

**MINUTES of the meeting of COUNCIL held at The Shirehall,
St Peter's Square, Hereford on Friday 31 October 2008 at
10.30 am**

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

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

6. PRAYERS

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

7. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: DJ Benjamin, SPA Daniels, BA Durkin, DW Greenow and NL Vaughan.

8. DECLARATIONS OF INTEREST

Councillor RC Hunt declared a prejudicial interest in agenda item 5, part 5.1 as he had personal involvement with the developers of Minster College.

Councillors RJ Phillips and DB Wilcox declared personal interests in agenda item 5, part 1.1 as Members of the Youth Justice Panel.

Councillor PJ Edwards declared a personal interest in agenda item six as a Member of the Local Access Forum. He also declared an interest as a recipient of a Royal Mail pension. Councillor JA Hyde also declared a personal interest as a recipient of a Royal Mail pension.

9. MINUTES

RESOLVED: That the minutes of the meeting held on 31 July and the extraordinary meeting on 4 September 2008 be approved as a correct record and signed by the Chairman, subject to amendment to Extraordinary meeting Minute 4 proposed by Councillor SJ Robertson.

10. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Council that an emergency Notice of Motion had been received with regard to the closure of post offices in the County. He added that the notice of motion would be put to Council immediately after the Chairman's announcements.

The Chairman thanked Councillors involved in the recent Local Democracy Week. This involved several Members attending local high schools and answering questions from pupils. The Members involved were then subject to a vote. Councillor A Taylor was runner up and Councillor SJ Robertson won the vote and was elected Youth Champion for Herefordshire. Council joined the Chairman in congratulating Councillor Robertson on her victory and noted the importance of Councillors engaging with the school communities. On a similar note, Councillor PGH Cutter was thanked for his hard work as the appointed Energy Champion for Herefordshire.

The Chairman welcomed Councillor PJ McCaull, newly elected member for Leominster South, to his first meeting of Council.

Congratulations were offered to Countess Darnley, a resident of Thornbury, near Bromyard, as the newly appointed Lord-Lieutenant for Herefordshire. She would be replacing Sir Thomas Dunne who served as Lord-Lieutenant for the county for 32 years.

The Chairman informed Members that Herefordshire was in the running to be named Enterprise Capital of Europe after winning the runner up prize for the United Kingdom's Enterprising Britain Awards. Herefordshire and Scarborough, the UK winners, would go to represent the UK for the chance to be named Enterprise Capital of Europe.

Members were reminded of the forthcoming meeting with the Chief Fire Officer and Chief Constable to take place at Brockington on 9 December.

The Chairman passed on his congratulations to Mrs Sonia Rees, the Council's Director of Resources, who would be leaving Herefordshire shortly to take up a post with the Audit Commission and wished her all the best for the future.

Members were reminded that public questions and answers from Councillors were circulated at the beginning of the meeting. This was done in line with the amended constitution. Supplementary questions would be invited from Councillors under agenda item seven. The Chairman reminded Members to address the Chair when speaking during the meeting.

The Chairman offered his congratulations to the Brockington Fundraising Group on their successful year to date. Over £3000 had been raised for good causes and new volunteers from the Council and PCT staff were always welcomed.

EMERGENCY NOTICE OF MOTION

The Chairman informed Council that the Leader, Councillor RJ Phillips and the Cabinet Member for Economic Development and Community Services, Councillor AJM Blackshaw wished to give notice as a matter of urgency of an emergency Notice of Motion. This was due to the rejection of the Council's response to the consultation exercise by Post Office Limited and the announcement of the closure of a number of Sub Post Offices, which was received on Wednesday 29 October.

The Chairman moved that under standing order 4.32, that standing orders be suspended to allow for Members to debate this issue.

Councillors RJ Phillips and AJM Blackshaw submitted the following Emergency Notice of Motion:

"Herefordshire Council condemns in the strongest possible terms the process and conclusions of the recent review of the County's Post Offices by Post

Office Ltd, received on 29 October.

The time and energy invested in the public consultation by MPs, Council Members, Parish Councils and the public, in both rural and urban locations across the County, is now seen as a total waste of time.

This Council calls on our Members of Parliament and our Local Government Association to expose this process as a sham and urges the Government to demonstrate genuine commitment to sustainable communities.

This Council informs Post Watch that it opposes the closure of the Tudorville Post Office."

The Chairman ruled urgency.

Councillor RJ Phillips spoke on the Emergency Notice of Motion and stated:

- On Wednesday (October 29), Post Office Limited announced the sites that would be closing. Herefordshire Council recognised that there would be the inevitable need for some closures within the county, but he believed the manner and culture of the methodology used by the Post Office to decide the branch closures was totally unacceptable.
- A question on the subject was raised in the House of Commons by the Wyre Forrest Member of Parliament at Prime Minister's Question time where a comprehensive answer was not given.
- He believed the results had been manufactured and explained that Herefordshire, Worcestershire, Dudley and Wolverhampton had been grouped together. Dudley Walsall and Wolverhampton are part of a well recognised sub group of the Black Country which was added to Herefordshire and Worcestershire. He pointed out that Herefordshire and Worcestershire shared few characteristics with the Black Country
- The Post office had done this to ensure that the area in question would have 95% of the population within three miles of a post office. When considering the two urban centres of the Black Country in conjunction with Herefordshire and Worcestershire, this average would have been easy to comply with. If Herefordshire and Worcestershire were considered individually, there would be many more Post Offices saved from closure. He believed the process, therefore, was a sham.
- Herefordshire's local communities united to come up with viable alternatives to such wide-ranging closures. For Example in Lyonshall, residents met and agreed to place an occasional Post Office inside the village pub. Suggestions from this and other area of the county were simply ignored by the Post Office in an arrogant manner. The government's promotion of sustainable communities was, in this instance, meaningless.
- He informed Council that the way in which the post office have calculated closures meant that if one site was saved from closure, another had to close in its place. He added that Council needs to send a message in the strongest possible terms to the Post Office that Herefordshire is not going to accept the closures. The Leader paid tribute to the work of the Council's Parish Liaison Officer for his work on the proposed closures.

The Emergency Notice of Motion was seconded by Councillor AJM Blackshaw who reserved his right to speak until later in the debate.

Councillor JA Hyde spoke on the Emergency Notice of Motion and thanked Councillor AE Grey and her husband for their hard work campaigning against the closure of Tudorville Post Office in Ross-On-Wye. Their enthusiasm and motivation had brought the community together. She added that she felt the current situation regarding office closures was ridiculous and that no community's post office would be safe.

Councillor GA Powell stated that she was disappointed that the Brampton Road and Redhill Post Offices would be closing. She said that the Post Office had shown no thought to the devastation this would cause to the community. Post watch, the government's Post Office regulator, was disbanded half way through Herefordshire's consultation process and she said this put the county at an unfair disadvantage. The Post Office disregarded a hard fought campaign, which would have a detrimental effect on the communities the post offices served.

Councillor ACR Chappell spoke to express his anger at the announced closures. He said that his allegiance to the people of his ward came first and was hurt that his Labour government could disregard such strong public feeling. He urged that party politics be put to one side and that Members unite against the closures. He added that post offices were social outlets for vulnerable members of the community and that residents of Redhill would be forced to cross the busy A49 road to use the Post Office in Putson, which in itself would present a safety hazard. Urban centres such as Dudley had ready access to a very frequent bus service – something that Herefordshire residents did not have. The closures, he concluded, would isolate residents.

Councillor PGH Cutter, as a regular user of the threatened Tudorville Post Office, spoke to express his anger at the announced closures. He said the announcement was an affront to local democracy and associated himself with the earlier comments of Councillor Hyde. He mentioned specific problems with the current post office in Ross-on-Wye, and the proposed alternative for Tudorville post office users, such as access and long queues. He highlighted Tudorville Post Office as having on site parking and being within walking distance of over 1000 houses. He concluded by saying that a commercial company, such as the post office, should be attempting to increase trade at its outlets before announcing closures and thanked the people of Ross-on-Wye for their support.

Councillor JG Jarvis added his support to the comments made earlier in respect of Councillor Grey's dedication. He pointed out that the remote villages to the East of Ross-on-Wye that currently use Tudorville Post Office would be severely disadvantaged if it were to close as would neighbouring villages over the Gloucestershire border. He informed Members that a post office representative proposed a pilot scheme at a consultation meeting removing certain services from Tudorville's office. This scheme was not mentioned in the results of the consultation and he said it appeared the Post Office was playing games with the community. He highlighted the access problems to the centre off Ross-on-Wye for vulnerable members of the community and urged pressure to be applied to the government. He questioned why the government seemed unable to assert the same authority over the post office system as it had done over the banking industry of late.

Councillor AE Grey spoke to support the Emergency Motion and said that the Council must condemn the decision to close post offices. She said she was lucky to be able to generate such a large amount of support in Tudorville and echoed Councillor Jarvis's concerns for the villages surrounding Ross-on-Wye. She added

that considering a new car park had been recently constructed, the Tudorville Post Office must be kept open.

Councillor A Seldon proposed an amendment to the Emergency Motion suggesting it was changed to incorporate the sentiment that the Post Office had shown contempt for the people of Herefordshire when reaching their decision. He added that the statistics had been manipulated by the Post Office and that it was shambolic for them to leak the closures to the media.

Councillor WU Attfield spoke to support the Emergency Motion and thanked the residents of Redhill for their support in trying to prevent the closure of their post office. She added that politicians must listen to people at grass roots level in the community. She emphasised that a post office should be regarded as a service for the community and not a business and criticised the government for this approach.

Councillor AJM Blackshaw spoke on the emergency motion and informed Council that he had attended seven consultation meetings in his role as Cabinet Member. He sympathised with the communities involved and was impressed at the level of enthusiasm he witnessed. He added that the village post office often props up and supports the village shop. He highlighted several examples of post offices that presented a strong case to remain open and added his thanks to the Parish Liaison Officer for his work.

Councillor RJ Phillips accepted the amendment proposed by Councillor A Seldon, which was seconded by Councillor AJM Blackshaw.

Councillor G Lucas stated that the post office in Tudorville should remain open, as the queue at the Ross central post office was quite often unacceptably long.

Councillor SJ Robertson said that although her own ward did not benefit from a Post Office, she could sympathise with the previous speakers and their communities. She highlighted the fact that once a service had been removed, it was more difficult to restore it. She reminded Members of the ongoing struggle to retain rural telephone kiosks and along with Councillor Gray, paid tribute to Councillor GA Powell and Jesse Norman who had delivered a large petition to Downing Street on the issue of Post Office Closures.

Councillor TM James added his support to the Emergency Notice of Motion with its amendment and asked if it could be amended further to question whether the Council could seek legal advice over the flawed process of consultation. He asked whether a judicial review of the decision could be sought.

Councillor RJ Phillips said that it was important for the Local Government Association to progress any potential legal matters, as a collective approach would add weight to any argument. He said that necessary enquires would be made to pursue both collective and individual legal proceedings.

Councillor AM Toon seconded the further amendment to the Emergency Motion and said that as Post Watch was closed down half way through the consultation periods, Herefordshire was not consulted on a level playing field. She recorded her thanks to Wendy Jones and the Redhill Resident's Association in their efforts to keep their post office open.

Councillor PJ Edwards proposed a third amendment to the original Emergency Motion asking that the Council is recorded as being against all post office branch closures. He said that efforts were still required to campaign to keep post offices open.

Councillor B Hunt said that it would be the residents of rural villages and hamlets that would be hardest hit if the offices were to close. He added that the public were cynical about government consultations, as it was perceived that they were not listened to.

Councillor JP French reminded Members of the Essex model in relation to post office closures. She pointed out that individual legal challenges mounted there proved costly and fruitless. She suggested that, similarly to the work done in Essex, that the network of post offices could be devolved into local government responsibility. She gave the example that certain grants from National Health Service budgets were devolved into local government hands. She said this had been successful and that if the same thing were to happen to the post office network, Local Government would be capable of maintaining a useful and responsive service that would remain as a valuable community service.

Councillor RI Matthews thanked all the members of the public for their tireless efforts in campaigning to keep their local outlets open. He endorsed the previous comments of Members and said that a partnership approach would be the way forward with potentially large financial savings.

Councillor RJ Phillips accepted all the amendments listed previously and emphasised that the closure programme and the logic behind it was done in a deliberate and devious way. He mentioned that there were post offices that were known to be only remaining open in the short term due to retirement of staff and were being deliberately excluded from the announced closures. He said that the communities of Herefordshire were realistic and did accept that some closures would be necessary but this was dismissed by the post office. He added that the government had disregarded its own previous work on sustainable communities by not challenging post office closures. He said that the case to keep Tudorville Post Office open was very strong and a concerted effort must now be made to publicise this. He said that the Council would seek legal advice especially regarding the closure of Post Watch in the middle of the consultation period.

A vote on the Emergency Motion, with its amendments, was taken and carried unanimously. The Chairman thanked all Members for their passionate views and wished every success to Tudorville post office.

11. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 1 - 6)

Copies of all public questions, received by the deadline, with answers was distributed prior to the commencement of the meeting. A copy is attached to these minutes at Appendix One.

12. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

1. Question from Councillor M Hubbard, Central Ward
1.1. <i>Can the Cabinet Member for the Environment please explain what work has been done to ensure Herefordshire Council has complied with the Code of</i>
1.2 <i>How is Herefordshire Council monitoring its performance on litter clearance?</i>

1.2 <i>How is Herefordshire Council monitoring its performance on litter clearance?</i>
1.3 <i>Can the Cabinet Member for the Environment please provide figures for the number of spot fines issued by Herefordshire Council for litter offences in:</i> a) <i>Hereford City</i> b) <i>Leominster</i> c) <i>Ledbury</i> d) <i>Ross-on-Wye</i> e) <i>Bromyard</i>
1.4 <i>Other than the Amey contract, are there any other initiatives being undertaken by Herefordshire Council to ensure our city streets are kept clean and free of litter?</i>
1.5 <i>Is Herefordshire Council doing anything with regard to the graffiti and fly-posting advisory standards contained within this document?</i>
1.6 <i>Can the Leader explain how the current turmoil in the global financial markets is affecting plans for the ESG development?</i>
1.7 <i>The public consultation process for the Supplementary Planning Document for the Edgar Street Grid managed to illicit 38 written responses from members of the public out of a potential population of 55,000 Hereford City residents, of which only a third were in favour of the development. Does the Leader believe that this demonstrates widespread public support for the ESG development?</i>
<p>Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation</p> <p>1.1 The council has no legal duty to comply with the code of practice to which Councillor Hubbard refers. Despite the publication of the code in April 2006 the Council has only recently received Local Environmental Quality data from DEFRA. When we have completed analysis of this data we will determine whether or not full acceptance of the code by this Council will actually make a difference in delivering services to keep our County clean.</p> <p>1.2 The Council is required to survey its area and send measurements to central government as part of the new system of National Indicators. These are a major revision of the previous system which was called Best Value Performance Indicators. This provides a basic routine monitoring system which enables service improvement through analysis of the data. There are forty wards in Herefordshire of which fifteen are surveyed every year. Litter is one element of the survey which includes graffiti, fly-posting and detritus, and produces scores for different land use categories. The system is run by the charity ENCAMS (of which the Council is a member) and which carry out audit checks on the measurements.</p> <p>1.3 The council does not at present give on the spot fines for litter, this is something we will focus on once the enforcement team is in place.</p> <p>1.4 The Council maintains close contact with local voluntary groups through the Herefordshire Partnership and supports clean up campaigns by providing materials and expertise. Supervision of work undertaken by convicted offenders on community service orders is being discussed with the probation</p>

service.

An Anti Social Behaviour unit is being set up to deal with aspects of anti-social behaviour, with powers to deal with litter, fly-posting, fly-tipping, graffiti etc. When the unit is fully operational we will be taking a pro-active approach to dealing with all of these issues. We have powers to deal with offenders by way of either a caution, fixed penalty or prosecution.

- 1.5 In recent times we have worked very hard on both removal of graffiti and on sharing information and intelligence with the Police on tracking down offenders. Five young people were convicted recently following a spate of graffiti attacks on our county. The responsibility for the removal of graffiti and fly posting from private property remains with the property owner although we will assist where resources allow.

Answer from Councillor RJ Phillips, Leader of the Council

- 1.6 The ESG development represents a 20 year transformation of a major part of the centre of Hereford. Its impact will be felt throughout the city and, indeed, the county in the way in which it helps lead the transformation of the economy for the 21 century.

Inevitably, projects of this scale encounter changes in economic conditions, and it would be foolish to expect otherwise. The very extensive work undertaken to date on the project has shown that considerable investment in infrastructure is required before any development can take place.

Specifically, a major flood alleviation scheme which will benefit not just the ESG area but the A49, existing homes and the hospital car park, needs to be built. Likewise, a new link road will be constructed along with areas of new public realm prior to the improvement planned to Blueschool Street/Newmarket Street and Widemarsh Street south.

At present, the ESG project has reached the stage where planning applications for the major infrastructure are about to be submitted. Subject to approval, it is anticipated that work will begin in 2010/11, funded by Advantage West Midlands from resources which have already been committed to the project.

Advantage West Midlands (AWM) is also committed to funding further major land acquisitions necessary for the infrastructure investment to commence.

In terms of development partners, Herefordshire Council, on the recommendation of the ESG board, has appointed Stanhope and Sanctuary, both major national companies with extensive experience of working through both good times and bad. Whilst it must be accepted that the current global financial turmoil is unprecedented, both companies are fully committed to Hereford and continue to work on shaping their proposals in advance of their own planning applications.

Quite what the future holds in terms of the financial markets is too early to tell. What we do know is that we have the unwavering support of AWM along with the very considerable financial strength of our developer partners. This, combined with the enormous potential for future growth in the Herefordshire economy identified in the Regional Spatial Strategy, Herefordshire Council's own emerging Core Strategy and by the development partners themselves, places Hereford and the county in an enviable position when compared with other cities throughout the UK.

- 1.7 Statutory planning consultations have been supplemented by extensive consultations undertaken by ESG Herefordshire Limited on the masterplan. These included: launch events at the Courtyard; meetings with individual

businesses and stakeholders; circulation of masterplan to public sector organisations and other formal consultees; public display of model in Broad Street; open evenings for residents and businesses, to which every household or business within the ESG area was invited; and extensive media coverage. ESG Herefordshire Limited continues to promote discussions about the future of the area, including with local schools, an 'enewsletter' and community consultations on specific aspects of the project, such as flooding. Overall, the ESG project continues to benefit from considerable community involvement. As in all consultations, it is the opportunities that are given, together with the substance of the views expressed and how these are addressed, that are more significant than the simple numbers of those responding.

Supplementary questions from Councillor MAF Hubbard to Councillor DB Wilcox Cabinet Member Highways and Transportation:

Is it a priority of the Council that the streets of the county are kept clean and free of litter and does the Cabinet Member agree that it will take a range of measures to enforce this?

Answers from Councillor DB Wilcox Cabinet Member Highways and Transportation:

Yes, it is a priority that our streets are kept clean for the people of Herefordshire. A recent assessment rated Herefordshire Council's landscape department well above the national average. The ongoing Service Delivery Review will address street cleaning and litter and the Audit Commission has acknowledged this.

The announcement of the creation of anti social behaviour units within Herefordshire is one of the range of measures aimed at enforcing this issue. Fines and prosecutions will be strictly enforced.

2. Question from Councillor PJ Edwards
2.1.1 <i>It is often stated that Herefordshire is poorly funded in the league charts of Government funding to Local authorities.</i>
2.1.2 <i>What specific additional funding bids have been placed by Herefordshire during this financial year and what are the confirmed successes to date?</i>
2.2 <i>Given that public grassed areas remain half cut, street kerbs upswept, urban street drains semi blocked, street signs semi-derelect, paving unsound, loose street kerbs etc, when will our Local Environment receive basic attention to bring it up to a reasonable standard?</i>
2.3 <i>What are the total costs of accident / personal injury claims met by the Council during the last 12 months as a result of proven unsound highways (including streets, cycleway and paving) affecting pedestrian and vehicle movements?</i>
2.4 <i>Why are the Street Waste Bins not emptied more frequently, in particular those placed between Hereford City and South Wye?</i>
2.5 <i>When is the Council going to take enforcement action against the Fly Posters who regularly deface Hereford City street furniture and Waste Bins? Can we please reintroduce some pride into our City and throughout</i>

Herefordshire?

Answer from Councillor H Bramer Cabinet Member Resources

2.1.1 and 2.1.2

The Council is successful at leveraging in additional funding to support communities in Herefordshire to supplement the core funding for public services provided by the government.

In the time available since being made aware of the question, 26 separate funding applications have been identified and made so far this financial year totalling approximately £16.5m. Fourteen of the 26 bids were successful, we are waiting to hear the result on 12 and just one has been unsuccessful.

The 14 successful bids for additional funding amount to almost £6.5m. This includes £4.9m of additional funding secured for Children's Services. Other services that have had funding applications approved include: regeneration, lifelong learning, waste management, energy conservation, cultural, social care and conservation services.

The 12 bids we are waiting to hear about total £10m. The regeneration service is waiting for confirmation of bids for £6.5m of additional funding for a redundant buildings programme and a business support scheme. Children's services are awaiting confirmation of bids totalling almost £2.6m for the play pathfinder scheme. Other services awaiting confirmation of funding applications include highways, energy conservation, planning, social care and countryside services.

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

2.2 There is a backlog of road maintenance issues caused by the summer storms which have resulted in a revision of the works programme.

I acknowledge that the standard of some of the street scene issues is not as good as I would wish. As members will know, there is a Service Delivery Review currently underway which should address many of these concerns. In the light of the way the question is worded, I feel sure that the Chairman of the Strategic Monitoring Committee will embrace the proposals arising out of the review to achieve an improved street scene service more efficiently, effectively and economically.

2.3 The total amount paid out to third parties for injury or damage to property due to unsound highway during the period 1 October 2007 to 30 September 2008 was £131,880.27 in respect of 220 claims.

2.4 All litter bins in the city are scheduled to be emptied daily with the city centre bins being emptied twice a day. Records are being kept to monitor the usage of litter bins and to identify hot-spots such as bins that are frequently full and to correlate usage with activities such as public events and school terms. Few complaints are being received about full bins, and those that are reported are dealt with immediately.

2.5 The Council maintains close contact with local voluntary groups through the Herefordshire Partnership and supports clean up campaigns by providing materials and expertise. Supervision of work undertaken by convicted offenders on community service orders is being discussed with the probation service.

An Anti Social Behaviour unit is being set up to deal with aspects of anti-social behaviour, with powers to deal with litter, fly-posting, fly-tipping, graffiti etc. When the unit is fully operational we will be taking a pro-active approach

to dealing with all of these issues. We have powers to deal with offenders by way of either a caution, fixed penalty or prosecution.

Supplementary question from Councillor PJ Edwards to Councillor H Bramer Cabinet Member Resources:

There is a government scheme currently in operation for the promotion of healthy communities. There is a grant fund of up to £5 million. Is the Cabinet Member aware of this and will the Council be pursuing this?

Answer from Councillor H Bramer Cabinet Member Resources:

Yes, the Council will take steps to pursue the grant money.

Supplementary questions to Councillor DB Wilcox, Cabinet Member Highways and Transportation:

In light of the £132 000 paid out in the last year to settle compensation claims for accidents, could a proportion of this money not have been spent on street maintenance?

Could the Council direct more resources to stop illegal fly posters being stuck to litter bins? When will more pride be taken in our street furniture's cleanliness and could bins on walk and cycle ways be emptied more frequently?

Answers from Councillor DB Wilcox, Cabinet Member Highways and Transportation:

No claims exceeded the Council's insurance policy excess so no direct funding was needed for the claims. Of course, as Cabinet Member, the ideal situation is for all roads to be completely problem free but a lack of funds means that inevitably some out of the two thousand miles of roads would require attention.

Fly posting problems in Hereford are recognised as being significantly below the national average and recently Herefordshire's grade was changed from 1 to zero with seven being the worst. This however does not cause the council to be complacent. Cleanliness is a priority for residents of Hereford and a group involving Councillor Hubbard regularly tries to clean up litter from the streets of Hereford city.

3.	Question from Councillor GFM Dawe
3.1	<i>To the Cabinet Member for Community & Economic Development: Would he summarise the undertakings that he gave to the Environment Scrutiny Committee on September 24 2007 concerning the investigation and promotion of the Rotherwas Ribbon for heritage, educational and cultural tourism and would he now explain what progress has been made in the 13 months since?</i>
3.2	<i>Will the Council initiate an urgent and objective review of their strategy for the Edgar Street Grid, that would take into account the lack of public confidence in the project, the rapidly changing environmental context that is likely to render any car-dependent development unsustainable, and the impending recession with consequent revisions to forecasts for retail led</i>

projects?

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

- 3.1 My comments on the Rotherwas Ribbon are a matter of record set out in Minute 21 of the Environment Scrutiny Committee meeting held on 24th September 2007. These minutes are extensive.

They show that Cabinet may consider options relating to tourism, education or heritage, such as a display at the City museum, subject to funding being achieved for further investigations and if these discover significant finds. Consideration of a visitor facility would depend upon what further finds were made.

This view was reflected in the resolution of the Scrutiny Committee that urged Cabinet to seek funding for further research into the Rotherwas Ribbon including a tourism scoping report when appropriate.

We are continuing investigations of the Rotherwas Ribbon. In fact we have just received the results of radiocarbon dating on charcoal. Six dates were obtained from samples and dates fell within the period c2100 - 1900 BC.

This confirms the timeframe suggested by Worcestershire Archaeological Service who excavated the site last year. The professional view is that the Ribbon was probably first built and then partially resurfaced in the Late Neolithic period and last used in the Early Bronze Age.

In relation to seeking funds we have had extensive discussions with English Heritage on this matter and submitted proposals to its representatives that have been evaluated by a range of regional and national staff. English Heritage has now agreed to provide funds to commission a geophysical survey to try to trace the Ribbon's course and this work will be carried out over the coming months. The findings of all the work undertaken so far will be considered by a panel of specialists agreed with English Heritage.

As you can see we are still carrying out investigations. It remains too early to judge whether there is any potential for promoting the Ribbon as a heritage, educational and cultural resource.

- 3.2 Community Services Scrutiny Committee recently conducted a review of the ESG project covering a wide remit of areas. This report was presented to committee on Friday 17 October, after a full day of interviews with stakeholders and interested parties and will be considered by Cabinet before Christmas.

Edgar Street Grid as a project has very strong strategic and policy foundations. The current Unitary Development Plan and subsequent Supplementary Planning Document and Masterplan for the site have all been subject to a variety of public consultation and public scrutiny. ESG Herefordshire Ltd has been established by the Council and Advantage West Midlands as the body responsible for leading the physical delivery of the project and clearly great steps have been taken in moving the scheme forwards.

The project is clearly driven by a mix of uses with significant elements of housing, retail and leisure, public administration and statutory bodies, and public transport infrastructure being incorporated within the overall scheme. Behind the constituent parts listed above a significant amount of on and off site infrastructure is required to deliver any of these components.

Supplementary questions from Councillor GFM Dawe to Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services:

When will the Rotherwas Ribbon receive the attention it deserves in terms of heritage, education and culture?

Should a review be done of the Edgar Street Grid Project in light of the current economic slowdown? Should the retail led element be reassessed and the housing element made more prominent and be brought forward in line with 21 century thinking?

Answers from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services:

Work has been done to assess the importance of the Ribbon and English Heritage had said it would fund further such work. In September 2007, Councillors met with Visit Herefordshire and Tourism West Midlands. Feedback from this revealed that the Ribbon would not provide a visual feast and only be of interest to a minority of people. Work would continue on this, which was funded by English Heritage, and it is likely that any display would be an audiovisual one at the museum in Hereford.

A large amount of consultation on the Edgar Street Grid project was carried out prior to the launch of the Master plan and details of this was given to Council.

Council were informed of research carried out by CACI that added weight to the argument to progress with the retail development as planned. He explained that CACI was a market leading analyst company to the retail industry. He said that their report would see Hereford's shopping income increase considerably and a rise of 31 places in the shopping 'league table'. He stated that the retail quarter was the right thing for Herefordshire and would result in a quality regional shopping centre. He added he would provide further written details to Councillor Dawe following the meeting.

<p>4. Question from Councillor RI Matthews</p>
<p>4.1 <i>I understand that in the near future a Planning Application for the new Cattle Market site is to be submitted, and if approved will be closely followed by Members having to make a decision which would involve the expenditure of many millions of pounds of public money for the construction work. Do you agree with me, that it would be highly irresponsible to ask elected Members to consider these two issues before being given access to the professional legal advice which the Council sought, to establish whether or not we were legally obliged to provide a replacement market?</i></p>
<p>Answer from Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources</p> <p>4.1 The Assistant Chief Executive (Legal and Democratic Services) has an obligation to ensure that Members receive appropriate legal advice prior to taking decisions. The position on this matter is no different. For the record the legal advice that the Council has received is clear in saying that the Council has an obligation to provide a market.</p>

Supplementary question from Councillor RI Matthews to Councillor JP French
Cabinet Member Corporate and Customer Services:

Why is specific legal advice not publicised to Members? Public perception is that something is being hidden by not publicising the legal information presented to Members and ask Councillor French to reconsider the matter.

Answer from Councillor JP French Cabinet Member Corporate and Customer Services:

The Assistant Chief Executive Legal and Democratic is accountable for legal advice and must decide which level of the legal profession should be consulted externally, if at all. This advice, when received, is in a discursive style and careful judgement must be taken before passing it on to Members. Legal advice can be received from several legal firms and the Assistant Chief Executive and the Legal Practice Manager must then provide holistic legal advice for Members and this is why the legal advice is not shared.

5. Questions from Councillor ACR Chappell

5.1 *Why has the Cabinet not considered the unanimous recommendations concerning the LEA swimming pool of the Children's Services Scrutiny Committee arising from their "Call In" Meeting on September 29?*

5.2 *What is the number of affordable housing properties completed in 2006/07? What percentage of total completions does this represent?*

5.3 *What is the number of affordable housing properties completed in 2007/08? What percentage of total completions does this represent?*

<p>(total number of acquired* 39</p> <p>5.3 Total number of housing completions 829 Total number of affordable units 141 (total number of new build 86 (total number of acquired* 55</p> <p>5.4 Total number of housing completions 244 Total number of affordable units to date 142 <i>(target for 08/09 200 in total)</i> (total number of new build to date 127) (total number of acquired to date* 13)</p> <p>* acquired properties are effectively those properties that already exist and have been utilised for affordable housing through the low cost home ownership schemes, schemes such as Purchase and Repair and Temporary Social Housing and supported housing projects.</p>
<p>Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services</p> <p>5.5 Clearly employment generation is not just about creating jobs, it is concerned with the creation of good quality, well paid jobs, in stable, growing companies, supported by the public infrastructure required to generate further opportunities for company growth and employment.</p> <p>The Council are working in partnership with AWM as the Regional Development Agency on a number of projects across the County that will deliver the infrastructure and opportunities to encourage this future growth.</p> <p>With the current investment into Rotherwas by the Council and AWM it is expected that a minimum of 850 new jobs will be created in the next 7 years. Evans Easy Space has recently opened their new Enterprise Centre in the heart of Rotherwas as well as completing a smaller scheme on the Enterprise Park in Leominster. Similarly the Council are in early stages of discussions with AWM and private sector developers to bring forward the Model Farm employment site in Ross-on-Wye, it is expected that an element of this scheme will involve Live/Work units and units will be aimed at high technology, digital and IT based companies.</p> <p>The ESG project has a longer delivery programme but AWM have already allocated £20m to assist in the bringing forward of this regionally important regeneration project. In addition to the jobs created and sustained within the build, it is expected that over 1200 net new jobs will be created from the leisure and retail elements. The Council hope to run awareness raising events with local companies to highlight the tendering and contract opportunities that ESG will supply over its build period.</p> <p>On a smaller scale the Council delivers the Redundant Buildings Grant scheme for AWM across Herefordshire, Shropshire and Worcestershire. Due to the success of this scheme and of the team delivering it, AWM have recently contracted with the Council for the RBG team to deliver a new Rural Enterprise Grant across the whole of the West Midlands region. The RBG scheme has awarded grants to 32 projects across the County, generating over £800,000 of private sector investment and delivering 232 jobs. RBG will continue in a similar vein for another 2 ½ years whilst the new REG scheme will operate for 3 ½ years.</p> <p>The Economic Development Team are always attempting to secure funding for infrastructure and employment projects and through their relationship with AWM within the last two years the team has managed to secure an allocation of approximately £35m to the projects mentioned above.</p>

Supplementary question from Councillor ACR Chappell to Councillor JG Jarvis Cabinet Member Environment and Strategic Housing:

Is the Cabinet Member aware that it is possible for Local Authorities to buy property so that residents can then stay in their own homes? Could a further breakdown of affordable housing targets be provided?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing:

This had been discussed with the relevant Heads of Service and the schemes at the moment are too costly. There is however a scheme currently in operation by Herefordshire Council to give help to offer assistance with mortgage payments for struggling homeowners. The scheme was recently praised at national government level. Affordable home targets will be met for this year, but the targets for next year are becoming ever more challenging with the downturn in the world economy.

Supplementary question from Councillor ACR Chappell to Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services:

Could the process to create a university on the site of the Edgar Street Grid be started now?

Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services:

The county currently loses approximately 250 university aged young people every year because of a lack of education for them in the county. Currently the University of Worcestershire and the three tertiary colleges in Hereford are assisting in work to progress the matter and an announcement is expected in due course.

6. Question from Councillor WLS Bowen
6.1 <i>Having promised to get rid of plastic bin bags in favour of wheelie bins – when will you make a start on eliminating the distribution of plastic bags in Herefordshire’s shops?</i>
6.2 <i>Can you assure us that the proposed wheelie bins will be made from recycled plastics?</i>
Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing. 6.1 The use of plastic carrier bags in Herefordshire shops is clearly a matter for

6.2 The use of recycled plastics in the manufacture of bins and bags for our waste collection service will be part of the formal specification. So the answer is, yes.

7. Questions from Councillor AT Oliver

7.1 *Would the Cabinet Member for Resources confirm that the current projection of the savings on the postal contract with TNT are for savings of £26,000 per annum, not the £70,000 he reported previously?*

7.2 *What is the estimated total cost of providing swimming lessons at the HALO run leisure pool, for the 36 schools which were previously using the LEA pool at St Martins, in the financial year 2008/09?*

7.3 *Would the Cabinet Member for Highways and Transportation please explain why, when the Rotherwas Access Road has been open since the end of August, and we are now at the end of October, the Holme Lacy Road has still not been closed off to vehicles of 7.5 tonnes and over, as promised?*

7.4 *Would the Cabinet Member for Resources confirm that the plans for a new livestock market, currently gathering dust under the desks of the Council's Planning Department, are being actively pursued and not quietly dropped, or is there a 'Baldric' in the Cabinet with a cunning plan to move the market to another site?*

7.5.1 *What plans does the Council have to cut the carbon emissions of its transport fleet and those of its partners such as Amey Wye Valley?*

7.5.2 *Is there any systematic training for Council employees in driving techniques to reduce fuel consumption, or any overall route planning to reduce total mileage?*

7.5.3 *Is there a strategy for replacing the current transport fleet with more environmentally friendly vehicles?*

Answer from Councillor H Bramer Cabinet Member Resources

7.1 Councillor Oliver asked a series of detailed questions on the Council's proposals for reducing expenditure on second class postal services at Council on 16 May 2008 and a detailed answer was supplied at the time.

By way of a brief reminder, Council agreed a procurement efficiency programme as part of its financial strategy for 2008 – 2011 in March 2008. A target for ongoing procurement savings of £750k was set for the current financial year. One of the procurement savings included in this target was an estimated reduction in the annual cost of second class post of up to £70k. Postal services have been deregulated in recent years and the Royal Mail and Post Office Counters Limited are entirely separate businesses. The Council has a duty to improve the value for money derived from every £1 of public money it spends and that is what the procurement efficiency programme was designed to do.

The procurement efficiency programme is being closely monitored by the Director of Resources and her team as part of their routine performance management arrangements. It became apparent that the estimated savings for second class post, which were based on external consultancy advice, were overstated. Other councils in the West Midlands that used this

consultant have experienced the same difficulty. The West Midlands Regional Improvement & Efficiency Partnership provided 50% of the funding for this consultancy advice and is seeking compensation from the consultant on behalf of the councils involved.

The revised estimate for annual savings on second class post is £35k, reduced to £25k due to the physical constraints of some of the post rooms in our various office buildings where we will continue to use Royal Mail.

Whilst it is disappointing that this particular project will not deliver the level of savings anticipated when the budget was set for this financial year, any reduction in administrative costs protects budgets for frontline services to the community. In addition, the overall procurement programme is still on track to achieve its £750k target with better than expected savings resulting from projects to rationalise PCs and printer/photocopiers and better compliance with West Mercia Supplies (WMS) purchasing policies.

Answer from Councillor PD Price Cabinet Member ICT, Education and Achievement

7.2 The estimated cost of providing swimming at the Halo Leisure Pool to the schools previously using the LEA Pool is given below.

Revenue costs are estimated at £75,900.

This is made up of Hire of pools and provision of Teaching and Lifeguard costs.

School income of £44,280.

Revenue costs after income are £31,620.

The direct comparable costs if the LEA pool was still operating would be:

Revenue Costs £183,000 (not including recent utility increases).

School income of £44,280.

Revenue costs after income would be £138,720.

No capital costs are included in the above or any additional Income from other sources.

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

7.3 The necessary consultation and statutory procedures to introduce the new weight restriction on the Holme Lacy Road was commenced some months ago. A period of familiarisation for HGV drivers has been given to minimise the potential problem occurring of an HGV inadvertently travelling down the Holme Lacy Road and finding a weight restriction imposed prohibiting his continuing to the Rotherwas Business Park. The business community in Rotherwas is also assisting in advising visiting HGV drivers of the impending restrictions and the need to use the new access road.

The new order is to come into operation on 24 November 2008 and further media publicity will be given.

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

7.4 The Council has purchased a site for the cattle market and is actively pursuing a planning application. There is no plan to look at alternative sites.

7.5.1 The Council has an overall commitment to reduce carbon emissions from its

operations as part of its target under the new National Indicator 185 – Percentage CO₂ Reduction from Authority Operations. This commitment is to reduce overall emissions by 1.25% per annum at least until 2013. As part of this commitment, all sources of carbon emissions from the authority's operations, including the vehicle fleet, are being examined to provide a baseline for NI185 and thence to assist in planning specific measures to secure a contribution to the required reductions.

A Carbon Board has recently been established, led by the Director of Environment and Culture. This important new body will be considering and addressing a range of initiatives that will contribute to the reduction in the authority's carbon emissions. These initiatives will undoubtedly include the issue of fuel used in transport.

The authority's partnership arrangements with Amey Wye Valley already include an environmental performance indicator that relates to the quantities of transport fuel used in Amey's operations. As part of the current service delivery review it is expected that an even stronger focus will be placed on the environmental performance of these operations, and given Amey's commitment to environmental management through its ISO14001 accreditation it is expected that this focus will lead to concrete reductions in carbon emissions.

7.5.2 It is not clear that there is systematic training for Council employees in driving techniques, but the Council publishes a Smart Driving leaflet that is held in the GEM library intranet folder and is therefore available to all employees with intranet access. This contains a range of helpful advice to drivers on how to maximise fuel economy and so minimise carbon emissions.

7.5.3 The authority's transport fleet is not currently managed corporately and vehicle requirements, including replacements, are managed by individual directorates. Clearly a corporate approach to fleet management could provide an effective mechanism for the introduction of more environmentally friendly vehicles. It is expected that this issue will be addressed through the newly established Carbon Board.

Supplementary question from Councillor AT Oliver to Councillor H Bramer Cabinet Member Resources:

Why have the projected cost savings regarding the TNT postal contract not been realised? Why was it not spotted that the revenues and benefits department had ordered a large stock of pre paid envelopes?

Answer from Councillor H Bramer Cabinet Member Resources:

The target has not been achieved but is currently being worked towards. Once the stock of pre paid envelopes is depleted, the cost savings will become more apparent in the future.

Supplementary question from Councillor AT Oliver to Councillor PD Price Cabinet Member ICT Education and Achievement:

Is the financial information presented to Cabinet when it met to discuss the LEA pool wholly accurate? Is the projected income correct?

Answer from Councillor PD Price Cabinet Member ICT Education and Achievement:

The figures given in the answer to 7.2 were the most accurate information available at the time. The external consultant verified the accuracy also. Swimming provision is available to all city primary schools and capacity at HALO pools is not a problem. The matter is coming back to Cabinet on 20 November.

Supplementary question from Councillor AT Oliver to Councillor DB Wilcox Cabinet Member Highways and Transportation:

Why was the sign on Holme Lacy Road not erected sooner? Does the Cabinet Member agree that the new timescale will provide insufficient time for familiarisation?

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation:

The Highways Agency changed their mind on the type of sign used. The agency informed officers that the wording was incorrect at a very late stage. There will be a two to three month lead in period and it is envisaged that there would be few problems with the scheme.

Supplementary question from Councillor AT Oliver to Councillor JG Jarvis Cabinet Member Environment and Strategic Housing:

Now that the plans for the livestock market have been submitted, can the Cabinet Member give his assurance that they will be looked at soon and progress is being made?

Is the Cabinet Member aware that environment awareness driver instruction is available free of charge? Could this be offered to the council's fleet drivers?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing.:

An environmental impact survey has been carried out and is now with the planning department for analysis. The application will be determined within a matter of months. This will be looked into.

13. NOTICES OF MOTION UNDER STANDING ORDERS

No notices of Motion, *under standing orders*, had been received.

14. CABINET

The Leader of the Council, Councillor RJ Phillips, presented the report of the meetings of Cabinet held on 29 May, 12 June and 10 July 2008.

In response to a question on Agenda Item 4.1 on the Review of Service Delivery Partnership, the Leader informed Council that there would be an independent consultant brought in to look at the results of the Service Delivery Review.

In answer to a question on Agenda item 5.1 Minster College Building Schools for the Future the Leader assured Council that discussions with the relevant people would take place to review the current level of provision for children with special educational needs in the county.

In response to a series of questions on Agenda Item 10.1 concerning Swimming Provision for Primary Schools in Hereford City – the LEA pool - and the decision not to reopen it, the Leader informed Council that the Herefordshire Schools Forum is a properly constituted body comprised of members of the teaching community as well as elected Councillors. The Schools Forum decision was based on the fact that they did not want to divert funds away from education provision to provide the pool. He assured Members that the report from the call in meeting by the Children's Services Scrutiny Committee was due to be heard by Cabinet on the 20 November. He stated that the main direction of any swimming pool funding should be directed towards the HALO pools and the Council was also making a bid to offer free swimming to the under 16s as well as the over 60s.

In responding to questions relating to Agenda Item 8.2 the Edgar Street Grid (ESG) and specifically its retail development and Cattle Market site, the Leader said that the site proposed was thoroughly researched. Other sites including land at Gaol Street or at the back of Woolworths was deemed either not large enough or had multiple landowners. The current site was in Council ownership, close to the city centre and had considerable private sector support for the project. He emphasised that he was committed to delivering the retail quarter as planned and that to unpick it at this stage would jeopardise investment already secured. The Leader assured Council that all members of the ESG board lived in the county, and one in fact lived within the city, so they were all able to act with the best interests of county residents in mind. He paid tribute to those who served on the board without payment.

With regard to Agenda Item 11.1 the Leader endorsed Members' appreciation of the Treasury Management system within the Council especially considering the ongoing world financial crisis.

The Leader informed Members that he was recently appointed to a regional advisory panel to advise central government on local issues and to ensure continued sources of funding. In the past, Herefordshire had been fortunate enough to benefit from a great deal of external funding but this was not set to continue in the future.

RESOLVED: That the reports from the meetings of Cabinet held on 29 May, 12 June and 10 July 2008 be received and the recommendation set out below be adopted:

That the Youth Justice Plan 2008/9 be approved.

15. PLANNING COMMITTEE

Councillor TW Hunt presented the report of the meetings of the Planning Committee held on 15 August and 26 September

In response to a question, Councillor Hunt assured Members that Bloor homes had not purchased any additional land in Herefordshire since the site at Bullinghope was acquired.

RESOLVED: That the report of the meetings of the Planning Committee held on 15 August and 26 September 2008 be received.

16. STANDARDS COMMITTEE

Mr David Stevens presented the report of the meeting of the Standards Committee held on 17 October.

In response to a question on the Independent Member recruitment process, Mr Stevens assured Members that equal opportunities policies were strictly followed.

Mr Stevens informed Members that legal advice would be sought to establish whether the Standards Committee could monitor the operation of parish councils within Herefordshire.

Regarding some incorrect Minutes of a previous Standards Committee meeting, Mr Stevens assured Members that these would be altered to make them accurate.

A Member expressed concern over the consultation paper mentioned in the report and felt that some of the proposals went too far bordering on the private lives of Councillors being invaded.

In response to a question on anonymous complaints, Mr Stevens read from the minutes of a Standards Committee meeting to reassure Members on the way such complaints would be handled:

“The Assessment Sub-Committee may decide that an anonymous complain will be referred for investigation or some other action if it includes documentary, photographic, or some other form of evidence, indicating an exceptionally serious or significant matter.

The Sub-Committee can protect the confidentiality of the identity of the complainant where that is justified by a real fear of intimidation or victimisation. However, where there is not an obvious risk, the fact that the complainant has not disclosed his/her identity can indicate that the complaint is less serious, is malicious or is politically motivated.”

RESOLVED: That the report from the meeting of the Standards Committee held on 17 October 2008 be received and the recommendations set out below be adopted:

That:

- (a) the redraft of the Code of Corporate Governance and Foreword be adopted by Council;**
- (b) Ms Isabel Fox be appointed as an Independent Member of the Standards Committee; and**
- (c) the recruitment of a fourth Independent Member of the Standards Committee be approved.**

17. STRATEGIC MONITORING COMMITTEE

Councillor PJ Edwards presented the report of the meetings of the Strategic Monitoring Committee held on 10 September and 20 October 2008.

Councillor Edwards reassured Members that Scrutiny was effective within the Council as approximately 80% of points raised were responded to by the executive. He added that it was important to achieve a balance between over scrutinising and effective scrutiny of decisions.

In response to a question, Councillor Edwards said that he would look into the possibility of full Scrutiny Committee reports being made available to Council meetings. He added that it was hoped to be able to scrutinise the smallholdings policy and accommodation strategy soon.

Councillor Edwards further assured Members that the Chief Executive and other senior officers were continually reminding officers that communication to the public about scrutiny must improve. He reaffirmed his desire that the work of scrutiny was to be shared with the public.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 10 September and 20 October 2008 be received.

18. REGULATORY COMMITTEE

Councillor Brigadier P Jones presented the report of the meetings of the Regulatory Committee held on 12 August, 9 September and 7 October 2008.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 12 August, 9 September and 7 October 2008 be received.

19. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor ACR Chappell presented the report of the meeting of the Audit and Corporate Governance Committee held on 25 September 2008.

RESOLVED: That the report of the meeting of the Audit and Corporate Governance Committee held on 25 September 2008 be received.

20. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brigadier P Jones presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority, which was held on 22 September 2008.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 22 September 2008 be received.

The meeting ended at 1.00 p.m.

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL

1. Question from Mr P McKay, Leominster
1.1 <i>Is it possible for the Council to place the Rural Road Map in public libraries and other public places where the Definitive Map is placed for public inspection?</i>
1.2 <i>Can the Council raise the associated List of Streets for rights of way and can the Council raise a map for these in the same way as the Right of Way Improvement Plan has done for bridleways?</i>
1.3 <i>Can the Council consider inspections regarding such rights of way on an annual basis?</i>
1.4 <i>Can the Council consider whether or not the present Highway Maintenance Policies address the needs identified in the inspection reports and if need be review those policies and reports?</i>
1.5 <i>As confirmed by the CLA representation signing is important i.e. both users and landowners seek signs. It has been suggested that "Quite Lane" signs are the most appropriate. Does the Council consider the use of that sign or have any other suggestions as to what sign could be used?</i>
1.6 <i>Regarding the cost of signs it is suggested that once signed the annual inspection could be reduced to that Rights of Way and rely on public feedback and could in fact reduce costs. Would the Council agree with that?</i>
1.7 <i>Would Council agree that it is far simpler and cost effective to add missing "white road" links to the Rural Road Map than the Definitive Map and would Council agree that all highways whether or not also shown on the Definitive Map are required by legislation to be on the List of Streets?</i>
1.8 <i>Would Council agree that a "quick win" opportunity is available to add them to the Rural Road Map now, and those that ought also be on the Definitive Map at a later date?</i>
1.9 <i>Would Council undertake this task, or failing that set out the procedure enabling others to apply to Council for them to be added, especially since Council have confirmed that it simply requires a request to be made and they have been added by Steven Oates in this way?</i>
1.10 <i>Would Council advise what backlog applies to requests to add "white roads" to the Rural Road Map?</i>
1.11 <i>Some of these Rural Lanes are obstructed by ploughing, barbed wire, fallen trees, even ponds and have been so for several years, and when inspecting the inspection reports it is seen that regular annual inspection is recorded with nil defects. Can Council explain how this situation comes about?</i>
1.12 <i>The suggestion is that it is because only the metalled portion used by vehicular traffic is inspected and the part that we are interested in is not inspected i.e. the annual inspection is not carried out and the assurance given on your web page that all roads are inspected annually is false. Should this be the reason would Council be prepared to modify the inspection report so that they make it clear whether or not the full length of recorded road has been inspected and to require full lengths to be inspected at least till signed as suggested above?</i>
1.13 <i>In the absence of availability of a List of Streets limited to these Rural Lanes an inspection report of 1999 listing of 104 miles of Keepsafe Roads was passed to you mid summer which</i>

<i>you agreed to update. Could Council advise when this update will be completed and presented in a format that matches the earlier list with confirmation that it is the part of interest that has been inspected?</i>
1.14 <i>The Highways department is known to hold copies of large scale Ordnance Survey Maps coloured to show the rural roads having been shown these when questioning the rout of a road some years ago. Where may I inspect these and what should I be asking to see?</i>
Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation 1.1 to 1.14 The Council is keen to ensure that information it holds is easily accessible, and will look at how it can improve availability as suggested. I have asked the Director of Environment and Culture to arrange a meeting with Mr McKay to take this forward and to address the other issues raised by Mr McKay in his questions and the explanatory information he had previously provided.

2. Question from Mr A Spong, Moreton on Lugg
2.1 <i>With reference to Planning Applications do Councillors attribute any importance to the views of neighbours and Parish Councils in the consultation process?</i>
2.2 <i>Do Councillors agree, in these times of food shortages/rising prices, that it is unacceptable, and sends the wrong signal, to develop prime agricultural land for use as a waste facility?</i>
2.3.1 <i>Herefordshire promotes and benefits hugely from tourism. A busy campsite, whose visitors benefit the local and Herefordshire economy to some £250,000 per year, is threatened by the proposal to situate a composting plant just 700 meters away. The Environmental Agency states that ALL composting sites produce odour problems.</i>
2.3.2 <i>Do Councillors agree that it is unacceptable to threaten the fragile rural economy?</i>
2.3.3 <i>Do Councillors agree that tourists would be deterred by this close proximity to a waste site?</i>
Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing
2.1 The Council has a statutory duty to notify local residents and parish councils of planning applications. The Members of the various planning committees are always very keen to establish the views of local people. In assessing local comments Committee Members have to make a distinction between material planning considerations and other matters raised which are not material to the decision making process. The Members of the Central Area Planning Sub-Committee will be made aware of the strength and nature of local opinion on the application when it is reported to their December 2008 meeting.
2.2 The status of agricultural land on and around the application site will be a material consideration for Members when they determine the application. As always the Committee will make its decision after balancing national and local planning policies with detailed site specific matters.
Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services
2.3.1 and 2.3.2 The impact of the proposal on the wider rural economy will also be a material planning consideration for Members to weigh against the other matters relevant to the application. In

determining a planning application the Council has to consider the wider public interest rather than any potential direct impact from a development proposal on any adjoining business.

- 2.3.3 The impact of the proposal on tourism in this part of the County is also capable of being a material planning consideration. It is ultimately a matter of judgement whether or not existing or proposed tourists would be deterred from visiting the area if the proposal were to proceed.

3. Question from Mrs J Watkins, Upper Lyde

- 3.1 *English Heritage state that one in five archaeological sites in the UK are in danger of destruction, threatened by not only natural processes but man made developments and vandalism. What level of priority does the Council put on identifying, preserving and protecting our natural and historic heritage which is irreplaceable and much valued by local people?*

- 3.2 *How much importance does the Council attach to adverse impacts on the tranquillity and attractiveness of the local countryside, particularly with regard to preventing its deterioration due to increased noise and man-made pressures on the quality and character of the exceptionally diverse landscape?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

- 3.1 The considerable importance that the Council places upon the identification, preservation and protection of its heritage is manifest in the comprehensiveness of its conservation advisory and record services, its commitment to policies and strategic frameworks for conservation, its investment in site-specific conservation works, and its partnership with a wide range of conservation bodies and local communities to deliver better access to and information about the heritage in town and countryside.

Examples of the results of this commitment are to be found through the guidance that the Council has prepared in support of the Local Development Framework (such as Supplementary Planning Documents on 'Archaeology and Development' and on 'Historic Landscape'), and in the work of its conservation advisory services as reflected in service Strategy documents. I suggest that, for an example of the latter, you consult the Archaeology Strategy (and its accompanying Strategic Plan) that is out to public consultation until 3rd December. This contains much information about both the advisory work and the conservation projects that the service is likely to be engaged upon in the period 2008-11.

- 3.2 Firstly the Council employs a team of environmental specialists including landscape, ecological and arboricultural officers, to advise on the conservation of the landscape & biodiversity of Herefordshire. The council also houses the Herefordshire Biological Records Centre, which acquires and stores ecological and geological records and which promotes survey and monitoring programmes.

Landscape & biodiversity issues are key considerations in the planning process. This is demonstrated by the fact that the Landscape & Biodiversity team has produced Landscape Character Assessment and Biodiversity Supplementary Planning Guidance documents which form part of the planning policy framework. More detailed work on the landscape and ecological character and quality of the Herefordshire landscape around Hereford and the market towns is ongoing as part of the development of the Local Development Framework.

There are specific policies relating to landscape (LA1 - LA6) and biodiversity (NC1 - NC9) in the Unitary Development Plan, which ensure that landscape and biodiversity issues can be addressed in the planning system.

In addition, the Landscape & Biodiversity team undertake a diverse range of specialist conservation projects, often in partnership with external environmental bodies, on both a strategic and a local level. Such projects can involve survey and research elements, practical

habitat management work and the promotion of conservation aims. Some examples of recent projects include the Orchard Biodiversity Project, Central Lugg Otter Project, Malvern Hills Area of Outstanding Natural Beauty Priority Habitats Mapping project, management of school grounds to increase biodiversity.

4. Question from Mr B Clay, Hereford

4.1 *What Park & Ride facilities have been visited by Cabinet members or Directors of Herefordshire Council in the last 12 months?*

4.2 *Does the Council agree with Paul Keetch MP that there is no legal obligation for the Council to maintain a Cattle Market?*

4.3 *What are the main terms and costs of the Council's consultancy contract with Amey plc or the relevant subsidiary?*

4.4 *What is the Council's net income from leasing Hereford Race Course for each of the last 5 financial years, and what is the current estimate for this year's out turn?*

4.5 *When is the next Review of the Race course lease due to take place?*

4.6 *What steps would be necessary if the Council wished to terminate the Lease on the Race Course?*

4.7.1 *Why does the Council not provide Maps showing Polling District, Ward and Parliamentary Constituency boundaries within the County?*

4.7.2 *Are there any restrictions which apply to Herefordshire but do not apply to other Authorities?*

4.8 *Why does the Council's Website not provide a facility enabling members of the public to identify their Ward by entering their post code?*

4.9 *Why are members of the public not allowed to ask supplementary Questions at this Council Meeting even though Members from every political group spoke in favour of this at the July Council Meeting and no Member spoke against?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

4.1 The officer team looking into park and ride proposals have made visits to operational park and ride sites. None of these visits have included either a Council Cabinet Member or a Director.

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

4.2 No. The legal advice the Council has received is clear in stating that the Council has a continuing obligation to provide a cattle market. It is also important to emphasise that, in any event, the Council would want to support the local economy through the provision of a market to meet the current and future needs of the agricultural industry.

Answer from Councillor H Bramer Cabinet Member Resources

4.3 The scope of the consultancy services contract is the provision of engineering services for policy development, design and implementation, including transportation and traffic engineering, management and control; highway design and management; materials testing; general infrastructure development; property/architectural services and other associated technical services.

The contractual arrangements are based on the New Engineering Contract (NEC) Professional Services Contract, under the Target contract option (Option C). The NEC is a family of standard contracts for which the stated intentions are to stimulate good management of the relationship between the parties, to be applicable to a wide variety of types of work, and to use language and a structure which are straightforward and easily understood. The duration of the consultancy services contract is ten years from September 1 2003, with an option to extend by mutual agreement up to August 31 2023.

In terms of costs, the consultancy services contract provides for a minimum level of expenditure annually. This level of expenditure, termed the Guaranteed Minimum Annual Budget in the contract, was set at £500,000 at the contract base date and is subject to annual price adjustments for inflation which are based on the Average Earnings Index (Real Estate and Business Activities (excluding Bonus) as published from time to time by the Office of National Statistics.

In practice the volume of consultancy work that has been ordered under the contract has significantly exceeded the Guaranteed Minimum Annual Budget. In financial year 2006/7 it was approximately £2.4million, while in 2007/8 it was approximately £2.3 million. For the financial year 2008/9, expenditure to date under the contract is approximately £1.09 million.

As part of the Service Delivery Review, the overall basis on which consultancy services are provided to the Council by Amey is being reviewed. The outcome of the review may lead to some adjustments to the position described above.

4.4 The rent per annum with effect from 1 January 2004 is £20,000.

Rent for the Racecourse house is £280 per annum

Agreement in connection with non race day events - £1,000 per annum

The income was £21,280 per annum for each of the years from 1 January 2004.

4.5 The rent is reviewed every 5 years and the next review is due 01/01/2009.

4.6 The lease terminates in 2028. There is no provision for either party to surrender/terminate the lease (other than by agreement) before then. There is no ability for the Council to terminate the lease before the end of the lease (contract) in December 2028.

Answer from A McLaughlin, Assistant Chief Executive Legal and Democratic

4.7 to 4.8

The Council is looking at how this information can be made more readily accessible on its website. In the meantime there are a number of free services that members of the public can use to identify their ward including:

The Ordnance Survey provide a free tool for the public to use to their postcode for local elections

<http://www.election-maps.co.uk/index.jsp>

Mysociety.org provide a postcode lookup service to connect the public to their local representatives

<http://www.writetothem.com/>

Answer from A McLaughlin, Assistant Chief Executive Legal and Democratic

4.9 Paragraph 4.24 of the Council's current Constitution provides an opportunity for this meeting to receive questions from members of the public and sets out a framework by which the Council will deal with providing the fullest possible answers to questions received. At present there is a provision precluding the raising of supplementary questions. The Council has an ongoing Constitutional Review Working Group which continually analyses the Constitution with a view to keeping it compliant with best practice and all relevant legal requirements. The

point raised is a valid one and one which will be fed into the work of the review group to enable it to receive careful consideration.