action and cost. Therefore it is not possible to discuss the matter further.

The Chairman thanked all Members for their questions and Cabinet Members for their responses.

In response to a statement made about the style and content of the meeting, and especially the possible negative impression given to the public on the activities of the Council meeting, the Leader stated that he was committed to ensuring a thorough review of both the civic and political processes to ensure their robustness and relevance.

MEETING SUSPENDED AT 1.15 pm for lunch

24. NOTICES OF MOTION UNDER STANDING ORDERS**MEETING RECONVENED AT 2.45 pm**

The Chairman advised the Council that one notice of motion had been received from Councillor TM James and PA Andrews.

Councillor TM James advised that the notice of motion had been withdrawn.

25. CABINET

The Leader of the Council, Councillor RJ Phillips presented the report of the meetings of Cabinet held on 27 March, 10 April and 1 May 2008.

In discussion the following comments were raised:

In response to a question raised by Councillor Matthews on the annual funding given by the Council to the Courtyard Theatre, the Leader advised that he would provide the information direct to the Member.

Responding to a comment raised by Councillor Lloyd Hayes, the Leader clarified that whilst the Auditor presented a report to the Strategic Monitoring Committee, no formal presentation had been given to Cabinet directly. In future years, the Cabinet had requested that the District Auditor presented the Annual Audit and Inspection Letter to a joint meeting of the Cabinet and SMC. It was emphasised that this would be undertaken in an open session with Members of the Council and the public welcome to attend.

Councillor Toon raised a question on the governance structure of Wyebridge College, and advised the Council of apparent gaps in the outline business case and scrutiny provision. Additionally, concerns were raised around ICT specifications and costings together with the sixth form park. Councillor Toon asked if the issues had been resolved with the Sports Council and whether a transport assessment had been undertaken. The Cabinet Member for Children's Services stated that a written response would be sent to the Councillor on the matters raised.

In response to a question on ICT software costs, Councillor French advised Members that in the work undertaken to review software licenses the Council's attention was drawn to the fact that the Council could not access the PCT software contracts which were more competitively priced. The Chief Executive would raise this issue in the appropriate forums; no formal response had been received from Government.

Councillor Lloyd Hayes requested a general update on the review of smallholdings. In response, the Leader stated that he was not involved in any individual discussions on this matter and took part solely in strategic matters (as he had declared an interest on the matter), however he assured Councillor Lloyd Hayes that the Cabinet Member for Resources would provide details of the review.

RESOLVED: That the report of the meetings of Cabinet held on 27 March, 10 April and 1 May be received.

26. DRAFT CORPORATE PLAN 2008/2011

The Leader presented the report which informed Council that the Corporate Plan set out the Council's priorities and how they would be achieved. Additionally the plan outlined the targets what would be used to measure achievements in addition to the key actions that would be undertaken to achieve the targets. It was stated that as with other local authorities, the Council was in a period of change and had to grapple with many issues e.g. funding.

In response to a question raised about the accuracy of data and methodology used, the Leader stated that the questions were derived from a national survey.

In a response to a concern raised that the authority currently neglected to ensure that the welfare of rural areas are protected and improved, the Leader stated that our concerns were being logged with Government. Additionally, work was being undertaken to inform Government of our challenges – new housing, sustainability of villages, there is a debate to be had on sustainable rural communities which will benefit from linking in with other authorities of a similar nature e.g. Cumbria, Devon. The County was currently under pressure with the decline in provision of Post Offices with 114 businesses earmarked for phased closure. A similar issue on the immediate horizon would be over the provision of BT payphones, a comprehensive review of which was undertaken a few years ago in the county. These issues merely highlighted the wider debate which was focussing on how rural communities can be maintained and thrive.

RESOLVED: That Council approve the Corporate Plan 2008-2011 subject to the negotiated Local Area Agreement targets being added

27. CHILDREN AND YOUNG PEOPLE'S PLAN 2008

The Cabinet Member for Children's Services, Councillor J Hyde presented the report and commended the Children and Young People's Plan 2008 to the Council. She stated that whilst the plan was a statutory document a thorough consultation had been undertaken.

The Plan was commended by several Councillors especially in the manner in which the consultation process was undertaken.

Councillor Toon raised issues in relation to governance and scrutiny, especially the fact that the sole elected member representative on the Children's Trust Board was the Cabinet Member. The question of how could the authority effectively scrutinise and audit this body was raised, and an example was given of how the Board held discussions around school closure prior to discussion at Council.

The report and consultation process (which included the input of the scrutiny process) was welcomed by Councillor Edwards. However, concern was expressed that the whole of the South Wye shared a youth officer with the Golden Valley area and that there was a need to appropriately fund a number of officers to provide dedicated help to volunteers.

In welcoming the Plan, Councillor Lloyd Hayes requested that consideration be given to extend the scope to include youths who had Mental Health problems. She highlighted a situation from personal experience which she wished to discuss with the Cabinet Member outside of the formal meeting. Councillor Lloyd Hayes added

that she was concerned that should mental health issues not be considered and acted upon, vulnerable individuals could find themselves within to the penal system.

Councillor Attfield expressed a wish for a written reply to the following statement. Whilst she considered the plan to be excellent, it was stated that an implicit problem within the Children Services were children with aspergers syndrome. Written plans were only as good as the outcomes and therefore there was a need to provide all children with the opportunity and skills to contribute to their communities and to encourage opportunities for their lives to be on a par with their cohort.

In recognising the comments raised on mental health and youth service provision, Councillor S Robertson encouraged Members with experience on these issues to contribute to relevant scrutiny groups.

In response, to the issues raised above, the Cabinet Member of Children's Services emphasised that looked after children were one of the most vulnerable sections of society and stated that she would welcome speaking with the Councillor following the meeting to be provided with information on the particular situation.

In response to Councillor Toon, the Cabinet Member stated that the Children's Trust was still currently evolving and that she would take on board the concern expressed and consider how they could be addressed.

Responding to the concerns regarding youth service provision, the Cabinet Member stated that she would address points raised together with councillor Price as the new Cabinet portfolio holder for ICT and Educational Achievement.

The Cabinet Member for Children's Services commended the value of input provided by Children's Services Scrutiny and emphasised that as children had no second chances it was imperative to ensure that Council provisions were right for their needs.

RESOLVED: That: The Council accepts Cabinet's recommendation to approve the Children and Young People's Plan 2008-2011.

28. HEREFORDSHIRE COMMUNITY SAFETY AND DRUGS PARTNERSHIP - PARTNERSHIP PLAN (2008-2011)

Cabinet Member for Economic Development and Community Services presented the report which sought the agreement of the Council to adopt the Plan. It was stated that the statutory document outlined key partnership priorities which had been determined through analysis of a broad range of information. These broad priorities were:

- (a) Reducing Crime through Offender Management and other interventions:
- (b) Reducing Drug and Alcohol Harm
- (c) Promoting and Delivering increased Road Safety
- (d) Providing Community Reassurance in Anti-Social Behaviour, Disorder and Crime
- (e) Multi-Agency and Community Dynamic Tasking and Co-ordination

Councillor Toon raised concern regarding data systems and analysis and requested information on the outputs achieved from Herefordshire Connects.

In referring to the bulleted priorities (paragraph 6, page 220), Councillor S Robertson highlighted priority (c) 'Promoting and Delivering increased Road Safety'. Following a tragic death in her ward Councillor Robertson emphasised the need to use every opportunity to educate drivers on the perils of drink driving and expressed a need for an ongoing campaign of education which should include the active engagement of the local press. In response, Councillor Blackshaw, Cabinet Member for Economic Development and Community Services stated that he would take on board this issue and bring it to the attention of partners and the local press.

Councillor Bowen, in referring to section 2.2, page 248 (Reduce alcohol-related violent crime in Herefordshire by 6.9% between 20:00 and 06:00 hrs) stated that the Council should be more robust with premises that had been caught selling alcohol to underage individuals; current sanctions given were too light and give a wrong message. Police and Trading Standards should be encouraged to continue their concerted effort to bring to light such behaviour and that Members use their powers of sanction in order to deter others.

As the Chairman of the Regulatory Committee, Councillor Brigadier Jones stated that action measures were being taken and that at a recent meeting, the Committee had discussed four cases of illegal selling and licences had been suspended for the following periods of time: one for 48 hours, one for 24 hours and two for 7 days. It was emphasised that regular checks of premises were carried out. The Committee took stringent action if alcohol was sold to children. In addition to the suspensions, compliance with the Challenge 25 scheme was a condition to premises licences for each premises.

RESOLVED that: Council adopt the Herefordshire Community Safety and Drugs Partnership Plan.

29. PLANNING COMMITTEE

Councillor T Hunt presented the report of the meetings of the Planning Committee held on 29 February and 11 April.

RESOLVED: That the report of the meetings of the Planning Committee held on 29 February and 11 April be received subject to a minor correction on para 2(b) page 328 deletion of 'approve' in fifth bullet point.

30. STANDARDS COMMITTEE

Mr R Rogers presented the report of the meeting of the Standards Committee held on 18 April 2008. He drew members attention to three particular items of note:

- i) The development of the 'Local Filter' in determining any complaint against a Herefordshire Councillor, or Parish/Town Councillor in Hereford. This came into force on 8 May. It was emphasised that this should not be regarded as a relaxing of the code but provided for a

greater local ownership of the standards and ethics process.

- ii) The Standards Committee Annual Report would be published soon and distributed to all Members and interested parties.
- iii) The Standards Board for England had selected Herefordshire as one of six 'centres of excellence', highlighting it as an exemplar of working relationships between Herefordshire Association of Local Councils, the Standards Committee and the Monitoring Officer. Councillors were encouraged to continue to support the work of HALC in furtherance of its role of actively supporting the County's town and parish councils.

The Chairman thanked the Standards Committee for their active work.

RESOLVED: That the report of the meeting of the Standards Committee held on 18 April be received.

31. STRATEGIC MONITORING COMMITTEE

Councillor PJ Edwards, Chairman of the Strategic Monitoring Committee presented the report of the meetings held on 6 March, 10 March, 20 March and 28 April 2008 and gave particular thanks for Members' professional and industrial work over the previous year. He also stated that a number of recommendations had been put forward to Cabinet for consideration, and he acknowledged the manner that these had been discussed.

In referring to the Smallholdings Estate Policy and Working Practices item, listed as paragraphs 16 and 16 on page 337, Councillor Robertson asked whether the review could consider those tenancies that had been given notice to quit, and could not the tenants be supported in growing and providing locally grown food for the County's schools. She additionally mentioned that Gloucestershire had a policy of forging closer relationships between their tenancies and schools (e.g. by way of educational visits).

Councillor Edwards stated that the comments would be noted and considered by SMC.

In response to a question regarding the progress on the accommodation strategy, the Cabinet Member for Corporate, Customer Services and Human Resources stated that the Strategic Monitoring Committee had established a working group and that a report would be forwarded for consideration in due course.

The membership of the working group was confirmed as Councillors, Andrews, Smith, and Bowen with the chairman of SMC attending in an observer capacity. It was additionally stated that Alan Curless represented the PCT Board on this working group.

In reference to the recommendations of the Scrutiny Review of Tourism as listed on page 343, Councillor Toon requested that consideration be given for the publication of a multiple language brochure for the County. The Cabinet Member for Economic Development and Community Services stated that he would bring the issue to the attention of the Board of Visit Herefordshire.

The Chairman thanked Councillor Edwards for his work during the previous year as Chairman of Strategic Monitoring Committee.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 6 March, 10 March, 20 March and 28 April 2008 be received.

32. REGULATORY COMMITTEE

Councillor Brigadier P Jones presented the report of the meetings of the Regulatory Committee held on 6 March, 25 March, 9 April, 22 April and 30 April 2008.

Members were reminded of the wide remit of the Committee and Councillor Brigadier Jones stated that he was confident that the current issue regarding taxis would be resolved soon.

RESOLVED: THAT THE REPORT OF THE MEETINGS OF THE REGULATORY COMMITTEE HELD ON 6 MARCH, 25 MARCH, 9 APRIL, 22 APRIL AND 30 APRIL 2008 BE RECEIVED.

33. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor ACR Chappell presented the report of the meetings of the Audit and Corporate Governance Committee held on 29 February and 4 April 2008. He thanked the Cabinet Member for Resources for keeping him informed as Chairman of Audit and Corporate Governance of issues relating to the smallholding policy.

In response to a question raised Councillor Chappell assured Members that as Chairman of Audit and Corporate Governance, he had been kept informed of issues relating to ICT expenses.

The Leader left the meeting.

34. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the meeting held on 19 February of the West Mercia Police Authority.

Members were advised that the Chief Constable had been unable to attend this Annual Meeting, however confirmation would be given of the date for this attendance at Council prior to the July meeting. Councillor Hunt expressed his thanks to Councillor Grumbley who would be standing down as a Member of the WMPA, and welcomed Councillor RS Smith who would be joining the WMPA as a Herefordshire representative. Reference was additionally made to the pack of information provided to Members from the WMPA. He stated that the P&C Groups would be replaced with Policing Matters Groups (PMG), which he would be chairing. There would be three PMGs established; North, Central and South Herefordshire. He urged both public and Members to attend.

Councillor P Morgan stated that there had been three recent fatalities in her ward and whilst three speed surveys had been undertaken, many vehicles had been found to be over the speed limit. The Councillor raised concerns over the lack of mobile enforcement vehicles in her ward and expressed disappointment in this as speeding

was considered a priority for the police.

In supporting the point raised, Councillor Wilcox stated that speeding was considered the top priority for residents. It was essential that the Council worked with partners to address this important issue, however it was stated that the enforcement of speeding restrictions proved a challenge. Increased enforcement was imperative to ensure that fatalities within the County decreased and it was important for the police to clearly outline their input when they address the Council.

Councillors Hope and Lloyd Hayes left the meeting

In responding to the comments above, Councillor Hunt advised Council that Councillor Grumbley had written to the Chief Executive expressing concerns about speeding and the perceived lack of enforcement.

Councillors Cllr JB Williams and Matthews left the meeting.

Councillor Hunt assured Members that the Policing Matters Groups did not clash with known Partners and Communities Together (PACT) meeting dates, and that the PMG meetings had been scheduled to the end of 2009.

RESOLVED: That the report of the West Mercia Police Authority be received.

35. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brigadier P Jones presented the report of the meeting of the Hereford and Worcester Combined Fire Authority held on 20 February 2008. He stated that the Authority was still working on the problems created by the lack of funding, however he stressed that it was not the intention to reduce front line workers.

RESOLVED: That the report of the Hereford and Worcester Combined Fire Authority be received.

36. DATES OF FUTURE MEETINGS

The dates for Council meetings in the 2008/09 year were agreed as:

Friday, 25 July 2008
Friday, 31 October 2008
Friday, 6 February 2009
Friday, 6 March 2009
Friday, 22 May 2009

The meeting ended at 3.45p.m.