

**Chief Executive's Office**

Chief Executive: N.M. Pringle

Your Ref:

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**To: All Members of Cabinet:  
RJ Phillips (Leader)  
LO Barnett  
AJM Blackshaw  
H Bramer  
JP French  
JA Hyde  
JG Jarvis  
DB Wilcox**

19th October, 2007

Dear Councillor,

**MEETING OF CABINET  
THURSDAY, 25TH OCTOBER, 2007 AT 2.00 P.M.  
: THE COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD**

**AGENDA (07/13)**

**HEREFORDSHIRE COUNCIL - NOTICE UNDER REGULATION 15 OF THE LOCAL  
AUTHORITIES (EXECUTIVE ARRANGEMENTS((ACCESS TO INFORMATION) REGULATIONS  
2000 (AS AMENDED)**

Notice is hereby given that the following report contains a key decision. When the decision has been made, Members of the relevant Scrutiny Committee will be sent a copy of the decision notice and given the opportunity to call-in the decision.

<b>Item No</b>	<b>Title</b>	<b>Portfolio Responsibility</b>	<b>Scrutiny Committee</b>	<b>Included in the Forward Plan Yes/No</b>
4	Call-In of Decision on Rotherwas Archaeology: Options for the Preservation of the Ribbon and Completion of the Rotherwas Access Road.	Environment and Strategic Housing	Environment Scrutiny Committee	No

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.



**Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future**

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**2. DECLARATIONS OF INTEREST**

To receive any declarations of interest by members in respect of items on this agenda.

**3. COMPREHENSIVE SPENDING REVIEW AND PRE-BUDGET 2007**

The purpose of this report is to brief Cabinet on the content of the Comprehensive Spending Review and Pre-Budget 2007 announcements made on 9th October, 2007. *(Pages 1 - 10)*

**4. CALL-IN OF DECISION ON ROTHERWAS ARCHAEOLOGY: OPTIONS FOR THE PRESERVATION OF THE RIBBON AND COMPLETION OF THE ROTHERWAS ACCESS ROAD**

For the Cabinet to consider the recommendations made by the Environment Scrutiny Committee in relation to the call-in of the key decision on the preservation of the Rotherwas Ribbon and completion of the Rotherwas Access Road. *(Pages 11 - 14)*

**LATE PAPERS - CALL-IN DECISION FOR ROTHERWAS**

These are the copies of correspondence that should of be attached to the Call-in Report on the Rotherwas decision.

**5. HEREFORDSHIRE CONNECTS**

To receive a report to propose the replacement Social Care solution. *(Report to follow)*.

Yours sincerely,



**N.M. PRINGLE  
CHIEF EXECUTIVE**



Copies to: Chairman of the Council  
Chairman of Strategic Monitoring Committee  
Vice-Chairman of Strategic Monitoring Committee  
Chairmen of Scrutiny Committees  
Group Leaders  
Directors  
Head of Legal and Democratic Services



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# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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# COMPREHENSIVE SPENDING REVIEW AND PRE-BUDGET 2007

## PORTFOLIO RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

25TH OCTOBER, 2007

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### Wards Affected

County-wide

### Purpose

The purpose of this report is to brief Cabinet on the content of the Comprehensive Spending Review and Pre-Budget 2007 announcements made on 9th October, 2007.

### Key Decision

This is not a Key Decision.

### Recommendation

**THAT the content of this report as important context for reviewing the Council's Medium-Term Financial Management Strategy for 2008 – 2011 be noted.**

### Reasons

Cabinet has executive responsibility for managing the Council's financial affairs including making recommendations to Council on budget plans. It is essential that the Council's business and financial planning processes take account of national policy developments.

### Considerations

#### 1. BACKGROUND

- 1.1 The Chancellor Alistair Darling announced his 2007 Pre-Budget statement on the same day as the Comprehensive Spending Review 2007 (CSR07) and as such the two were published as one document.
- 1.2 As expected, the combined announcements represent the worst financial settlement for local government for a decade and a significant advance in the Government's agenda of devolution to a local level.

#### 2. PRE-BUDGET 2007

- 2.1 The Chancellor's Pre-Budget highlighted the following national issues that impact on local government:

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Further information on the subject of this report is available from  
Sonia Rees, Director of Resources on 01432 383519

- UK economic growth in 2008/09 is forecast to be between 2% and 2.5% (down 1.5% on predictions), rising to between 2.5% and 3% in 2009/10 and 2010/11.
- Target inflation rates to be below 2% for the next two years.
- £1.3bn a year to improve local and regional transport.
- Direct funding for social care will increase to £1.4bn by 2010, helping to provide new care homes as well as helping people with disabilities to live independently.

2.2 The Chancellor's Pre-Budget highlighted the following issues for local government:

- Council Tax expected to be 'well under' 5% in each of the next three financial years.
- Growth in spending by Government departments to be restricted to an average of 1% in real terms in each of the next three financial years.
- Grants for local authorities to increase to £26bn by 2010.
- Additional Concessionary Fares funding cut from £212m to £200m for 2008/09.
- Cashable efficiency savings of £4.9bn by 2010/11.
- Ring fencing removed for over £5bn of grants by 2010.
- Green light for local authorities to introduce a Supplementary Business Rate of up to 2p in the £ for 'investment and economic development'.
- A reduction in Local Authority Business Growth Initiative (LABGI) funding from £1bn over the last three financial years to £150m over the next three financial years.
- Education funding to increase above previous estimates.

### 3. COMPREHENSIVE SPENDING REVIEW 2007

#### Background

3.1 The CSR07 sets out the Government's spending plans for the financial years 2008/09, 2009/10 and 2010/11. It sets fixed Departmental Expenditure Limits (DEL) for all Government departments including local government. Each Government department has a Public Service Agreement (PSA) that describes the improvement in services the public can expect from the resources indicated in their DEL.

#### Key Challenges

3.2 The four key challenges for local government identified in the CSR07 are as follows:

- **Adult social care** – rising demands due to long-term demographic changes.
- **Waste** – pressure to radically reduce household landfill to meet European Union commitments.
- **Communities** – increasing local councils' place-shaping role.

- **Services** – rising expectations for modernised and personalised services.

3.3 The recognition of adult social care and waste cost pressures is in line with lobbying by local government bodies.

### **Value for Money**

3.4 Local authorities can expect:

- A real terms increase in local government DELs averaging 1% each year.
- 3% annual efficiency savings.
- 5% cap on annual Council Tax increases.
- £150m efficiency support over the CSR07 period.

3.5 The assumptions in the CSR07 link up with those in the Pre-Budget as expected.

### **Performance Framework**

3.6 Announcements surrounding the performance framework for local government were as follows:

- A single set of local government priorities in PSAs.
- A set of 198 national performance indicators – still to be announced.
- A maximum of 35 national targets (plus 17 statutory ones for education) negotiated through Local Area Agreements (LAA).
- A third round of LAA reward grant will be announced in November to incentivise partnership working.
- A greater emphasis on asset management – existing guidance will be updated.

3.7 The streamlined performance framework for local government is to be welcomed.

### **Funding Streams**

3.8 In line with the Government's commitment to reduce specific and ring-fenced grant, local government funding will be delivered through **Revenue Support Grant (RSG)** and **Area Based Grant (ABG)**.

3.9 RSG will subsume the following revenue grants for the future:

- Access and Systems Capacity.
- Delayed Discharges.
- Children's Services.
- Waste Performance.
- Dog Control.

- PFI Support.
- 3.10 The Government is planning to change the way RSG is distributed from next financial year. This adds turbulence to the system and a further layer of uncertainty in predicting Herefordshire's RSG. The provisional announcement on RSG is not expected until just before Christmas which makes budget planning all the more challenging.
- 3.11 ABG – formerly known as Local Area Agreement grant - will include various specific grants. The full list will be announced alongside the provisional settlement in December. The revenue grants it is expected to include are listed in Appendix 1.
- 3.12 Cabinet will notice the significant number of revenue grants that the ABG is likely to include. This approach represents significant opportunities for more efficient and effective service delivery through closer working with partners, particularly on the health and social care agenda with a number of Department of Health grants included in the pot.
- 3.13 However, the approach also poses some financial risks. Funding will go direct to the LAA and will be allocated back to the Council on the basis of LAA priorities. The risk is that the Council is budgeting in full for services that are only part funded by the ABG if LAA and Council priorities are not closely aligned. This is a particular concern for the Children & Young People's Directorate as some £1.6m of funding is already being managed via the LAA single pot arrangement.
- 3.14 Details of capital grants to be allocated through the ABG mechanism will be announced with the provisional revenue settlement in December.

### **Spending Plans**

- 3.15 The Government's spending plans for **local government** provide for cash increases in resources of:
- 3.9% in 2008/09.
  - 3.7% in 2009/10.
  - 3.1% in 2010/11.
- 3.16 Resources for local authorities providing adult social care services will increase by £2.6bn over the CSR07 period, representing average annual real terms growth of 1%. Whilst it may be possible to assess from the Revenue Support Grant papers how much of this real terms growth has been hypothecated to adult social care services, the funding is general support for local authorities.
- 3.17 The Government's spending plans for **education** provide for cash increases in resources of:
- 5.5% in 2008/09.
  - 5.1% in 2009/10.
  - 7.1% in 2010/11.
- 3.18 The Government's DEL for **education** provides resources for:

- £250m of programmes yet to be announced.
  - 3,500 Sure Start centres by 2010.
  - 15 hours free early years education for 3 and 4 year olds.
  - £35m in total to improve access to childcare for families with disabled children.
  - £280m in total for short breaks for severely disabled children.
  - £400m by 2010/11 in one-to-one support for children under-achieving in English and Mathematics.
  - £217m by 2010/11 for two hours a week extended schools activities for pupils receiving Free School Meals (plus two weeks of free part-time provision during the holidays).
  - £200m investment in the Primary Schools capital programme.
- 3.19 In connection with social care services, there will be growth of £190m in Department of Health funding that will directly support new policy initiatives such as:
- Expansion of care for independent level.
  - Expansion of the Partnership for Older People's Project.
  - Phasing out of NHS residential accommodation for those with learning disabilities to be replaced by support to live at home.
- 3.20 The Government's spending plans for **adult social care** provide for cash increases in resources of:
- 2.4% in 2008/09.
  - 4.2% in 2009/10.
  - 7.3% in 2010/11.
- 3.21 The Government's spending plans include additional amounts for the extended Concessionary Fares scheme. From April 2008 the scheme will allow free off-peak travel anywhere in England for English residents aged 60 or over and eligible disabled people. This funding will be allocated by specific grant, and rises from £212m in 2008/09 to £223m in 2010/11.
- 3.22 There will be no **Local Authority Business Growth Incentive (LABGI)** scheme in 2008/09. The Government is planning to introduce a new scheme from 2009/10 and is currently seeking views from the Local Government Association and local authorities on how to redesign the current scheme. The Government's spending plans allow £50m in 2009/10 and £100m in 2010/11 for LABGI funding resulting from the planned new scheme.
- 3.23 The Government has issued a White Paper on the introduction of powers for local authorities to raise and retain local **Business Rate Supplements**. This power will

be subject to four levels of protection for businesses:

- The spending will only be available for a specified economic development purpose and subject to detailed statutory consultation.
- A maximum of 2p in the £ of rateable value.
- An exemption for properties with a rateable value less than £50,000.
- A requirement to ballot where the supplement represents more than one third of the total cost of the project.

#### **4. CONCLUSIONS**

- 4.1 The strategic assumptions on the national spending plans for local government contained in the Council's Medium-Term Financial Management Strategy remain sound following publication of the Chancellors' Pre-Budget statement and the Comprehensive Spending Review 2007.
- 4.2 The future is set to be every bit as challenging as predicted within the Medium-Term Financial Management Strategy with pressure for low levels of Council Tax increase and yet greater levels of efficiency.
- 4.3 The Government's Public Service Agreements set out the performance expectations for local government. It is important that national policy is considered in local planning, especially as Government resources is allocated in line with the priorities set out in the PSAs.
- 4.4 The next key announcement from Government will be the provisional Revenue Grant Settlement figures for 2008/09, 2009/10 and 2010/11 in December. Whilst greater clarity on the national picture is very helpful and helps planning at the strategic level, all local authorities will be eagerly awaiting their grant figures to aid detailed service and budget planning. It is impossible at this stage to predict what impact the changes to the RSG distribution system will have, and greater variation between provisional and final settlements is likely.

### **Alternative Options**

There are no alternative options.

### **Financial Implications**

The strategic financial implications of the Pre-Budget and CSR07 are set out in the report.

### **Risk Management**

Early advice to Cabinet on the content of the Pre-Budget and CSR07 ensures that the Council's financial strategies and plans are developed in the context of the national policy agenda to maximise the allocation and use of resources for Herefordshire.

### **Consultees**

Chief Executive  
Head of Legal & Democratic Services

Leader  
Cabinet Member (Resources)

**Background Papers**

Chancellor's Pre-Budget 2007  
Comprehensive Spending Review 2007





## SPECIFIC REVENUE GRANTS EXPECTED TO BE IN AREA BASED GRANT

From 2008/09:

<b>Specific Grant</b>	<b>Government Department*</b>
14 – 19 Flexible Funding Pot	DCSF
Adult Social Care Workforce	DH
Aggregates Levy Sustainability Fund	DEFRA
Care Matters White Paper	DCSF
Carers	DH
Child and Adolescent Mental Health Services	DH
Children's Social Care Workforce	DCSF
Children's Fund	DCSF
Choice Advisers	DCSF
Cohesion	CLG
Connexions	DCSF
Crime Reduction, Drug Strategy & Anti Social Behaviour	HO
Detrunking	DfT
Education Health Partnerships	DCSF
Extended Rights to Free Transport	DCSF
Extended Schools Start Up Costs	DCSF
Local Enterprise Growth Initiative	CLG
Local Involvement Networks Local Involvement Networks	DH
Mental Capacity Act & Independent Mental Capacity Advocate Service	DH
Mental Health	DH
Positive Activities for Young People	DCSF
Preserved Rights	DH
Secondary National Strategy – Behaviour & Attendance	DCSF
Secondary National Strategy – Central Coordination	DCSF
Preventing Extremism	CLG
Primary National Strategy - Central Coordination	DCSF
Respect	HO
Road Safety Grant	DfT
Rural Bus Subsidy	DfT
School Development Grant - local authority	DCSF
School Improvement Partners	DCSF
School Intervention Grant	DCSF

**SPECIFIC REVENUE GRANTS EXPECTED TO BE IN AREA BASED GRANT****From 2009/10:**

<b>Specific Grant</b>	<b>Government Department*</b>
Supporting People – if 2008/09 pilot successful	CLG

**From 2010/11:**

<b>Specific Grant</b>	<b>Government Department*</b>
Contact Point (formerly Sharing IS Index)	DCSF

**\* Key to Abbreviations**

DCSF	Department for Children, Schools & Families
DH	Department for Health
DEFRA	Department for Environment, Food & Rural Affairs
CLG	Department for Communities & Local Government
HO	Home Office
DfT	Department for Transport

# **CALL IN OF DECISION ON ROTHERWAS ARCHAEOLOGY: OPTIONS FOR THE PRESERVATION OF THE RIBBON AND COMPLETION OF THE ROTHERWAS ACCESS ROAD**

**PORTFOLIO RESPONSIBILITY: ENVIRONMENT AND STRATEGIC  
HOUSING**

**CABINET**

**25TH OCTOBER, 2007**

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## **Wards Affected**

All wards

## **Purpose**

For Cabinet to consider the recommendations made by the Environment Scrutiny Committee in relation to the call in of the Key Decision on the preservation of the Rotherwas Ribbon and completion of the Rotherwas Access Road.

## **Key Decision**

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards.

It was not included in the Forward Plan however inclusion in the agenda gives the required notice in accordance with Section 15 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000.

## **Recommendation**

**THAT the recommendations of the Environment Scrutiny Committee considering the options for the preservation of the Ribbon and completion of the Rotherwas Access Road be considered for adoption.**

## **Reasons**

Following the call-in of the decision made by Cabinet at its meeting on 6th September 2007 the Environment Scrutiny Committee made the following recommendations:

RESOLVED: That

- 1) the decision taken by Cabinet on 6th September 2007 with regard to proceeding with option F for the completion of the Rotherwas Access Road be endorsed;
- 2) While endorsing this decision the Committee notes that there might have been instances when information flow within the Council fell short of that normally expected. Cabinet is recommended to set in place work to address this for the future during the pre-election period and immediately following elections.
- 3) the County Archaeologist be congratulated on the universally acknowledged

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Further information on the subject of this report is available from  
Michael Hainge, Director of Environment on (01432) 260041

standards and quality of his work on the ribbon thus far. We sincerely hope he will be able to lead further researches either side of the present find in due course.

- 4) We urge Cabinet to continue to seek funding for further research into the ribbon including a tourism scoping report when appropriate.

## Considerations

1. In accordance with Standing Order 7.3.1 and the Scrutiny Committee Rules set out at Appendix 2 of the Constitution, Cabinet's decision on 6th September 2007 was called in by three Councillor (Councillors: MD Lloyd-Hayes, AT Oliver and MAF Hubbard) for consideration by the Environment Scrutiny Committee.
2. The Environment Scrutiny Committee met on 24th September 2007 to consider the call-in.
3. The grounds for the call-in were as follows:
  - The Report and Cabinet decision do not give sufficient consideration to the implications that arise if English Heritage decide to Schedule the Site early next year.
  - The Report and Cabinet decision fail to give sufficient consideration to the timescale by which the extent of the find could be established. This would allow more precise consideration of the practicality and cost of diverting the Road to the North or South.
  - The Cabinet Member for Environment has taken it upon himself to evaluate the potential cultural, scientific, educational and Visitor potential of the Archaeology. If the Community Services Scrutiny Committee do not call it in it will fall to the Environment Scrutiny Committee to probe the extremely limited and only anecdotally supported considerations of this crucial area of concern.
  - The Report and Cabinet decision give no consideration to the possibility of funding from national and international bodies that would enable various options to be exercised without disproportionate cost to the County.
  - The Environment Scrutiny Committee is meant to scrutinise PROCESS as well as POLICY. There is a great deal of public concern (and concern by Members) about the whole way this matter has been handled. Both Councillor Matthews and Councillor Edwards addressed this point eloquently at the Cabinet meeting. The failure to produce the Peer Review of procedures in time (commented on by Cllr Phillips) is only the latest example in a long history of concerns.
  - A large part of the public of Herefordshire will find it incredible if such a major decision does not receive attention from Environment Scrutiny Committee which is meant to safeguard them from unsatisfactory and inadequate decisions.
4. Copies of correspondence received by the Committee have been issued to Members of Cabinet.

## Financial Implications

There are no further financial implications other than those outlined in the Cabinet report of 6th September, 2007.

## **Risk Management**

The risk management is set out in the Cabinet report of 6th September, 2007. Accordingly there is no separate consideration of risk management in this report.

## **Alternative Options**

Cabinet could choose not to adopt any of the Scrutiny Committee's recommendations.

## **Consultees**

Environment Scrutiny Committee 24th September, 2007.

## **Appendices**

Not applicable.

## **Background Papers**

- None identified.



## Extract from the leaflet Visit Herefordshire – Tourism Matters dated Summer 2007.

Provided to the Committee at the request of Councillor Blackshaw, Cabinet Member (Economic Development and Community Services)



A number of Directors of Visit Herefordshire have visited the site and agree that in this situation there has to be a balance – between supporting economic regeneration and preserving the cultural heritage of the county.

Having met the archaeologist on site who explained that the area uncovered has already suffered degeneration from both historic farming practices and Victorian land-drains, there was a discussion on what more exciting finds MAY be found either side of the new road. With further investigation by English Heritage, there could perhaps be opportunities to develop a form of tourism attraction.

It is evident that the Rotherwas access road is essential for the support of the economy of the City and South Herefordshire and the retention of jobs throughout the county and should, therefore, go ahead. Work is already taking place to protect the exposed site.

At present, we believe, there is not a visually impressive feature to view and be used to promote tourism-also the issues of access and funding have to be considered. Hopefully following more research by English Heritage, above and below the line of the access road, there could be the possibility for an alternative site with full interpretation opportunities.



**Membership Renewals**  
Just to remind you that we are coming to that time of year when many Visit Herefordshire memberships will be due for renewal. Don't miss out on your chance to join the official tourism organisation for Herefordshire and take up one of the exciting advertising packages available. For further details, contact Claire at [cbuckland@herefordshire.gov.uk](mailto:cbuckland@herefordshire.gov.uk) or call 01432 383 602 – Wed-Fri.



**The Chamber of Commerce Herefordshire and Worcestershire**  
**Response to the Environment Scrutiny Committee – Monday 24<sup>th</sup> September**  
**2007.**

The Rotherwas Industrial Estate is the premier business estate in the county, with the site being used for employment and industry as far back as the 1<sup>st</sup> World War. The estate and surrounding area is host to over 130 businesses and employs approximately 3,000 people. Some of these companies operate in the global economy, employing highly skilled local labour, which contribute to the local economy and wealth creation for the county. The Access Road is vital to the existing businesses on the estate to create an appropriate route for large volumes of traffic carrying goods in and out of the estate on a daily basis. This road provides also provides flood free access, improves the environment for residents for people living on the Holme Lacy Road and allows for expansion of the estate to bring more jobs and wealth to the Herefordshire economy.

The Hereford Industrial Association arranged a visit to the Rotherwas Ribbon, which was attended by a number of businesses located on and around the estate. The view from this visit was that the Ribbon was very interesting and important find, although it was apparent that the site does not have the visual impact to attract and hold the attention for tourists. The view was that it could not be compared to Stonehenge.

The visit was guided by the Council’s Manager of Herefordshire’s Archaeological Team and who’s view was that in order to protect the Ribbon, it needed to be covered over. At the time of the visit, some weather damage due to the exposure of the site had already taken place. The Chamber believes that English Heritage, who are the recognised Government experts in this field have had sufficient time to assess the significants of the Ribbon and its protection, as such finds on other construction projects happen and are dealt with under similar procedures. The issue that the Council has is that the Ribbon runs north to south and the Road runs east to west, therefore at some point it will have to cross the road, this cannot be avoided. It is clear that from the reports that any significant delay to the road will cost the Council and Herefordshire taxpayers significant expense.

In terms of the tourism opportunity that the Ribbon could create, this is very subjective and dependent on a significant amount of external funding, which is by no means guaranteed. The Chamber supports the exploration of future opportunities and funding to enable the smaller items from the site to be displayed from the find and the Ribbon be documented. However it should be remembered these would not have been found, if not for the Access Road project. The Chamber would support the application for external funding to explore further but this should not be at the expense of the delivery of the road project on schedule.

In conclusion, the Chamber calls for the vital Access Road project to be completed to schedule and wishes to remind Councillors than the Association of Rotherwas Enterprises undertook a petition to lobby for the road in June 2006, of which 125 businesses signed and only one business declined on the whole estate. This shows support for the road and its importance to the businesses on the estate.

— END —



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**Environment Scrutiny Committee – 24th September 2007**

**E-Mail from Mr Bill Klemperer at English Heritage**

dated 21st September 2007

Received by P James, Democratic Services Officer

FAO Paul James, Democratic Services, Herefordshire Council.

Re: Rotherwas Ribbon Environment Scrutiny Committee 24th September

Dear Paul,

Thank you for inviting English Heritage to attend the Herefordshire Council Environment Scrutiny Committee on Monday 24th September 09.30hrs, and for forwarding the Call-In Report by the Director of Corporate and Customer Services, along with background papers.

English Heritage have decided not to attend the meeting.

I have reviewed the reasons for the call-in (Report item 3), especially within the context of existing English Heritage advice to the original cabinet meeting of 6th September. In my view the 6 reasons stated for the call-in are all dealt with within the existing advice letter from Tim Johnston, Regional Director, dated 14 August 2007 (and included with background papers to assist the Scrutiny Committee of 24th September).

I phoned Bill Bloxsome of Herefordshire Council today and have discussed the call-in reasons with him (Dr Ray is on leave). In three of the six reasons EH does not have a locus and offers no comment. Some additional clarification may be useful on the other three, as follows.

1. *'the Report and Cabinet decision do not give sufficient consideration to the implications that arise if English Heritage decide to schedule the site early next year'*

EH comment. If, in the future, EH recommends that the site is scheduled, the remains would be carefully defined in 3-D (as the thorough level of recording allows), and the road surface and non-archaeological make up layers would be excluded from the recommendation.

2. *'The report and cabinet decision fail to give sufficient consideration to the timescale to which the extent of the find could be established. This would allow more precise consideration of the practicality and cost of diverting the road to the north or south'.*

EH comment. In our letter of 14th August we stated that:

- we agreed with Council staff and archaeological contractors that an appropriate level of recording has been undertaken within the road corridor;
- that the remains are fragile and that in-situ preservation was appropriate whether the remains are scheduled or not.

Further work to complete the 'writing up' of the excavation within the road corridor, and some additional fieldwork in the adjacent fields, (that EH are considering funding) will assist the fuller understanding and interpretation of the site, but will not alter the essential fragility of the site and our view that preservation-in situ is appropriate.

3. *The Environment Scrutiny Committee is meant to scrutinise Process as well as Policy. There is a great deal of public concern (and concern by members) about the whole way this matter has been handled. Both Cllr Matthews and Cllr Edwards addressed this point at the Cabinet meeting. The failure to produce the Peer Review of procedures in time (commented on by Cllr Phillips) is only the latest example in a long history of concerns.*

EH comment. EH is the Government's key advisor on the historic environment and has a role in advising local authorities on local provision and approaches. EH notes, therefore, the Peer Review undertaken by Stuart Bryant and included as a background paper for the Scrutiny Committee. The author of this Review is a well-respected local authority historic environment professional who has a long association with the professional standard setting body. The preliminary conclusions suggest scope for improvement in some areas, and EH will take these forward in discussion with the Council. The report, however, makes clear that these are not significant concerns and EH supports the overall conclusion that project planning and execution has been appropriately structured and that PPG-16 guidance has been adhered to.

Please get in touch if I can be of further assistance,

Bill Klemperer

Team Leader, English Heritage West Midlands Region, 112 Colmore Row, Birmingham, B3 3AG

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**4 COURT BARN  
HUNTINGTON LANE  
HEREFORD HR4 7RA**

Councillor Bob Mathews  
Chairman,  
Environment Scrutiny Committee  
Herefordshire Council

21 September 2007

Dear Chairman

**Rotherwas Ribbon / Dinedor Serpent  
Environment Scrutiny Committee 24<sup>th</sup> September 2007, Agenda Item 6**

I have been asked by Councillor Marcelle Lloyd-Hayes to attend and give evidence at the meeting of the Environment Scrutiny Committee on Monday 24<sup>th</sup> September 2007, Agenda Item 6, which is "To consider the Cabinet decision on the preservation of the Rotherwas Ribbon and completion of the Rotherwas Access Road."

In particular, the "key decision" of 6<sup>th</sup> September 2007, under consideration by the Scrutiny Committee, was to proceed with immediate road construction over the newly discovered monument known as the Rotherwas Ribbon / Dinedor Serpent, the "ribbon of fire-cracked stones" of about the same period as Stonehenge.

I much regret that due to the very short notice of this meeting I have unavoidable work commitments in Bristol on that day, but would be very grateful if Committee Members could take the following points into account in deciding how to exercise their powers. I am grateful to Committee Services for agreeing to ensure that this letter is circulated to and considered by the Committee on 24<sup>th</sup> September 2007. I have read the 'Reasons for Call-in in accordance with Standing Order 7.3.1 and Scrutiny Committee Rules set out in Appendix 2 of the Constitution', and can confirm that the points below are relevant to each of the stated Reasons for Call-in, and to the Scrutiny Committee's functions, which are summarised in the papers for this meeting as follows –

**"5. It is for the Committee to decide whether it wishes to accept the decision of Cabinet or to refer the decision back to Cabinet for further consideration and if so what recommendations to Cabinet it wishes to make."**

1. In summing up the issues immediately prior to the vote on 6<sup>th</sup> September 2007, Council Leader Councillor Phillips stated that it depended on the view taken of the monument's "significance". Presumably, in voting to build a road over it, he took the view that its significance was not all that great: but it is not at all clear on what he could have based that assessment, given that the Council's own County Archaeologist has publicly described the find as without any parallel in Europe and of "international significance", a view not contradicted by anyone else or any other evidence. For a key

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decision to be based upon an absence of evidence in such a critical area could expose the Council to the risks of judicial review, or other outside scrutiny of a decision which might be regarded as irrational, and taken without the necessary evidence. The Scrutiny Committee is in a position to prevent that.

2. Much store is set by the Council on the opinion of English Heritage, but that body has only formally endorsed the appropriateness of measures taken for the short-term protection of the find 'in situ', while in the most recent letter to me from the Chief Executive of English Heritage of 12<sup>th</sup> September 2007 (attached), it is clearly stated that no consideration will be given to the issue of scheduling the monument before early 2008. This is inconsistent with an internal briefing, obtained under the Freedom of Information Act, given to Councillors by their own public relations officer, and claiming that English Heritage was "unlikely" to schedule the monument, but "we are not saying this in public". In their context, both statements cannot be correct, which raises the question of whether the Council, or the public, are in possession of the full facts, especially as the Herefordshire County Archaeologist appears to be of the opinion (again reflected in papers obtained under the FoI Act) that all the published statutory criteria for scheduling have been met. Further particulars are being sought from both Herefordshire Council and English Heritage under further FoI requests, but English Heritage has not yet replied, and the Council says that it expects to do so by 9 October 2007.

3. Further FoI requests have been made of the Council, asking for a copy of the contract under which the Rotherwas relief road is being built (with commercially confidential figures redacted); for copies of any assessment made as to the tourism and economic potential of development of the monument before the decision was taken to build a road over it (if none, why not?); and for details about the numbers of children in primary and secondary education and students in further education in Herefordshire who have been given the chance to view the find before it is built over. Replies to these requests have not been received, and are not expected before 9 October 2007.

4. These are critically important issues, which may well inform the validity of the "key decision" and an assessment of how it came to be taken, and I respectfully suggest that the Committee ought to have the answers to these questions before it endorses the Council's decision – indeed, it is hard to see how the Scrutiny Committee could properly discharge its own responsibilities without being informed about these matters itself. It is a slow process trying to assemble this kind of evidence as a member of the public from an (understandably) reluctant local authority. If the Committee is minded to use other means to obtain this information sooner, so much the better.

5. I would only add that the element that is missing from so much of the debate is the public interest. The point has been well taken by some of the students attending Council meetings that this is not just about the heritage of a small number of Councillors, but the heritage of everyone in this County, and beyond it, as demonstrated by the very high level of public concern. The public have had almost no chance to see this unique discovery of international significance on their own doorstep, and the "key decision" is being railroaded through the Council's agendas with such haste that critical evidence is being disregarded or not given proper

consideration. The Scrutiny Committee is in a position to insist that the decision be taken properly, with proper consideration of the relevant evidence and enough time to evaluate that evidence.

I believe that Herefordshire deserves a much more imaginative outcome to these debates than finding a potential World Heritage Site and promptly building an access road over it. I would respectfully urge the Committee to exercise its considerable powers to try to ensure that decisions of this importance are taken properly, and in this case to refer the decision back to Cabinet for further consideration, with (if it is so minded) recommendations that before any decision is taken to build a road over the Rotherwas Ribbon/Dinedor Serpent, Cabinet ought to have before it –

- (i) credible external assessments of the full archaeological significance of the monument, which could include international experts, given the “international significance” claimed for the monument by the Council’s own County Archaeologist ;
- (ii) a final decision on scheduling by English Heritage, who could properly be asked to give evidence to the Scrutiny Committee;
- (iii) a full evaluation of the potential tourism and economic potential of development of the monument site in other ways as alternatives to construction of the road over the monument;
- (iv) a public account of the claimed contractual penalties to which the Council believes it may be subject under the contract for construction of the Rotherwas access road if any delays in road construction take place, backed up by publication of the relevant contract, (redacted as necessary to protect only genuinely commercially confidential information);
- (v) a report from Education Services on arrangements to give all children and students in Herefordshire the opportunity to view this unique Archaeological find;
- (vi) a public report on any discussions held by the Council with government departments and other bodies as to possible alternatives to destruction of this monument, whether through the exercise of other powers, the introduction of other sources of finance or otherwise; and
- (vii) the results of a genuine exercise by the Council to inform and involve the public in the resolution of these issues.

Yours sincerely,

*William Wilson*

**William Wilson**

Attachment: English Heritage Chairman’s letter of 12<sup>th</sup> September 2007  
cc. Scrutiny Committee Members

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Mr William Wilson  
4 Court Barns  
Huntington Lane  
Hereford  
HR4 7RA

12 September 2007

Our ref: BS3801

### **Rotherwas Relief Road**

Thank you for your letter of 2 August.

We are very aware of the controversy surrounding the relief road at Rotherwas and the public interest in the discovery of Bronze Age remains.

Our role is to provide advice to the Local Authority on how the remains can best be preserved and to establish whether the site meets the criteria for scheduling.

Taking these in order: It is our view that given the fragility of the remains that they should be preserved in situ and we have commented on the technical suitability of the scheme proposed by Herefordshire Council engineers. The Local Authority have subsequently provided a temporary protective covering and, we understand, will be considering the road scheme at a full meeting of the Council on 23<sup>rd</sup> August.

We believe that, while an appropriate level of recording has been undertaken within the road corridor, there is insufficient information to allow a recommendation regarding scheduling at this stage, while the full extent of the site is unclear. We have therefore recommended that specialist analysis is undertaken as well as work outside the road corridor. Project designs for this work are being considered together with the financial implications, however, given the specialist nature of this work, and the need to assess the report being prepared by Herefordshire's archaeological contractors for the road corridor, it is not anticipated that the case for scheduling will be considered until early 2008.

Cont/...2

Mr William Wilson

-2-

12 September 2007

However, I would add that our advice to Herefordshire Council is that the design solution to preserve the remains in situ is appropriate whether the remains are scheduled or not.

We will update our website as more information becomes available.

DR SIMON THURLEY

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## SAVE THE ROTHERWAS RIBBON CAMPAIGN

Bob Clay  
19, Nelson Street  
Hereford  
HR1 2NZ  
01432 270105

Councillor Bob Matthews (Chair. Environment Scrutiny Committee)  
Councillor Phil Edwards (Chair. Strategic Monitoring Committee)

24.09.07

Dear Cllrs Mathews and Edwards

I have already raised in a letter to the Strategic Monitoring Committee the question of budgets for scrutiny committees. The "Local Government Act 2000; Guidance to English Local Authorities;" states 3.46 "Local Authorities should provide overview and scrutiny committees with a discrete budget to allow them, for example, to engage independent consultants to assist in their enquiries or to cover the expenses of witnesses they may wish to call".

My clear understanding is that this particular matter is 'scarlet', ie it is statutory and must receive "due regard" from the Authority. Consequently, I would expect that since Herefordshire are not in compliance I will be shown a documentary record of when and why the Council decided not to follow this guidance.

This matter is of great importance. Mr Paul James, the officer 'assisting' the Environment Scrutiny Committee, has now told me that not only is there no budget for any of the scrutiny committees but that any expenditure for consultancy, witnesses etc would have to be "transferred from other services".

The issue impacts in a very major way on Monday's meeting of the Environment Scrutiny Committee. Cllr Mathews has actually told a member of the public that witnesses are restricted and that the matter has to be "done and dusted" on Monday because "there is no budget".

The Council's standing orders quite clearly provide for scrutiny committees to call witnesses but this process has been undermined and interfered with by officers.

Clearly the Committee should have met to discuss and agree a number of witnesses and a timetable for dealing with this matter.

Cllr Matthews agreed with Cllr Marcelle Lloyd-Hayes that I should be co-opted to the Committee (the right of the Committee to co-opt members of the public is clearly set out in standing orders) but Mr James has once again intervened and refuted this.

The assertion that the scrutiny process has to be concluded within ten days is clearly incompatible with the achievement of due process and the events of recent days demonstrate that reality. Of course, your Committees could have been dealing with these matters long before the Cabinet decision, let alone the call in.

Many people are likely to take the view that all the matters complained of above are simply part of a deliberate campaign by council officers to prevent any proper scrutiny of a seriously flawed Cabinet decision.



Finally, the cumulative effect of all this is that the extremely brief period from call in to first meeting has been dominated for both concerned Councillors and campaigners by the issues raised above rather than preparation for dealing with the substantive issues when the committee meets. It is also arguable that some Officer's conduct would cause such unnecessary anxiety and stress to some Councillors that it could prevent them from doing their job.

Even at this late stage I would urge you to assert your authority in these matters and stop any further undue interference. If you do not, it seems more and more likely that these matters will end up in far more formal complaints than this letter and / or the Courts. Furthermore, those who advocate a direct approach to combating arbitrary and authoritarian decision making will claim further justification.

Yours sincerely

Bob Clay

Copies for ESC.

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**Hubbard, Mark (Cllr)**

**From:** Andy Boucher [AndyB@aihereford.com] **Sent:** Fri 21/09/2007 10:48  
**To:** Hubbard, Mark (Cllr)  
**Cc:**  
**Subject:** RE: [Scanned]  
**Attachments:**

Answer to each question below

Andy Boucher BSc MIFA

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01432 364905 (fax 364900)

07957829297

Company registered in England and Wales no. 3356031

**1) Has Archaeological Investigations Ltd been approached by Herefordshire Council to undertake geophysical surveys to discover the extent of the recent bronze age find, named the Rotherwas Ribbon?**

We were asked to design a programme of geophysical investigation as part of a wider scheme of further investigations. The whole scheme of further investigations is the subject of a current bid to English Heritage for funding. Herefordshire Archaeology (of Herefordshire Council) co-ordinated this initiative. The project was also discussed with English Heritage. I believe it is currently the intention that we undertake the survey should funding be made available.

**2) How long will it take you to establish the length and shape of the find?**

Firstly geophysics is not a finite science - so you should perhaps ask "can we detect the feature?". We undertook tests on materials sampled from the site. Indications are that the burnt stones have a high iron content and could potentially give high magnetic readings. This means that those stones that are burnt and iron-rich (which is by all means not every stone in the feature) should be visible to a magnetic-based instrument such as the fluxgate gradiometer we propose to use. However, the feature is also located in a hollow/gully and the survey instrument has a finite depth of detection. Should the hollow/gully get any deeper than the possibility that the feature will move out of the detectable range of the survey instrument.

[https://webmail.herefordshire.gov.uk/Exchange/mhubbard/Inbox/RE:%20\[Scanned\]1.E...](https://webmail.herefordshire.gov.uk/Exchange/mhubbard/Inbox/RE:%20[Scanned]1.E...) 23/09/2007

must also be considered. To this end we proposed the use of the deepest detecting equipment commonly applied for this purpose in archaeology at present – but success is never guaranteed in geophysical survey. We also proposed the use of 3 other methods. Two of these might be capable of identifying the compact layer of stones, the third can indicate the presence of historic burning in the landscape and is more for the purposes of interpretation of results than specific mapping of features.

A survey using all these methods within the scope of the work currently proposed would take about 2 weeks to complete in the field followed by a further 2-3 weeks to complete a report depending on the current work-load at the time.

Unfortunately I must offer a further caveat – the survey we were looking to undertake only covers the immediate environs of the discovery along a 50-60m wide corridor. There is always a risk that the feature will not follow the predicted line for the proposed survey, and also that it will extend beyond the survey limits.

So whilst a successful survey could provide more information about the shape of the feature, it is quite probable that it would not establish its length.

### 3) How much would this work cost?

Whilst out of commercial confidentiality I do not feel it appropriate to divulge the precise figure of the cost of the work (not least because these answers are to be public knowledge and it is not in my employer's best interests for me to divulge information that might put the company at a future disadvantage) I think I can disclose that the survey and reporting costs for the scope of the work we proposed to undertake would be under £10,000.

### 4) Would you have been able to undertake this work during July, and what difference would a July start date have made to the answers you have given to 2) & 3) above?

Looking back – I was first contacted about the feature in early July. I collected samples for analysis on the 12<sup>th</sup> July 2007. I received the results from the measurements on these on 6<sup>th</sup> August 2007. These assisted in the finalisation of the project design.

Of course it is possible to undertake work without any care or consideration – but this might not be in the commissioning body's interests – and certainly when obtaining funding from English Heritage it is necessary to demonstrate the likelihood of success.

Within the timescales we were considering my recollection was that we were geared up to undertake survey in August. I think that if we had been looking to undertake the work in July then we would have needed to start the process in June or at least 2-3 weeks earlier. Had this been the case then it is very

likely that a survey could have been undertaken in July.

The difference to Q2 is that we would have had to wait for the farmer to mow his crop.

The difference to Q3 is that the farmer may have wanted compensation for loss of crop.

Further differences to Q's 2 and 3 are that should we have to alter the direction of the survey to follow the feature then there would be a delay whilst more crop is destroyed and there would be more compensation to pay to the farmer, and additional hire costs of equipment whilst we wait for that to happen. Personally prefer a completely open site.

I hope this is of assistance

Andy

## An alternative vision for the Rotherwas Ribbon

### What is the Ribbon?

- it's at least 4,000 years old
- it is unique in the world
- no-one actually knows what it was for
- it is located in Herefordshire

### What Herefordshire Council have said about the Ribbon

- it is a deliberately constructed Serpentine shape made of firecracked stones
- it may be part of an extensive linear monument created for ceremonial use that involved passage along its length.
- some timber structures were seemingly built or incorporated along its length to direct and guide such movement.
- of considerable importance in its use of deliberately burnt stone to pave a purposely-sculpted surface
- it expands the known repertoire of monumentality in Neolithic/Early Bronze Age in Europe
- it's likely date and highly unusual character (representing a hitherto unknown aspect of Neolithic/Bronze Age cultural activity) make it of high potential archaeological importance and interest
- it should provoke a considerable re-think of the of Neolithic and Bronze Age activity here
- it is an important discovery both locally and more widely, and adds a new dimension to our understanding of Herefordshire's remote past. Along with discoveries to either side of the structure within the road corridor (pits and especially the post-holes of a timber circular building) it firmly puts Herefordshire on the map of earlier prehistoric Britain
- archaeological and cultural advice has highlighted the difficulties of both conserving and displaying a structure of this nature, but that does not mean that such display cannot be achieved and the *tourism potential of such a discovery realised* somewhere within the course of the monument.
- there have been many well-informed contributions to the debate and a widespread belief that this discovery *represents an opportunity for the county to develop its resource of important heritage sites.*
- the latter in particular should give good pause for thought more widely than this monument. The Iron Age fort at Dinedor Camp itself is, for instance, in Council ownership, and plans have been in formulation for some time to make more of this important local heritage resource.

### A proposal

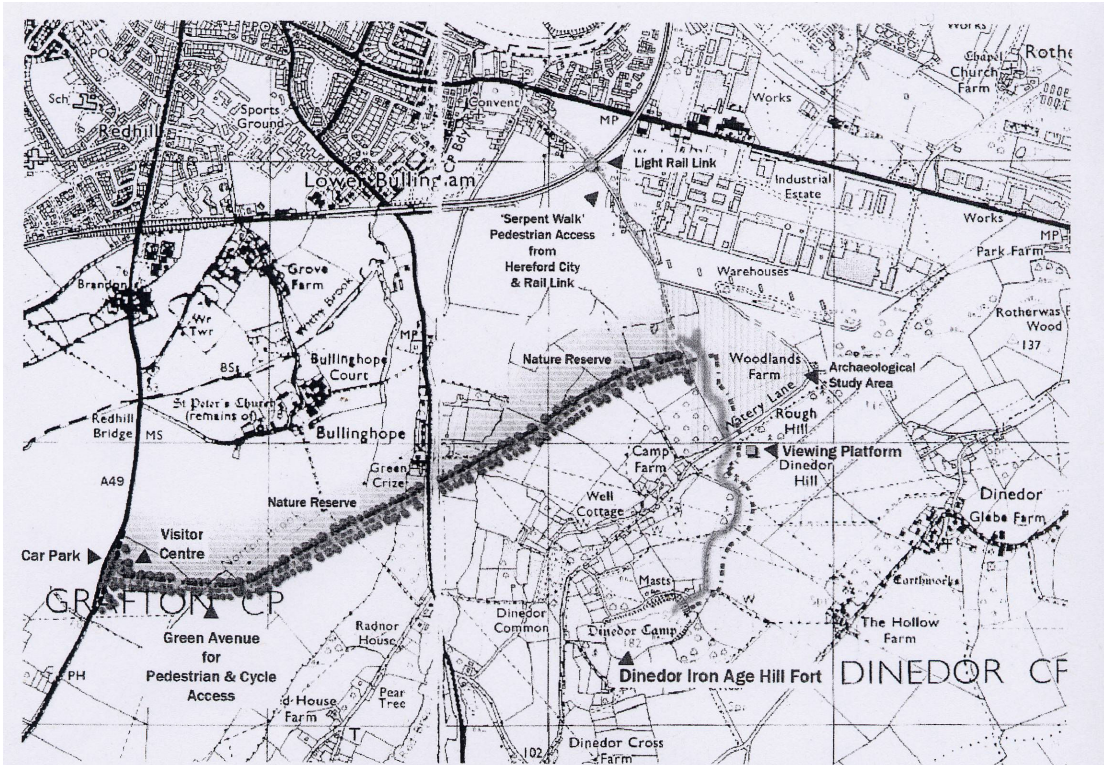
Fed up with observing the limited discussion that seemed to be taking place (stop the road and save the Ribbon v. continue the road and preserve the Ribbon), I felt a positive alternative option should be developed for consideration.

This allows the work already done on the road construction to be utilized creatively avoiding the cost of reinstatement, and gives a vision for a new visitor facility which could provide not only an interpretation for the Ribbon, but a tourism Gateway for Herefordshire. It could also reduce traffic on the Holme Lacy road.

The proposal for is:

- completion of A49 roundabout junction
- creation of a visitor centre and carpark adjacent to this junction
- completion of the road route but redesigned as a 'green avenue' to become a pedestrian/cycle/light transit route to take people down to the area of the Ribbon and other archaeology
- possible light rail station to give non-car access to the from the centre of Hereford
- creation of a nature reserve on the land adjacent to the 'green avenue' to display an interpret the 'essence of Herefordshire' and point to its sustainable development into the future
- creation of an archaeological study area around the Ribbon – with the Ribbon itself properly preserved. It could then be exposed within a small structure, have sections revealed on occasions, or be 'modeled' on the land surface in a similar way to the Ohio Serpent
- establishment of a walking route up to the Dinedor Hill fort with viewing platform enabling viewing of the full extent of the Ribbon in the landscape

Concern about the need for access to Rotherwas is understood, so in this proposal the carpark could also become a 'park and ride' for workers at Rotherwas, which together with the light rail link station could significantly reduce commuter traffic on the Holme Lacy Road.



Rotherwas Ribbon/Dinedor Serpent Heritage Proposal

<p><b>LEGEND</b></p> <p>N</p> <p>▲</p>	<p>Pedestrian Access</p> <p>Cycle Route</p> <p>Serpent Walk</p> <p>Dinedor Serpent/Rotherwas Ribbon</p> <p>Nature Park</p> <p>Site of Archeological Investigation</p>
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ROTHERWAS SERPENT  
Heritage Centre

