

DEPUTY CHIEF EXECUTIVE'S OFFICE
A Williams (Interim)

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: AMcL/SAHC

Please ask for: Mrs S Cole

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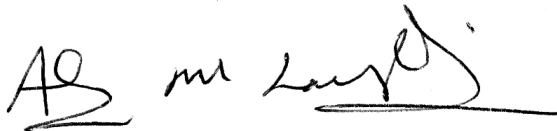
E-mail: scole@herefordshire.gov.uk

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday, 31st October, 2008** at The Shirehall, St Peter's Square, Hereford at 10.30 a.m. at which the business set out in the attached agenda is proposed to be transacted.

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

Yours sincerely



A McLAUGHLIN
ASSISTANT CHIEF EXECUTIVE



A G E N D A

COUNCIL

Date: **Friday, 31st October, 2008**

Time: **10.30 a.m.**

Place: **The Shirehall, St Peter's Square,
Hereford**

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

For any further information please contact:

Sally Cole, Committee Manager Executive

**Tel: 01432 260222, E-mail
sianclark@herefordshire.gov.uk**

Herefordshire Council

AGENDA

for the Meeting of the COUNCIL

To: All Members of the Council

Pages

1. PRAYERS

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

4. MINUTES

To approve and sign the Minutes of the meeting held on 25 July and the extraordinary meeting of the 4 September 2008.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive the Chairman's announcements and petitions from members of the public.

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| 6. QUESTIONS FROM MEMBERS OF THE PUBLIC | 45 - 54 |
| To receive questions from members of the public. | |
| 7. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS | |
| To receive any written questions from Councillors. | |
| 8. NOTICES OF MOTION UNDER STANDING ORDERS | |
| There are no Notices of Motion. | |
| 9. CABINET | 55 - 60 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 31 July, 11 September and 2 October 2008. | |
| 10. PLANNING COMMITTEE | 61 - 64 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 15 August and 26 September 2008. | |
| 11. STANDARDS COMMITTEE | 65 - 74 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 17 October 2008. | |
| 12. STRATEGIC MONITORING COMMITTEE | 75 - 80 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 10 September and 20 October 2008. | |
| 13. REGULATORY COMMITTEE | 81 - 84 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 12 August, 9 September and 7 October 2008. | |
| 14. AUDIT AND CORPORATE GOVERNANCE COMMITTEE | 85 - 86 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 25 September 2008. | |
| 15. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY | 87 - 88 |
| To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 22 September 2008. | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

Please Note:

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

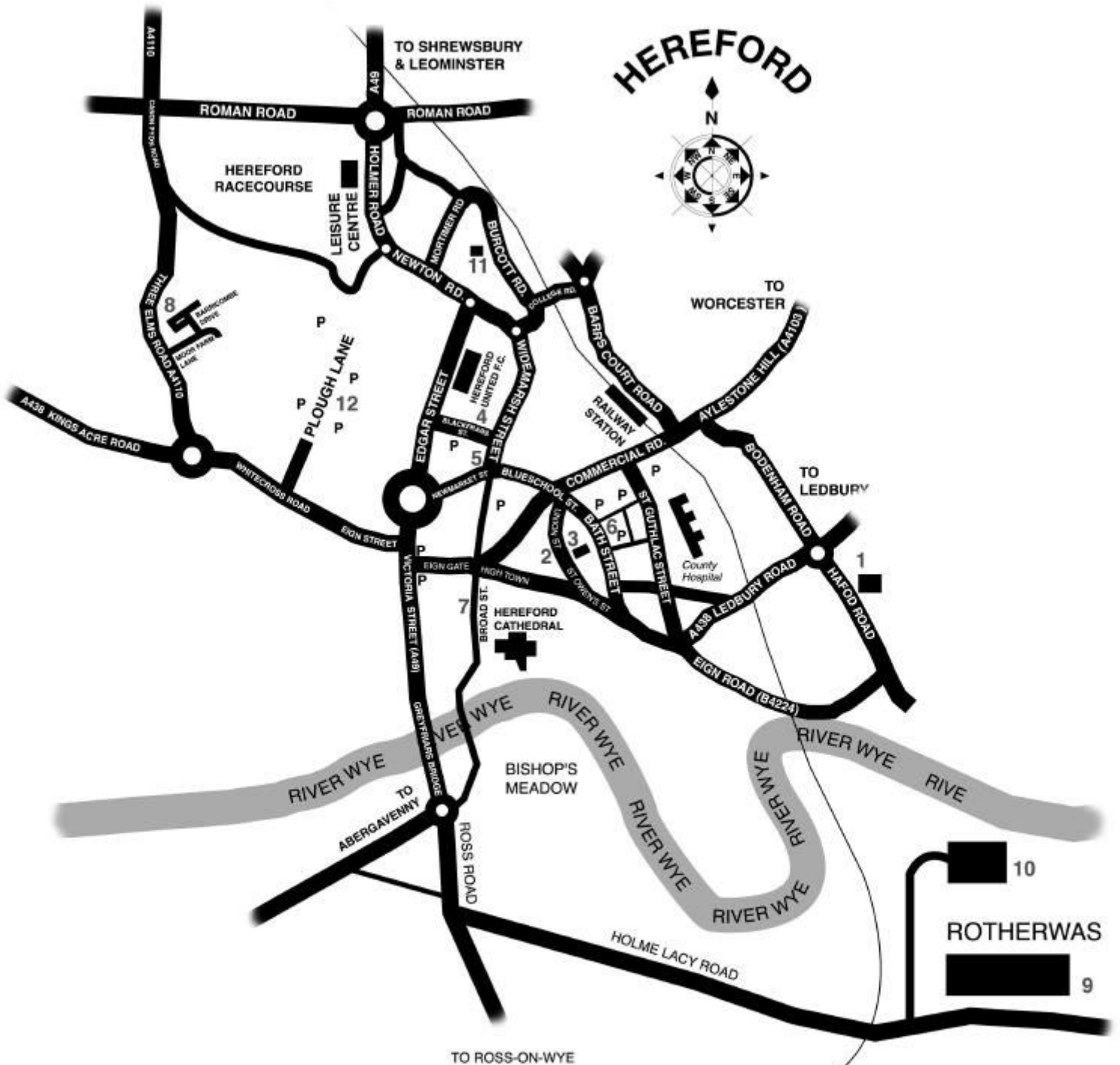
The meeting room is accessible for visitors in wheelchairs via the main entrance by prior arrangement. Please telephone 01432 272395

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

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda on 01432 260249 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



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

FIRE AND EMERGENCY EVACUATION PROCEDURE

IN CASE OF FIRE (no matter how small)

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

ON HEARING THE ALARM

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

GAOL STREET CAR PARK

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

MINUTES of the meeting of COUNCIL held at - THE SHIREHALL, ST PETER'S SQUARE, HEREFORD on Friday, 25th July, 2008 at 10.30 a.m.

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

Councillors: PA Andrews, WU Attfield, LO Barnett, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, ACR Chappell, ME Cooper, PGH Cutter, SPA Daniels, H Davies, GFM Dawe, BA Durkin, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, 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, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, PD Price, SJ Robertson, A Seldon, RH Smith, RV Stockton, JK Swinburne, AP Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

1. PRAYERS

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: DJ Benjamin, RBA Burke, GA Powell and DC Taylor.

3. DECLARATIONS OF INTEREST

The Chairman reminded Members of their obligation to notify the Assistant Chief Executive, Legal and Democratic of any changes affecting their Declarations of Financial or Other Interests within 28 days of any change taking place.

Councillors: ACR Chappell and WU Attfield declared a personal interest in Agenda Item 9, Wyebridge College, as College Governors.

Councillor RJ Phillips declared a personal interest in Agenda Item 9, Edgar Street Grid Development, as a Director of ESG Ltd. Councillor NL Vaughan referred to Agenda Item 9 and the Legal Practice Manager confirmed that Councillor Vaughan had neither a personal or prejudicial interest to declare.

Councillors: WU Attfield, AE Gray, RH Smith, and AM Toon declared a personal interest in Agenda Item 9, Herefordshire Housing, as appointees to the board.

4. MINUTES

The Minutes of the meeting held on 16 May 2008 were approved subject to the correction of typographical errors.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he recently attended a ceremony in which The Rifles

were granted the Freedom of the City of Hereford. He stated that the occasion was a very proud moment for Hereford which demonstrated its support to the armed services. Councillor Sylvia Daniels, Deputy Mayor of Hereford was thanked for her prominent role during the ceremony and for providing hospitality in the Shire Hall following the ceremony.

Former Councillor Godfrey Davis, was congratulated for receiving an MBE in the Queen's Birthday Honours for services to local government.

The Chairman announced that Herefordshire Council had signed up to the West Midlands Biodiversity Pledge, one of the few authorities in the region to make this commitment. He presented Councillor Jarvis, Cabinet Member for Environment and Strategic Housing, with the signed pledge which was given jointly by the West Midlands Biodiversity Partnership and the West Midlands Local Government Association.

Councillor Stone reminded Members that it had been a year since the County had suffered severe flooding during the Summer of 2007 and stated that the thoughts of the Council were with those constituents yet to return to their own homes.

Petitions

The Chairman informed Council that a petition had been received from Stretton Sugwas CE Primary School via Councillor RI Matthews regarding safer routes to school. The Chairman presented Councillor DB Wilcox, Cabinet Member, Highways and Transportation with the petition.

6. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

1 Question from Ms Susana Piohtee, Transition Hereford

As you will know, after a great deal of campaigning, the Sustainable Communities Act is now a reality.

In the introductory information it says: 'the Sustainable Communities Act is a new law that empowers citizens and councils to ask for help from government to promote sustainable communities – and then requires the government to reach agreement with them. This is NOT the usual consultation everyone is so fed up with – government cannot just say 'no' to all the good proposals and ideas that local people have. This is new wording and precedent in law. The whole process will start in October when the government will write to councils inviting them to 'opt in' to the Sustainable Communities Act. It is crucial that your council does this, otherwise you and your community will be excluded from the process and your voice will not be heard.

Given the amount of development planned for our county over the next years, this Act will provide the Herefordshire Council with a useful tool with which to challenge government on the appropriateness of some of its requirements of this Council. How are you going to respond to this invitation to 'opt in' when invited to do so in October?

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

- 1 The Sustainable Communities Act 2007 received the Royal Assent in October 2007. The Act requires the Secretary of State to make regulations and publish guidance relating to the procedure to be followed concerning proposals made under section 2 of the Act (proposals that would contribute to promoting the sustainability of local communities). Before doing so, the Secretary of State is obliged to consult local government on the regulations and on the guidance. This consultation took place earlier in this year and the guidance was finally published on July 9th 2008.

The regulations will come before Parliament in the near future and Government will also be consulting on the approach to producing Local Spending Reports during the summer of 2008.

The Secretary of State will issue first invitations to local authorities by 23 October 2008 and arrangements for the first Local Spending Reports should be in place by 23 April 2009.

Herefordshire Council is currently monitoring these developments and identifying procedures that it needs to put in place, to comply with the new regulations. A seminar will be held in the autumn to brief all Members on the impact of the Sustainable Communities Act.

2 Question from Ms Barbara Evans, Kingsthorpe

Is it permissible within the Council's constitution for political groups on the Council to receive financial donations from external bodies?

Answer from Mr Kevin O'Keefe, Legal Practice Manager, Assistant Chief Executive's Office

The Council's Constitution explains and regulates how the Council operates, how decisions are made and the procedures which are to be followed to ensure that decision making is efficient, transparent and accountable to local people. The Constitution deals with all relevant governance issues within the Council. The Constitution does not however regulate the internal processes of political parties or how they receive financial donations from third parties other than a requirement in 2.8A.1 requiring Members to give formal notice in the Register of Interests of any person who has made a payment to him or her in respect of their election expenses or other expenses incurred in carrying out their duties.

National legislation provides a framework regulating the wider issues of political donations.

3 Questions from Brian Organ, Tillington

Following a number of accidents in the village of Tillington. The road through Tillington being a high risk road in view of the number of activities conducted on the Village road including horse riding, walking, running and cycling. I have presented a number of questions to which I would appreciate numbered answers.

- 3.1 *Do the Council accept the Department of Transport definition of a village as having more than 20 houses?*
- 3.2 *Does the Council accept that Tillington has more than 20 houses?*
- 3.3 *Does the Council accept that in addition to 20 houses Tillington has a School, a Garage, a village shop, a village pub and a village cricket ground?*
- 3.4 *Does the Council accept the Department of Transport recommendation that the norm for the speed limit through a village should be 30 mph?*
- 3.5 *Does the Council accept its own Local Transport plan that states it intends to have "a stepped up speed limit reductions programme to provide more villages with 30 mph limits"?*
- 3.6 *Does the Council accept its own five year Local Transport Plan that it requires more school 20 mph zones to enable more children to walk and cycle to school?*
- 3.7 *In the light of the Department for Transport recommendations and Herefordshire's Local Transport plan safety objectives why is Tillington not a 30 mph speed limit and the school a 20 mph zone?*
- 3.8 *Does the Council accept the Department of Transport sponsored research findings that an increase of 10% in speed causes a 30% increase in the accident rate for poor quality roads, as defined in TRL report 511 , such as the one through Tillington?*
- 3.9 *Could the Council give the number of Schools that have had a 20 mph zone instigated in the current 06/07 to 11/12 5 year plan?*
- 3.10 *What are the mobility objectives for the road through the village of Tillington?*
- 3.11 *Can I have a copy of the Single Carriageway Rural Roads and the speed assessment framework?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 3.1 In Traffic Advisory Leaflet 01/04 (DfT, 2004) the Department for Transport set out its current policy on achieving lower speed limits in villages, this includes a broad definition of what constitutes a village. For the purpose of applying a village speed limit of 30mph they state that a definition can be based on the following simple criteria relating to frontage development and distance.

- 20 or more houses (on one or both sides of the road); and
- A minimum length of 600 metres.

As a rural county we recognise the importance of reducing speeds in villages and support this guidance in this regard. Our speed limit policy favours the introduction of 30mph limits at villages and other rural settlements. It states that the minimum length of a limit should be 600m and that the access rate per kilometre over the restricted length should be more than 20 for a 30mph limit to be considered.

Our policy will actually allow the introduction of 30mph limits at settlements of less than 20 houses, provided that they are concentrated within a 600m length.

This allows us to properly consider the merits of 30mph limits for the many smaller hamlets throughout Herefordshire.

The DfT policy, in circular 01/2006, makes it clear that alternative limits of 40 or 50mph should be considered where criteria for a 30 limit are not met. Our policy supports this with the use of the following :

- A 40mph limit should be considered if the access rate is 15 to 20 per kilometre; and
- A 50mph limit should be considered if the access rate is 10 to 15 per kilometre.

3.2 Yes.

3.3 Yes.

3.4 The Department for Transport in circular 01/2006 states that it is government policy that, where appropriate, a 30mph limit should be the norm in villages. Our speed limit policy supports the introduction of 30mph limits at villages and other small rural settlements.

3.5 In Local Transport Plan 2 we state that we seek to ensure speed limits are appropriate to the road and contribute to improving road safety.

3.6 The aim is to introduce 20mph zones outside most schools in the county. It is recognised that successful 20mph zones should be generally self enforcing. As such careful consideration has to be paid to the design of the most appropriate measures for each school.

3.7 When the Council last considered the speed limit it was following a request to extend the 40mph limit. This met with our policy and was introduced. The access rate did not support a lower limit at that time.

We can consider a 30mph limit in accordance with the Council's protocol for introducing such limits and assuming that this is supported locally.

We plan to deliver a 20mph zone at the School. Our priorities are informed by the accident history at each of the schools. This has identified eight other schools as priority sites and we propose to deliver part time 20mph limits at all eight by 2010. Burghill Primary will be considered in the next phase of our programme. In the short-term we will be delivering sign improvements at the school this year.

3.8 In principle, the Council agrees that an increase in speed can cause an increase in accident rates. TRL Report 511 states that :-

- a 10% increase in mean speed results in a 26% increase in frequency of ALL injury accidents

It is important to understand that "Mean" average speed takes into account that the speeds of individual vehicles vary and does not relate to the speed limit that may be in place.

Whilst the research undertaken by TRL offers some important findings it is important to ensure that these are considered in the light of local conditions and the Council's approach to speed limits on county roads seeks to ensure that the appropriate speed limit is introduced taking into account all relevant

factors as highlighted above.

- 3.9 Four school 20mph zone schemes have now been implemented during the period of the LTP2 (2006/7 to 2010/11). These comprise, Wyebridge Sports College (formerly Haywood High), St Thomas Cantilupe, Whitecross High School and Specialist Sports College and Sutton Primary School.
- 3.10 The road through Tillington provides for the movement of traffic, pedestrians and cyclists through and within the village . Whilst the Council does not set specific mobility objectives for individual roads, the Local Transport Plan sets out the transport objectives for the County and indicates the kind of measures that may be introduced in suitable locations to support the delivery of the strategy. Measures within the Local Transport Plan include pedestrian and cycle improvements and measures to provide safer routes to school.

Any requests for specific improvements pertaining to Tillington can be made to the Highways department through the Streets number (01432) 261800 or directly to Mairead Lane Construction Manager on (01432) 260944. These requests would then be considered in the light of the overall strategy and available funding.

- 3.11 The TRL publication 'Developing a Speed Management Assessment Framework for Rural Single carriageway Roads is available as a free download from the TRL. Their website address is www.trl.co.uk , if you go to their online store, reports and publications and type in speed management you will have an opportunity to either purchase a hard copy or acquire it as a download.

Further information on national policy in regard to speed management can be found on the Department for Transport website www.dft.gov.uk

The Local Transport Plan 2 is available on our own website www.herefordshire.gov.uk

3 Question from Brian Organ, Tillington

- 3.12 *Why cannot members of the public put supplementary questions to the Council in the light of the ones received, as for instance happens in Portsmouth City Council. An inability to ask supplementary questions to answers given severely limits the democratic process. A system of supplementary questioning is allowed in many Councils, why not Hereford?*

Answer from Mr Kevin O'Keefe, Legal Practice Manager for Assistant Chief Executive's Office

- 3.12 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 which will be fed into the work of the review group to enable it to receive careful consideration.

4 Question from Mrs R Gill

My husband and I, and my twin boys currently live with my mother. We have

been classed as Silver on the homepoint scheme for four years. There is a possibility that we may be given a piece of land to build our own home, therefore relieving the council of our housing need burden. However with the section 106 agreement contribution which has been brought in this would mean we would have to find about £20,000 for our four bedroom house.

In view of the current economic climate, mortgage and housing shortages and approaching a recession, does the administration think that it is morally right to impose this "roof tax" on first time buyers like myself on one plus dwellings, especially when it was contrary to your own officers' recommendations? Also with the present construction industry redundancies, does the administration realise the impact this decision is having on small building firms?

I know it is being said that the money is for the extra burden being put on local schools and libraries etc., but as I am already living in the area no extra impact is being made, and will under five dwellings really make that much of an impact?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

4.1 & 4.2

The Council's decision to reduce the threshold to one house for Section 106 Agreements reflects best practice from elsewhere and is fair and even handed. The application of the payments will ultimately depend on the ownership of the house to be developed by Mrs Gill.

If it is an open market house the full payments will be required. This factor is known to both the current landowner and any potential developer and should be covered in the commercial land transaction. The SPD provides exemption from contributions (para 3 of the Summary) if the resulting property/properties will remain genuinely affordable in perpetuity and have been developed in accordance with affordable housing policies contained in the UDP.

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

The Chairman advised that ten Councillors had lodged written questions with the Assistant Chief Executive, Legal and Democratic by the deadline date and time.

1 Question from Councillor A Seldon to Cabinet Member Resources

Earlier this year Bromyard and Winslow Town Council completed the purchase of the Council offices in Rowberry Street, Bromyard. This was not without controversy as the buildings had originally been bought from the Church by the then Bromyard Rural District Council. Some people feel that they have paid for this site twice in the last 50 years. During the negotiations with this Council, there was never any hint that there could be mechanisms for discounts to the value of the site as determined by the District Valuer. Bromyard and Winslow Town Council accepted this as they realised that this Council has a duty to the Council Tax payers of Herefordshire to obtain "best value" for their assets.

A little later in the year, the Grange in Leominster was sold by this Council for the sum of £1.00 in the blaze of much publicity.

In his report, what value does the District Valuer give to The Grange?

Answer from Councillor H Bramer, Cabinet Member Resources

- 1 The situation of the transfer of the Grange is different to the disposal at Bromyard. Following the Quirk Review, it is permissible to transfer surplus assets to charitable community organisations at less than market value. The Grange will be transacted under those terms. Town Councils are specifically excluded and as such the Bromyard disposal was at market value.

Supplementary question from Councillor Seldon

Did selling The Grange for £1.00 demonstrate best value for the Council Tax payer?

Answer from Councillor H Bramer, Cabinet Member Resources

The Cabinet Member Resources stated that in some cases buildings should not be considered as assets, but as liabilities. The Grange would fall into the latter category. The transfer of the Grange to a charitable community organisation demonstrated best value for the community it would now serve.

2 Question from Councillor PJ Edwards to the Cabinet Member Corporate and Customer Services and Human Resources

- 2.1 When will the **Key Officer Contact List** be available as diary pages?

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

- 2.1 Members' Support were currently working with the printers to provide the Key Officer Contact List as diary pages. It is hoped that the diary pages will be available to Members in August.

Question from Councillor PJ Edwards to Cabinet Member ICT, Education and Achievement

- 2.2 *Given that it appears estimated costs to accommodate Dedicated School's usage of The Hereford Leisure Pool could cost equal or more than basic repair / update costs of The Dedicated LEA Pool, why have these essential repairs not been carried out as a matter of urgency and the Pool reopened?*

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

- 2.2 The Cabinet report of 31 July 2008 details the capital costs estimated for the LEA swimming pool and for the Hereford Leisure Pool. The figures do not show that the improvements to the Hereford Leisure Pool would cost more than the LEA swimming pool. The future of the LEA swimming pool has to be sustainable if it is to re-open and we need to carefully consider the cost of running the pool, alongside income from schools and possible income from other groups. We will be unable to open the pool as an ongoing concern if it operates at a loss. Cabinet will consider the way forward at its meeting on 31 July.

Supplementary question from Councillor PJ Edwards

The Cabinet was asked to consider the value of a child's life as children were tempted to learn to swim in the Wye. He additionally stated that he was not satisfied with the figures received on this issue.

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

The Cabinet Member noted the comments and stated that the issue would be fully discussed at Cabinet on 31 July 2008. He additionally advised that Halo would meet the criteria required from schools and the provision of lessons.

3 Question from Councillor A Oliver

3.1.1 What was the total cost of salaries paid by the Council in each of the years to 31 March 2006, 2007 and 2008 (excluding teachers and other staff employed within the Schools Budget)?

3.1.2 What were the total number of employees and the unfilled vacancies at each of these dates?

3.1.3 Would you also break down this information between each of the Council's Directorates at these dates?

3.1.4 Would you also advise the number of employees at each of these dates whose salaries were between:

£70,000 to £100,000

£100,000 to £150,000

£150,000 and above

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

Cabinet Member Corporate and Customer Services and Human Resources advised the Council that the answers to the questions were of a detailed nature and that, following prior consultation with Councillor Oliver, a written response would be provided. The Cabinet Member thanked staff for drawing together the comprehensive response. The formal response is attached as appendix 1 to the minutes of the meeting.

Question from Councillor AT Oliver

3.2.1 At the Council meeting on 16 May 2008 the Cabinet Member for Highways and Transportation reported the estimated final cost of the relief road as £12,780,000. Did this forecast include the additional capital expenditure of £1,390,000 identified at the Environment Scrutiny Meeting of Monday 9 June 2008?

3.2.2 What are the compensation events to be agreed, and what is the current estimated cost of the access road?

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

3.2.1 & 3.2.2

The amount of £1,390,000 identified at the Environment Scrutiny Meeting of 9 June 2008 is not additional expenditure. It results from a re-profiling of spend for this scheme across the budget years of 07/08 and 08/09 due to revisions to the scheme programme. The re-profiling of spend indicates an increase in spend in 08/09 linked to a decrease in spend in 07/08 but does not represent an overall increase in capital expenditure.

I have previously reported the estimated cost of the scheme as £12,780,000. Expenditure on the scheme has been carefully monitored throughout the project and although some costs have arisen during the project in association with certain aspects of the scheme, for instance relating to the discovery of the Rotherwas Ribbon, final accounts for the scheme have not yet been assessed. It is therefore too early to confirm the final out-turn costs. The scheme costs are being carefully scrutinised by the Council's officers and our agents, Amey Consulting, to minimise any increase in the final out-turn cost. It is anticipated that any increase would be the subject of a formal report in due course when the final out-turn is known.

The Compensation Events referred to are a standard element of the type of engineering contract for the construction of the road that the Council has with the main contractor for this scheme Carillion (formerly known as McAlpine). This terminology refers to events during the contract that, if they occur, and do not arise from the Contractor's fault, entitle the Contractor to additional payments. This part of the contract provides an effective procedure for assessing and agreeing the time and cost effect of these events as they occur and in a timely manner during the contract period. Throughout the supervision of this contract such applications for compensation events are being carefully scrutinised and assessed to ensure they are justified.

Supplementary question from Councillor Oliver

Councillor Oliver thanked the Cabinet Member for his detailed answer and asked whether he could confirm the final prudential borrowing on the project.

The Cabinet Member Highways and Transportation stated that nothing had changed since the previous Council Meeting in May, and if there was to be an overspend this would be identified and Members would be advised of the situation.

Question from Councillor AT Oliver

3.3.1 It is now a year since the Cabinet promised full support for further investigation of the Rotherwas Ribbon site. Would the Cabinet Member for Environment and Strategic Housing provide an update as to the current position?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

3.3.1 English Heritage have agreed in principle to fund further investigation of the paved burnt stone feature found in 2007, according to a staged programme. An application has been submitted for funding for the first stage of this work, a multi-component advanced geophysical and laser imaging survey. Worcestershire County Archaeology Service have submitted a report on post-excavation results from 2007 that have considerably advanced understanding of the monument, the substance of which was issued as a Press Release and was widely reported in the media. More information is available via the Council's website.

Supplementary question from Councillor Oliver

Councillor Oliver sought assurance that following work on the landscaping, that the site of the Rotherwas Ribbon was being preserved.

This situation was confirmed by the Cabinet Member.

4 Question from Councillor TM James to the Cabinet Member Resources

- 4.1 *Can the Cabinet Member inform Members of the total level of all Council borrowing at 1 April 2008 and the predicted level of borrowing at 31 March 2009.*

Answer from Councillor H Bramer Cabinet Member Resources

- 4.1 The council's borrowing at 31 March 2008 was £105,888,614 of which £12.5m was borrowed in 2007/08. At this point we expect the total amount of borrowing at 31 March 2009 to be £126.5m.

Supplementary question from Councillor James

Councillor James stated that he was grateful for the clarity of answer to the question as different figures had been presented to Members in other meetings on the same issue.

Cabinet Member Resources assured Council of the figure and stated that included unsecured prudential borrowing and supplementary borrowing.

5 Question from Councillor RI Matthews

- 5.1 *On the 27 and 28 May 2008 the Cabinet spent two 'Awaydays' at 'Allt-yr-Ynys'. Can you please tell Members what was the total cost of this event, including all travel costs?*

Answer from Councillor RJ Phillips, Leader of the Council.

- 5.1 It would be artificial to isolate the costs of this development session alone as it is an integral element of the overall member development programme being put in place with support from the Leadership Centre for Local Government. The programme incorporates Executive, Scrutiny and front line member development and is being shaped to meet the various requirements and expectations being placed on councillors in Herefordshire as identified in the report produced at the end of last year by Ian Crookall. Details of the programme are being progressed through the Leadership Centre. External funding to support this programme is also being sought.

However, excluding facilitation (for reasons outlined above) the total cost is expected to be not more than £1,900 equating to some £211 per Cabinet Member attending. 'Away days' had been used in the past under previous administrations.

Supplementary question from Councillor RI Matthews

In these difficult financial times it would have been a better example to staff for such an event to be held in Council accommodation.

In response, the Leader of the Council stated that a matter of judgement was taken with professional advice. Collectively the Cabinet Members got as much out of the away-day (which was held in Herefordshire) as possible.

Question from Councillor RI Matthews

- 5.2 *As of today what is the total amount of borrowing which the Council has, and how much of this has been borrowed during the past twelve months?*

Answer from Councillor H Bramer, Cabinet Member Resources.

- 5.2 The council's borrowing at 31st March 2008 was approximately £106m of which £12.5m was borrowed in 2007/08. At this point we expect the total amount of borrowing at 31st March 2009 to be £126.5m.

Supplementary question from Councillor RI Matthews

Councillor Matthews stated that he has sought clarification of the figure as there would be difficult times ahead and that it was important to ensure a sufficient stream of borrowing as necessary.

Cabinet Member Resources assured Members that there was a sufficient steam of borrowing to support the Council and stated that the Treasury Management Strategy included two important indicators of relevance when considering the Council's borrowing position. One indicates the absolute level of debt the Council may incur and should only be reached in exceptional circumstances. In 2008/09 this is £185m. In 2009/10 it is £205m. In 2010/11 it is £220m

The second indicator shows the 'prudent' level of maximum external debt. This is £158m in 2008/09, £170m in 2010/11 and £180m in 2010/11. It is this indicator that informs the day to day levels of borrowing we enter into.

6 Question from Councillor WLS Bowen

- 6.1 *Does the Cabinet Member for Highways and Transportation realise that the County boundary signs for Herefordshire are tautologous and demonstrate a very poor use of the English language. Could (and should) these signs be changed either to "The County of Hereford" or to "Herefordshire"?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 6.1.1 In referring to a suggestion from Councillor Bowen that the entrance sign to the County could read 'The County of Hereford', it was stated that one could take the Hereford out of Herefordshire for the City, but one cannot take the Shire out of the County.

As with all road signs, boundary signs must comply with the Traffic Signs Regulations and General Directions, unless specific exemption is sought from the Department for Transport. The legend the 'County of Herefordshire' fits exactly with the requirements of these regulations.

The signs were erected in April 1998 and reflect the reinstatement of Herefordshire as a county in its own right and no longer joined with Worcestershire.

I do not agree that the suggested alternative wording would be more appropriate and believe that the existing signs effectively communicate our welcome to the county. The replacement of these signs, merely to change their wording, would involve significant expenditure that I do not consider would represent good value for money at the present time.

6 Question from Councillor WLS Bowen

6.2 *Am I correct in thinking that my suggestion that Herefordshire should attempt to become a plastic bag free County was well received? If so, what is being done to put this matter into practice?*

6.3.1 *Am I also correct in thinking that my suggestion that much higher standards of insulation, energy efficiency and use of renewable energy sources in all new developments in Herefordshire would be required and that these standards would be well above the national guidelines?*

6.3.2 *If so, what is being done to implement these proposals?*

6.3.3 *Is the Cabinet Member aware that Local Authorities can set their own standards and that other Local Authorities have already done so?*

6.3.4 *Why has nothing been done so far?*

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

6.2. I am taking a report to Cabinet next week that will reduce the county's use of plastic bags by 2.25M. If Cabinet agrees the report's recommendations the County will not only keep its much valued weekly refuse collection but will see kerbside recycling being extended to nearly every home in the county. Having set a good example ourselves we will be approaching all the major supermarkets to discuss what they can do to reduce our county's bag use still further.

6.3.1 to 6.3.4

Much work remains to achieve the highest standards of building insulation.

The planning process is currently seeking to achieve Sustainable Code 3 status for all major new residential developments. This level is beyond the current Building Regulations

Both officers and Members are aware that other councils have set their own standards in this regard. The London Borough of Merton is a well known example. These authorities have achieved their successes due to having a strong policy basis for so doing in their adopted UDPs/local plans. This has generated equivalent support from the Planning Inspectorate.

This Council does not have such a policy in its UDP. This matter is being addressed in the evolving Local Development Framework

Supplementary Question from Councillor Bowen

Councillor Bowen commended the Cabinet Member for the action taken to date and asked whether any amendment would be made to the UDP in respect of this issue?

In response Cabinet Member for Environment and Strategic Housing accepted the comments made, and whilst amending the UDP would be desirable it would not be possible to take forward.

6 Question from Councillor WLS Bowen

6.4.1 *Why has Herefordshire Council abandoned its use of Green Electricity? Would you agree that this gives a very poor example to the rest of the County?*

6.4.2 *Do we yet know what the energy usage is for all our Council buildings? Are they all metered? If we do not know these basic parameters – why not?*

6.4.3 *How can we make progress in more efficient use of energy if we have scant knowledge of how much or where energy is being used?*

Answer from Councillor H Bramer Cabinet Member Resources

6.4.1 Herefordshire Council switched from electricity from renewable sources to energy from Good Quality CHP (Combined Heat & Power) for its offices and schools last autumn because of increased differentials between renewable electricity and other supplies. The overall cost saving from the switch was £55,000 per annum. This does not affect the Council's emissions calculated under the new National Indicator 185 (NI185) as reduced emissions can only be claimed for on-site renewables and CHP generated on site.

The Council actively promotes energy efficiency to householders through its HCEA programme, which sets out the important contribution such measures make to reducing climate change. The Herefordshire Partnership has also set a target for per capita carbon reductions (NI186) in the incoming Local Area Agreement so has given climate change a high corporate priority.

6.4.2 Yes

Supplementary Question from Councillor Bowen

Should more efforts be made so that Council buildings could create their own energy?

In response, Councillor Bramer stated that climate change was an issue being addressed through the Local Area Agreement.

7 Questions from Councillor MD Lloyd-Hayes

7.1 *What actions does the Leader intend to take arising from the judgement by Mr Justice Collins in the case of the Dinedor Hill Action Association v. Herefordshire Council?*

7.2 *It was recently reported in the press that Brockington would be sold but the Town Hall would not. Can the Leader reassure me that this is the case?*

Answer from Councillor RJ Phillips Leader of the Council

7.1 The Council is naturally disappointed to learn of the decision of the High Court in connection with a Judicial Review brought by Dinedor Hill Action Association Limited which challenged the Council's decision to allocate land at Bullinghope for residential development.

In yesterday's Judgment the Honourable Mr Justice Collins allowed only part of the Association's claim. The Judge decided that the Council should have more fully set out its reasons when allocating the land for residential development. However, His Lordship went on to reject the Association's request to exclude

the Bullinghope land from the new and wider City boundary. The Judge further rejected the Association's claim that an additional public enquiry should have been held following the Council's decision.

The Council will now be studying a detailed transcript of the Judgment with senior Legal Officers in order to explore grounds of appeal. It would be inappropriate for me to comment further at this juncture.

- 7.3 The Council is currently undertaking an options appraisal in respect of the provision of back office accommodation for the joint organisations of the Council and PCT. This appraisal will also look at the options for retention and continued use of the Shire Hall and the Town Hall.

Supplementary question from Councillor Lloyd-Hayes

Councillor Lloyd Hayes stated that her understanding of the judgement differed to that of the Leader's. Would the Leader adopt a 'cards on the table' attitude as advised by Justice Collins? Additionally, concern was expressed in respect to the cost to the Council of supporting the legal case. Assurance was also sought that Hereford Town Hall would not be sold.

In response, the Leader stated that a decision, which was supported by 43 Councillors, took place as Government had turned down funding for the Rotherwas Access Road. In the development of the LDF the authority was required to identify sites for 8,000 homes which had been undertaken in an honest and transparent manner. In addition to the identification appropriate sites for housing, consideration needed to be given to the impact on the City and the wider County on the infrastructure and how this increased burden could be overcome.

Responding to the comment regarding the Town Hall, the Leader stated that the building was important to the life of the community and that a consistent message had been given that it would not be sold

8 Question from Councillor GFM Dawe

The number of jobs at Rotherwas has been recorded differently. The Owen Williams business case for the Rotherwas Access Road submitted with the planning application for the road said there were 2,200 to 2500 jobs at Rotherwas. A GVA Grimley report, in 2006 revised this figure to 4,200 (letter from Jon Payne AWM Oct 2006). More recent Council meetings have put the number back down to around 2000.

The Department for Transport advised that the estimated number of 'jobs created' consequent on the building of the Rotherwas Access Road to the Rotherwas Industrial Estate should be reduced from Herefordshire Council's estimate of 1,030 to 290 (Rotherwas Access Road Major Scheme Business Case (RARMSBC), July 2005. Herefordshire Council and Owen Williams consultants, page 5). Herefordshire Council ignored this advice.

Recently, at the Community Services Scrutiny Committee meeting of 17 July 2008 the Tory Cabinet Member for Economic Development and Community Services, Councillor Blackshaw, stated that the Rotherwas Access Road will lead to a 100% increase in jobs at Rotherwas. He was backed in this assertion by several other Conservative councillors.

In view of the large investment in the road (£12m) it is important to clarify and

monitor the situation. Can Herefordshire Council provide job numbers, full time and part-time at Rotherwas Industrial Estate broken down by:

- a) Council employees;*
- b) Amey Laing employees;*
- c) Remaining independent firms' employees.*

8.1 Can these be provided for the years:

2002; 2003; 2004; 2005; 2006; 2007; 2008 –current

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

8.1 The number of employees on the Rotherwas Estate fluctuates by season and as businesses come and go. For the Rotherwas Futures study conducted in 2005 our consultants, GVA Grimley, calculated the number of employees from information provided by the Chamber of Commerce and backed up by phone calls to companies missing from that database. This work was done around the end of 2005 and established that there were approximately 3,364 employees working from 130 businesses in 80% of the accommodation from which information could be gathered. This was extrapolated to provide a total estimated number of employees of 4,207, with no breakdown of full and part-time workers.

Based on this work and the selected option from the report, the further development of Rotherwas could provide 2,194 new jobs. Since companies currently on Rotherwas are under no obligation to provide numbers of employees, and the information is not usually essential to Council business, the employee numbers are not monitored and updated. However, the ground leases for new plots will have a clause obliging companies to provide employee data on an annual basis so that the number of new jobs created can be monitored. The full development of Rotherwas is beyond the scope of the current agreement, and therefore the number of new jobs to be created through the Rotherwas Futures project has been set at 850.

The figure of 2,500 existing jobs at Rotherwas is still used as a conservative estimate of numbers to take account of seasonal fluctuations and company closures, although there have been extensive developments on the estate in recent years so this is undoubtedly a minimum figure. There are currently 150 Council staff and 64 Amey staff working from the estate. This suggests that there are currently between 2286 and 3993 independent firms' employees on the estate. The opening of the new Rural Enterprise Centre in August or September will provide an opportunity for over 90 new jobs.

Question from Councillor GFM Dawe

8.2 Would the Cabinet Member for Environment and Strategic Housing, Cllr. Jarvis, list the housing completions expected for developments of 250 houses or more between now and 2011?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

8.2 The current sites of more than 250 dwellings which as of end of March 2008 were yet to be completed but have planning permission or are allocated in the UDP are:

Bradbury estate - estimated around 250 left to be completed (most under construction).

Barons Cross Camp Leominster - 425 (not started)

Land at Holmer, Hereford - 300 (not started)

Land at Bullinghope - 300 (not started).

The latter sites' future is dependent on the current judicial review of its allocation in the UDP.

Supplementary Question from Councillor Dawe

Councillor Dawe stated that to continue to include Bullinghope figures in the UDP was a misjudgement and confirmation was sought that Bullinghope would no longer be included in the projections.

In response Cabinet Member for Environment and Strategic housing stated that the outcome of the judgement did not restrict a planning application from coming forwards for consideration, however the authority would not be putting the 300 homes in future housing numbers summaries.

9 Question from Councillor ACR Chappell

- 9.1 *What opportunity will Council have to consider the full outcome of the High Court decision concerning the inclusion of land at Bullinghope within the UDP?*

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

- 9.1 Councillor Chappell was referred the answer provided in response to Councillor Lloyd Hayes' question.

Supplementary Question from Councillor ACR Chappell

Does the Leader agree that there should be an independent enquiry to determine; how the Bullinghope homes were included within the UDP; why professional advice of officers were ignored; who made contact with Bloor Homes and why advice provided by Councillor Chappell was ignored on two occasions. It was proposed that the Chairman of the Standards Committee be asked to lead an inquiry which would report back to a future Council meeting.

In response the Leader stated that the possibility of lodging an appeal was being considered and therefore at this time he was not in a position to answer the supplementary questions directly. He reiterated the statement that Government had repeatedly refused to fund a relief road despite consistent delegations to the Department of Transport. Further information was awaited regarding the judgement.

Councillor Chappell stated that the matter was of great importance and that a fuller response should be provided by the administration, whether or not the council appeals to the judgement. He reminded Council that on two occasions it had been minuted that there were alternatives, however these alternatives had not been investigated further and therefore this lack of research needed to be looked into.

Responding to Councillor Chappell, the Leader stated that it would be necessary to review the case to assess whether an appeal would be lodged and a meeting of Group Leaders would be called following a review of the situation.

Councillor Chappell formally handed a letter to the Chairman, which had been signed by six Members of the Council calling for an extraordinary meeting of the Council.

The Chairman acknowledged receipt of the letter and the Legal Practice Manager confirmed that the letter would be treated in line with the processes as set out in the Council's constitution.

10 Question from Councillor WU Attfield

10.1 Would the Cabinet Member for Environment and Strategic Housing state what forecasts he has for completions of socially affordable housing between now and 2011?

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

10.1 The targets we are currently working to for the next three years in delivering affordable housing in Herefordshire are;

2008/9 – 200

2009/10 - 300

2010/11 – 350

Whilst we remain hopeful that we can meet the target of 200 in 2008/09 there is no doubt that the changing conditions in the housing market will make the delivery of our targets for following years extremely challenging. We do rely on private sector housing developments coming forward as a key element of our work and as everyone will be aware, the market conditions are currently very difficult.

Supplementary question from Councillor Attfield

Councillor Attfield stated that it was necessary to concentrate on ensuring that the number of affordable houses were maintained within the County and that appropriate building should be encouraged, though it was imperative not to go against the judgement. Councillor Attfield asked why an officer of the Council gave the impression that socially affordable housing would be provided if the planning application went ahead?

The Cabinet Member Environment and Strategic Housing stated that the S106 was not finalised and that a planning application had not been considered. Members would ensure that proper and appropriate affordable housing would be considered for the site should a planning application be received. The Cabinet Member expressed the view that the number of affordable homes was a challenging target and he called on all Members to work together to bring to the attention of officers appropriate sites for consideration.

8. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman stated that a notice of motion had been submitted from

Councillors PJ Edwards and PA Andrews, and moved urgency;

'In reference to the current Service Review being undertaken jointly by our Council and Amey Wye Valley Ltd:

That Herefordshire Council urgently seek to improvements in the standard of maintaining its Parks, Open Spaces and Streets Local Environment and this be a key consideration with the current review is being carried out relating to Service Delivery"

Councillor PJ Edwards proposed the motion as outlined in the agenda. He stated that the value of tourism to the County was recognised by all, and that he considered that such activities as cutting verges only twice a year were not contributing to this important sector, especially when on occasion street signage was hidden by uncut grass. Whilst he recognised that the City and Market Town areas were different, Councillor Edwards informed the Council that there had been a marked deterioration in the last three years. It was additionally recognised that whilst some areas were well looked after, others appeared to have been ignored with the visible consequences of weeds and overgrown verges. When brought to the attention of the Strategic Monitoring Committee, contractors took action to tidy up the flower beds in Brockington. Councillor Edwards stated that the uneven service provision was unsatisfactory and requested that when the issue be considered by Cabinet that everything was done to improve the environment and street scene county wide.

Councillor P A Andrews formally seconded the motion.

The Cabinet Member Economic Development and Community Services informed Members that he agreed with the content of the motion and that a report would be considered by Cabinet on 11 September 2008. A negotiating team had been set up within the authority to consider the contract and the Cabinet Member endorsed Councillor Edwards's comment that it was vital to maintain the county's environment as tourism was important to the county's economy and expressed the view that there was room for improvement in the current service provision.

The Cabinet Member Highways and Transportation advised Members that on 18 June 2008 an early warning letter was served on Amey Wye Valley in respect of grass cutting and the cutting of verges. The Cabinet Member confirmed that the whole contract was under discussion and both sides had agreed that service delivery was currently not satisfactory. It was essential to ensure that the service provided to the County provided value for money. A report would be considered by Strategic Monitoring Committee prior to formal consideration by Cabinet in September.

The Liberal Democrat Group Leader emphasised the need to consider the cost of delivery of service against the value for money for the service provided e.g. the number of staff attending to single flowerbeds.

The Chairman called for a vote on the notice of motion as outlined in the agenda papers, which was carried unanimously.

For	54
Against	0
Abstentions	0

9. 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 discussion the following comments were expressed:

Councillor Lloyd Hayes raised the issue of the LEA Swimming Pool, which had been deferred as a Cabinet item, and advised Members that she had been contacted by both school staff and parents complaining that school swimming lessons were no longer available at the LEA pool as it had been closed. The provision for school swimming lessons at Halo was limited; both in terms of space available in the pool and the time, additionally car parking charges had doubled. She called for the Council to take seriously the concerns expressed about the closure of the LEA pool and the loss of its value to the wider community.

In response the Leader stated that the LEA Swimming Pool would be considered at the Cabinet on 31 July and that the Councillor's comments would be taken on board.

Councillor Toon expressed the view that she was appalled by the report considered by Cabinet on the Wyebriidge Academy (page 47, 5.1) which referred to the 'disinterest' of parents, referring to the fact that only eight parents attended the public meeting. Councillor Toon wished it to be clarified that the notification of the meeting had been distributed late and that the meeting had been called on the basis of discussing the sole issue of the school uniform, and that it had not been made clear that the closure of the school would be discussed in the public meeting. This was considered to be a failure of the Council's consultation process.

The Cabinet Member Children's Services did not consider the lack of interest to be a failure of the consultation process and advised Members that school uniform was a subject that the parents wished to discuss.

Councillor RI Matthews requested that parish councils be approached for their views during consultations as he expressed the view that this had not been undertaken in a constructive manner in relation to the Herefordshire Local Development Framework (LDF): Core Strategy (page 49, 8.2).

In reference to the Herefordshire LDF : Core Strategy and Strategic Housing Availability Assessment items (8.2 and 8.3 page 49), Councillor PJ Edwards sought assurance from the Cabinet Member Environment and Strategic Housing that amenity land would remain as a public resource and would not be considered as potential sites for development.

Councillor ARC Chappell asked whether the Cabinet Member Environment and Strategic Housing agreed that the Council and housing associations could be more imaginative in their approach to development of affordable housing in the county. The Member informed Council that his political party would be shortly launching a plan which would outline alternative approaches to the provision of social housing and eco friendly development; examples of such alternative approaches were given which included projects both in the UK and in Sweden.

Responding to those questions relating to his portfolio in sequential order, the Cabinet Member Environment and Strategic Housing advised the Council that:

- In response to Councillor Matthews, the Cabinet Member had been concerned about the manner in which the parish councils had responded to the consultation opportunities made available to them, however Members were assured that the views of those parish councils which had submitted responses had been taken into account. Officers had engaged with the public through different approaches during the consultation, which included road shows; these events had been a great success and officers involved were thanked. The Cabinet Member additionally stated that work was being undertaken with parish

councils to assist them through future consultation processes.

- In response to Councillor Edwards, the Cabinet Member acknowledged that the original Cabinet report published highlighted amenity sites as 'potential housing development sites' and that new plans had been made available at the meeting to rectify the issue.
- Responding to Councillor Chappell's question, the Cabinet Member expressed the view that the future of housing in Herefordshire was a cross party issue and that he would invite the Member to bring forward for consideration potential solutions or approach that would be published by his political party.

The Leader informed Members of the importance of consultation as a process by which the opinions of all could be considered. He stated that it was important to consider the value of open spaces, whilst also recognising the need to secure the future of appropriate housing developments within the boundary of the City and within the wider county. The Leader expressed the view that there was a need to ensure that future developments were community focussed, and urged any Member to bring forward for consideration proposed schemes or ideas. Members were reminded that any future housing developments would need to take account of the cost of additional infrastructure provision.

In response to a question raised concerning the use of Holme Lacy Road by lorries, as opposed to the Rotherwas Relief Road, the Cabinet Member for Highways and Transportation emphasised that restrictions had been put in place to reduce the use of Holme Lacy Road by lorries, this included the erecting of restriction signage on Holme Lacy Road. Local businesses had been informed that the Rotherwas Relief Road would be the appropriate route for their use and that this was to be encouraged. The Cabinet Member Highways and Transportation additionally assured Members that whilst at present there was no proposed order for Hinton Road, if lorries did habitually use this route, provision of an appropriate order would be actioned.

Councillor Lloyd Hayes raised concerns regarding homelessness within the county and specifically the inadequate provision of hostel accommodation. The Council's attention was brought to the issue of 300 migrant workers who had been made unemployed by a Herefordshire company which also provided the workers with accommodation. The Council was not alerted to this situation, and many migrant workers had approached the public in an informal manner searching for both work and housing. The Councillor expressed the view that the Council had a duty of care to support appropriately those in need and that an element of equality of provision needed to be addressed.

In considering the issues of homelessness in the county, Councillor PJ Edwards drew the Council's attention to the fact that whilst the homelessness figures had partly improved in the county, the plight of three generation families, housed in the same accommodation was a hidden problem. He mentioned that constituents in this situation were not putting themselves forward to declare themselves as homeless, but solutions needed to be considered to assist such families, many of whom lived in two bedroom accommodation, unsuitable for such extended living.

The Cabinet Member, Social Care Adults stated that homelessness, as an issue, would not go away and that the current economic climate could have a direct impact on the number of homeless individuals and families within the county. The Cabinet Member stated that she would welcome any suggestions from Members on this issue.

RESOLVED: That the reports from the meetings of Cabinet held on 29 May, 12 June and 10 July 2008 be received.

10. CONSTITUTIONAL AMENDMENTS

The Chairman invited Mr Kevin O'Keefe, Legal Practice Manager to present the report to the Council on the proposed changes to the Council's constitution.

In considering the report, the following comments were expressed by Members:

Councillor RI Matthews acknowledged that there was a need to reconsider the structure of the Council meetings; however he expressed the view that it was imperative that the public did not feel discouraged from providing an input into the meetings. Councillor Matthews also stated that the asking of supplementary questions by the public should be considered.

Councillor ARC Chappell suggested to Council that should supplementary questions be considered appropriate for public questions, these could be asked by the relevant ward member.

Councillor A Seldon endorsed the view that the engagement of the public required careful consideration as their participation in the Council meeting would be valid. He stated that he would consider it appropriate for a member of the public, if present, to be allowed to ask one supplementary question.

Councillor TM James stated that he agreed with the principle of supplementary questions from members of the public, however he emphasised that it would be imperative for meetings to be well-controlled with the protocols strictly adhered to.

Councillor KG Grumbley noted that work was ongoing to revise the constitution and drew Members' attention to Appendix 3 of the report and specifically page 116, 9.1 in which reference was made to the Training and Awareness requirements of Members in relation to the Members Code of Conduct. He stated that training and awareness should be specifically referenced in the complementary Officer Code of Conduct. Consideration also needed to be given to the mechanism by which both Members and Officers formally signed up to the Code of Conduct, and the method by which refresher training was given. Councillor Grumbley stated that further consideration needed to be given to the language used in the documents to ensure that they were clear and concise and reflected the comments provided.

Councillor RH Smith advised Council that several drafts of the Scheme of Delegation (appendix 2 of the report) had been considered by the Audit and Corporate Governance Committee, and whilst the document under consideration by Council would not be a final version in terms of accuracy, the delegations outlined within the document reflected the firm principles required.

Councillor MD Lloyd Hayes agreed with the suggestion of supplementary questions from the public as long as there was a time limitation. The Councillor stated that other local authorities did allow differing public participation in both Council and Cabinet Meetings.

Councillor AE Gray endorsed the views expressed by Councillor Smith and additionally asked whether the Leader would confirm that the integration of Ross-on-Wye's Infoshop with the Library was considered to be a formal amalgamation or a co-location.

Councillor AM Toon advised Members that she had expressed her concerns to the Assistant Chief Executive, Legal and Democratic that the process for adopting changes to the constitution had not been followed on this occasion.

Councillor SJ Robertson requested that Members be kept informed of future issues

relating to possible changes to the constitution as it was imperative that all Members had an opportunity to comment on issues that could be perceived as having a detrimental effect on their role as a local ward leader.

The Leader thanked Members for their constructive comments and advised that they would be taken on board. He emphasised the view that the constitution needed to be refreshed to ensure that it remained robust and took account of the best practice of other authorities. The Council's attention was drawn by the Leader to Appendix 1, page 64 to which the addition of 'Public Rights of Way' would be added to paragraph 6.10 to the portfolio of the Cabinet Member Highways and Transportation.

RESOLVED THAT COUNCIL:

- (a) **adopts for inclusion in the Constitution a revised Part 6 The Executive, which reflects the changes to the Cabinet portfolio structure (including the addition of 'Public Rights of Way' to paragraph 6.10);**
- (b) **notes the need to amend the Constitution's Part 8 Standards Committee to reflect the Standards Committee's extended remit. A formal recommendation for adoption is included in the Standards Committee report at Agenda Item 12.**
- (c) **adopts for inclusion in the Constitution a new Part 12 Officers' Responsibilities (Scheme of Delegation);**
- (d) **adopts a new Appendix 12 Protocol for Member/Officer Relations;**
- (e) **adopts a new Appendix 14 Code of Conduct for Employees; and**
- (f) **adopts for inclusion in the Constitution revisions to section 4.24 of the Constitution which refers to Questions and Petitions from members of the public as outlined in paragraphs 9-11 of the report.**

11. PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor T Hunt formally moved the adoption of the report of the meetings of the Planning Committee held on 23 May and 4 July 2008.

In reference to the West Midlands Regional Spatial Strategy (as outlined on page 120 of the Agenda) Councillor Hubbard asked whether Hereford City would be expected to accommodate additional housing numbers in order to pay for a second river crossing.

In response, the Leader advised Members that no additional housing figures were being put forward, however Members were informed that the Secretary of State was actively increasing the number of new houses to be accommodated within the West Midlands as a whole. The Leader additionally took the opportunity to advise the Council that the authority was not pressing to accommodate an eco-town.

RESOLVED: That the report of the meetings of the Planning Committee held on 23 May and 4 July 2008 be received.

12. STANDARDS COMMITTEE

The Chairman of the Standards Committee, Mr Robert Rogers presented the report of the Standards Committee and formally moved the adoption of the

recommendations contained within the report for the meeting held on 4 July 2008.

In response to a question from a Member about the recruitment of an independent member to the Standards Committee, Mr Rogers advised the Council that information advising the public of the recruitment process had been published within Herefordshire Matters and the local press. The deadline for receipt of applications would be Friday, 8 August and that selection would follow the Council's formal appointments process

Councillor B Hunt advised Council that the West Mercia Police Authority (WMPA) were keen to develop joint working arrangements with the Standards Committee and the WMPA's thanks was expressed to Mr Rogers and the Herefordshire Standards Committee for sharing with the WMPA updated information and documentation which had been very well received and quoted as best practice.

RESOLVED:

That

- (a) the amendments to Part 8 of the Constitution (the Standards Committee) and the Terms of Reference for the Assessment Sub-Committee and the Review Sub-Committee be approved;**
- (b) the Monitoring Officer be instructed to notify Members of receipt of any complaint, and**
 - Provide a written summary of the allegation to the Member(s);**
 - At the same time acknowledge receipt of the allegation from the person making the allegation;**
 - No later than sending the agenda to Members of the Assessment Sub-Committee unless, after consultation with the Chairman of the Standards Committee, the Monitoring Officer considered it appropriate to defer notification in order to enable proper investigation to take place;**
- (c) the protocol set out at Appendix 4 authorising the Monitoring Officer to seek local resolution in appropriate cases, and setting out the Committee's expectations of a Monitoring Officer through the referral process be adopted;**
- (d) the identity of a complainant to be kept confidential if the Monitoring Officer has reason to believe that the complainant:**
 - Would be at risk of physical harm;**
 - Is an officer who works closely with the Member and there is a reasonable fear of intimidation or incrimination;**
 - Suffers from a serious health condition which might be affected;**
- (e) meetings of the Assessment and Review Sub-Committee be held in private unless the relevant Sub-Committee determines otherwise;**
- (f) the functions of determining whether to accept the Monitoring Officer's findings of no breach, to go to a local**

hearing or to refer the matter to a case tribunal to be delegated to a Hearing Panel of Members of the Standards Committee; and

- (g) the Monitoring Officer be instructed to promulgate these changes after consultation with the Chairman of the Standards Committee.

13. STRATEGIC MONITORING COMMITTEE

The Chairman of the Strategic Monitoring Committee (SMC), Councillor PJ Edwards presented the report of the meetings held on 13 June and 16 July 2008. He drew Members particular attention to on going work on the following; Review of Service Delivery Partnership, Office Accommodation Strategy and Herefordshire Connects.

In response to a question regarding the Office Accommodation Working Group, Councillor Edwards stated that the membership of the group was made up, in the main, by Members from SMC. The working group had met and had reported back to the Committee.

Councillor RH Smith raised with the Chairman of SMC the point that a one day review of the ESG Project was to take place, arranged by the Community Services Scrutiny Committee, however he was concerned that no terms of reference had been drafted and no information had been released as to its focus or content.

As Chairman of the Community Services Scrutiny Committee, Councillor James responded to the issue regarding the scrutiny review of the ESG Project. Councillor James clarified that the authorisation of the Chairman of SMC to an individual scrutiny review was not required and that this particular review had been agreed by the Director of Regeneration and the Chief Executive of ESG Ltd. The Councillor further stated that the ESG project was a major public issue, which concerned a vast number of businesses in the locality. An invitation was extended to Members to attend.

The Cabinet Member Corporate and Customer Services, and Human Resources suggested that in the future the committee should consider terms of reference prior to the commencement of a scrutiny review. This would provide an opportunity for constructive comments to be considered at the start of any process.

Councillor B Hunt referred to the proposed expansion to radiotherapy services which was outlined on page 145 of the Agenda. He expressed his dismay that the information to date seemed to be favouring Worcester, and urged SMC and the Health Scrutiny Committee to be vociferous in their campaign to expand the provision to Hereford.

Councillor JK Swinburne, Chairman of the Health Scrutiny Committee, was invited to update the Council on this important issue. The Councillor advised Council that the provision of additional radiotherapy services were vital to both Herefordshire and Worcestershire, as well as Wales, and that an enormous amount of work had been undertaken behind the scenes. A delay in the decision had occurred due to the fact that Worcestershire insisted on additional consultation on the location of any service; however a decision was due to be taken on 28 July 2008 by the Board for the three Counties. The Council was informed that neighbouring authorities in Wales were in support and had stated that they would use radio therapy provision should it be available within Herefordshire. Sincere thanks were expressed to colleagues within the PCT who had worked valiantly to produce comprehensive reports and financial analyses.

The Leader advised the Council that he had been in contact with the Leader of Powys Council. The Leader expressed his appreciation to Councillor Swinburne and

Members of the Health Scrutiny Committee for their efforts.

In response to a comment that the Alliance Group was the only group to be excluded from the SMC, Councillor Edwards reminded Members that the meetings were held in public session and that no Member was excluded from attending, he added that all Members were invited to speak in the SMC meetings if requested.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 13 June and 16 July 2008 be received.

14. REGULATORY COMMITTEE

The Chairman of the Regulatory Committee, Councillor Brigadier P Jones moved the report for the meetings held on 15/27 May, 20 May, 17 June and 15 July 2008. Councillor Brigadier Jones informed the Council that much consideration had been given recently to the issue of taxi licensing and that he was pleased to advise the Council that the Regulatory Committee had been able to resolve the issue of balancing the safety of the people of Herefordshire with the livelihood of the taxi drivers.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 15/27 May, 20 May, 17 June and 15 July 2008 be received.

15. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

The Chairman of the Audit and Corporate Governance Committee, Councillor ARC Chappell moved the report of the meetings held on 20 June and 3 July 2008. The Chairman gave particular thanks to his Vice-Chairman, Councillor RH Smith on his detailed analysis of the Code of Corporate Governance.

RESOLVED: That the report of the meetings of the Audit and Corporate Governance Committee held on 20 June and 3 July 2008 be received.

16. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority (WMPA) for the meeting held on 10 June 2008. It was stated that the Chief Constable was unable to attend this Council meeting and that he would not be in a position to attend the October meeting either. A separate stand alone event would be arranged to which all Members of the Council would be invited to attend. Members were informed that Councillor RH Smith had been confirmed in post as a representative from this Council to the WMPA following the resignation of Councillor KG Grumbley. The Council's attention was drawn to the fact that a record number of police officers, community safety officers and non uniformed staff were on the establishment. Councillor Hunt advised Members that a number of the Policing Matters Group (PMG) had started to meet and that, as Chairman of the PMGs, he would be overseeing their effectiveness. Prior to the PMG's October cycle of meetings their dates would be notified in the local press; Councillors were encouraged to attend their local PMG meetings.

In response to a comment on the single non emergency telephone number, Councillor Hunt advised Council that the pilot which had been run had received positive feedback. Any roll out of this scheme would include consultation with local

authorities and was to be run as a trial within the West Mercia area.

Councillor Hunt also sought to reassure Members of the use of Mosquito devises following a comment from Councillor KS Guthrie. Councillor Hunt assured Members that strict guidelines were being drawn up relating to the implementation of such devises which emitted a high tone whistle, which was irritating to young people, as they were sensitive to its pitch. The draft guidance would be shared with Members on request.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 10 June 2008 be received.

17. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

The Chairman of Hereford and Worcester Fire and Rescue Authority (FRA), Councillor Brigadier P Jones presented the report of the meeting held on 16 June 2008. Members were advised that Councillor Brigadier Jones had been re-elected for a further year to the position of Chairman. The Chairman informed the Council that the next Combined Fire Authority meeting would be held in Hereford and that close working was currently being undertaken with Warwickshire FRA. Referring to page 165 of the report, Councillor Brigadier Jones clarified that the document related to the scrutiny of the FRA's role and response to flooding, and that the FRA would take on a formal statutory duty for flooding.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 16 June be received.

The meeting ended at 12.50 p.m.

CHAIRMAN

MINUTES of the meeting of COUNCIL held at The Shire Hall, Hereford. on Thursday, 4 September 2008 at 10.30 a.m.

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

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

Prayers

The Reverend Christine Mundell led the Council in prayer.

The Chairman and Council stood in silent tribute in memory of Councillor Dick Burke, Member for Leominster South, who had died since the last meeting of Council.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CM Bartrum, WLS Bowen and TM James.

2. DECLARATIONS OF INTEREST

Councillor PJ Edwards declared a personal interest in agenda item 4 as Cabinet Member for the Environment in the previous administration of 2003/07.

Chairman's Announcements

The Chairman asked Council to join with him in support of Councillor Lloyd-Hayes who would be taking part in a charity sheep drive over Tower Bridge in London. The Chairman also informed Council of the launch of the Extra Care Facilities which was taking place at the Rose Gardens in the afternoon and thanked those Members involved in the work leading up to the launch.

3. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS AGENDA ITEM 5

Councillors may ask questions of Cabinet Members and Chairmen of Committees so long as a copy of the question is deposited with the Assistant Chief Executive, Legal and Democratic Services at least 3 working days prior to the meeting. A list of questions, set out in the order in which they had been received, was circulated at the beginning of the meeting. Councillors may also, at the discretion of the Chairman, ask one supplementary question on the same topic. The questions and summary of the answers are set out below.

Question from Councillor MAF Hubbard

Please list all meetings between members of the Cabinet and representatives of JS Bloor Ltd from January 1st 1998 to the present day

Answer from Councillor RJ Phillips, Leader of the Council

There are no records of any formal meetings taking place between Cabinet and representatives of JS Bloor Limited from 1 January 1998 to the present day. It has not been possible to access the diary of the previous administration from 1998 to May 2003, though it is understood that a number of informal meetings did take place. Since May 2003 there has been three informal meetings involving Cabinet Members on 1 May 2003, May/June 2007 and on 12 August 2008. I have also met with JS Bloor Ltd., on 25 June 2003 with a B Morgan and I Green and one on 21 November 2007. The Leader was not aware of any other contacts between Members of the Council and representatives of JS Bloor

In response to a further question, Councillor Phillips advised that formal records of any meetings between Council officers and the developers would have been recorded but that meetings between Members and the developers would not have been.

Questions from Councillor AT Oliver

Would you please advise what the current position is with the planning application by Bloor Homes Ltd for 300 houses at Bullinghope.

The letter from Boyer Planning of 21/01/2004, on behalf of Bloor Homes Ltd, to the Chief Planning Officer of Herefordshire Council appears to dictate to our Planning Department the conditions under which they would get planning permission for the Bullinghope site, and also to outline the way it could be included in the revised UDP under the appropriate strategic policy context. Does the Cabinet Member for the Environment believe it is appropriate for a developer to be instructing this Council's planning officers on how to run their department, or is this the normal way that forward planning is developed within this Council?

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

Given the current legal proceedings on the inclusion of the Bullinghope site no further work is being carried out on the current application submitted by Bloor Homes on this site.

The letter from Boyer is entirely typical of letters sent to the Council during the UDP process. Its purpose was to promote the site for inclusion in the Plan and to suggest the basis on which that could be achieved. In the event that a site was allocated in the UDP for residential purposes the basis on which that was eventually achieved in the Plan would be the result of a detailed series of negotiations/discussions with the developer and, in some cases, following the guidance of the inquiry Inspector.

In response to a further question on why a site, which was perceived as being unsuitable, was chosen Councillor Jarvis was unable to comment, as he was not in office at the time of the decision.

Questions from Councillor M Lloyd-Hayes

Did the change of political leadership in May 2003 lead to any changes of policy in

relation to housing at Bullinghope or the funding of the Rotherwas Access Road?

On the morning of 28th July 2006, what meetings did the Leader have prior to Full Council 2006 and who attended this or these meetings?

Is it true that the Government could have funded the Rotherwas Access route recommended by the council's own consultants?

Why did the council ignore the Planning Inspectors advice as well as that of the professional planning officers who rejected development at Bullinghope from the beginning?

Answers from Councillor RJ Phillips, Leader of the Council

It is impossible to say whether the change in political leadership would have affected policy decisions made, but it is unlikely.

I attended part of the Independent Group meeting and the Conservative Group meeting on the morning of 28 July 2006.

Yes, it is true that the Government could have funded this and any other route for the Rotherwas Access Road. Unfortunately they chose not to. Ever since the purchase of the Rotherwas estate in the 1960s, successive Councils have strived to improve the access to the estate. Since the formation of Herefordshire Council in 1998, there had been several cross-political attempts to lobby Government Ministers on the issue of a Rotherwas access road with very little success.

The Council included the Bullinghope site in the UDP in order to meet future housing needs in the city and as a way of potentially securing funding for the Rotherwas Access Road.

In response to further questions, Councillor Phillips advised that he was never aware of any alternative routes for the relief road. He also made it clear that the sole reason the land at Bullinghope was added to the UDP because the Government had failed to supply the money for the construction of the relief road even through a great number of similar schemes in the West Midlands had been approved and funded.

Questions from Councillor H Davies

The Council's own costs in defending the action in the High Court by the Dinedor Hill Association. Please include external payments, staff, time, travelling and accommodation costs and all other expenditure that was incurred in relation to this Court case.

The costs of the Dinedor Hill Action Association awarded against the Council by Mr Justice Callings

The cost of officer, time travel, accommodation and any other costs involved in the meetings with JS Bloor to discuss and evaluate their various proposals in relation to housing at Bullinghope and road funding.

The costs so far of receiving the JS Bloor planning application for housing at Bullinghope and conducting a public Consultation including all time expended so far in preliminary discussions and evaluations.

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

The Council's schedule of costs submitted to the court sets out the matter. The total costs at the time were £14,793.75 which includes Counsel's fees including staff time, disbursements, travel and accommodation.

There is an order limiting the recovery costs to £15,000. These are still in the process of being agreed, however it is unlikely to be less than £15,000.

A number of informal meetings have taken place with officers in attendance. It is estimated that these meetings have cost approximately £1,250 the majority of which is in officer time.

Given the current legal proceedings on the inclusion of the Bullinghope site no further work is being carried out on the current application submitted by Bloor Homes on this site.

In response to a further question, Councillor French stated that all accommodation costs were included in the totals given.

Question from Councillor ACR Chappell

Did the Leader of the Council inform the Chief Executive of the Council and its Legal Officers that he intended to move a motion at Full Council on July 28 2006 with the purpose of rejecting the Planning Inspectors recommendations about Bullinghope and the Cabinet decision to accept it? If so, when did he inform them and what was the response?

Answer from Councillor RJ Phillips, Leader of the Council

I refer to the routine meeting between the Cabinet and Corporate management board on 20 July 2006, when following the government's refusal of funding for the Rotherwas access road under the Regional Funding Arrangements, the issue of the land at Bullinghope was discussed and I quote from the minutes:

"The Chief Executive advised that it would be unwise to react to any positive noises from Advantage West Midlands until a firm commitment had been received – the approach should be to 'plan for the worst but hope for the best'. However Cabinet Members would need to take view on the position of Bullinghope within the UDP before Council on 28 July. If action were not taken at Council it would be difficult to bring back in the future. The advantages of reinstating Bullinghope as a housing development area included:

- Supporting the case for growth points
- If it was considered that the development would take place there once the road was achieved it would be preferable to secure the development control advantages obtained by inclusion within the UDP

These advantages needed to be weighed against the potential for a challenge to the UDP process, although the current review of the Regional Spatial Strategy and the likelihood of additional housing requirement in the region may negate that concern.

Question from Councillor WU Attfield

What is the current status of the JS Bloor planning application for 300 houses at Bullinghope?

Answer from Councillor JG Jarvis, Cabinet Member Environment and Strategic

Housing

Given the current legal proceedings on the inclusion of the Bullinghope site no further work is being carried out on the current application submitted by Bloor Homes on this site.

In response to an additional question, Councillor Jarvis said that it was not within the Council's power to "draw a line under the incident" and the Council must go through the process once the judgement has been made.

Questions from Councillor GF Dawe

Did any members of the Cabinet receive any information prior to July 28 2006 about future housing requirements in Herefordshire that would have provided grounds to reject the Planning Inspectors recommendation on housing numbers to 2011?

What communications have Legal and Democratic Services (Herefordshire Council) had with JS Bloor or their legal advisers post-the High Court judgement? Please supply copies of letters, emails and telephone conversation notes.

What communications have the Planning Department (Herefordshire Council) had with JS Bloor or their legal advisers post-the High Court judgement? Please supply copies of letters, emails and telephone conversation notes.

Answers from Councillor RJ Phillips, Leader of the Council

Cabinet Members were not aware of any individual pieces of information regarding housing figures apart from the general ongoing discussions around the West Midlands government office's proposed allocations for the Regional Spatial Strategy where three levels of housing numbers were used the maximum being 500 000.

The Leader also stated that a change in attitude between the meetings of Cabinet and Council was because no money was made available for the relief road. The position would undoubtedly have changed if the money had been secured.

Members of the public and Members are aware that JS Bloor is seeking leave to appeal against the High Court judgement. The Council is classed as an interested party in the case. The litigation is therefore still ongoing, and such papers cannot be disclosed.

4. NOTICES OF MOTION UNDER STANDING ORDERS (Pages 1 - 4)

Councillors ACR Chappell and GW Dawe submitted the following Notice of Motion:

"NOTES the Judgement by Mr. Justice Collins in the case of the Dinedor Hill Action Association v Herefordshire County Council.

NOTES that the Rotherwas Access Road has been completed without any financial contribution from JS Bloor Ltd.

NOTES that JS Bloor Ltd have submitted a Planning Application to build 300 houses at Bullinghope without any socially affordable element.

RESOLVES that the Chief Executive, in consultation with the Political Group Leaders, should appoint suitable persons independent of the Council to conduct a full and public enquiry and to publish the outcome.

INSTRUCTS the Chief Executive to include in the Terms of Reference for this Enquiry:

The circumstances that on 28 July 2006 led the Leader of the Council to move the rejection of a decision by his own Cabinet, despite assurances given to the contrary less than 24 hours previously.

Whether Councillor Phillips and others were warned by Legal Officers as to the conduct now found unlawful by Mr Justice Collins.

A full and detailed chronology of discussions, proposals and responses between Council Members, Council Officers and representatives of JS Bloor Ltd, concerning the Rotherwas Access Road and housing allocations at Bullinghope.

An investigation of whether or not inappropriate pressure was placed on Planning Officers during this process, and if so by whom.

What professional advice was given to Councillor Phillips concerning the Planning Inspector's view on future housing numbers.

How have the Government's targets for housing in Herefordshire been determined and whether that process has been influenced directly or indirectly by JS Bloor Ltd.

What evaluation was made of proposals for alternative methods of funding the Rotherwas Access Road.

What understandings have been reached with JS Bloor Ltd about issues additional to the application for 300 houses at Bullinghope.

What pre-application discussions were held with JS Bloor Ltd in relation to Flood Risk, water supply, sewerage and traffic.

Why the Council submitted its evidence to the High Court late and withheld crucial evidence.

Why the Council's Scrutiny procedures failed to challenge the conduct that has led to the current circumstances.

Whether any Members failed to Register or declare Interests that should have been registered or declared in relation to JS Bloor Ltd.

Any other matters that they believe to be relevant to the matter and that the public would expect to know."

The Chairman ruled urgency.

Councillor ACR Chappell spoke on the Notice of Motion and stated:

- He believed there was a need for a public enquiry into the allocation of the land as Members might have been "whipped" into making their decision at Council in July 2006.
- A meeting took place between Council officers and Bloor Homes representatives in Leominster in September 1998 where it was suggested that a bypass for Hereford could be built in exchange for permission to build

five thousand homes. Planning officers expressed concern at the proposed routing and plans were never made public for discussion.

- He judged it was inappropriate for developers to dictate the conditions of any proposed development and that supporters of a relief road should not have been manipulated by Bloor Homes.
- He agreed the importance of the Rotherwas Access Road and had been part of the delegation to Government Office.
- It was asked of the Leader why he had changed the housing development from Holmer to Bullinghope without consulting Cabinet.
- He accepted the details that had been given so far, but did not believe them and therefore feels an enquiry is needed.
- Some of the queries go back as far as the first administration of Herefordshire Council under the Liberal Democrats.
- Why was nothing done to pursue the funding of the Rotherwas Access Road under the regeneration of the Rotherwas Industrial Estate.
- An investigation is needed as to whether inappropriate pressure was put on planning officers.
- Members were reminded of the requirement for good governance.

Councillor Chappell requested a named vote on the issue and formally moved the Notice of Motion. It was seconded by Councillor GW Dawe who reserved his right to reply until the end of the debate.

Councillor MAF Hubbard spoke on the Notice of Motion and asked whether the public was consulted at the start of the process. He expressed his concern over the funding arrangements and felt it was wrong for the funding over the new road to be agreed solely based on any monies raised from a potential housing development. He was particularly concerned that the Council appeared to have approved the road's construction on that basis. He questioned the openness and transparency of the lead up to the Council's decision in July 2006 and felt there were a number of unanswered questions.

Councillor Hubbard went on to point out that there were a number of alternative routes considered for the road by the Government Office for the West Midlands and questioned why there was no record of this. He said that overall, the whole issue had undermined the public's perception of Herefordshire Council and that an enquiry would go some way towards restoring public confidence in the Council.

Councillor AM Toon proposed a slight amendment to the Motion before Council and requested the words "financial options appraisal" be inserted into paragraph 12 of the original motion so that it would read:

"What evaluation and financial option appraisal was made of proposals for alternative methods of funding for the Rotherwas Access Road."

Councillor Toon, in speaking on the proposed amendment, asked why the houses were not allocated to Roman Road as originally intended and why a vote at a previous Council meeting on whether to split houses between Rotherwas and

Holmer, did not take place.

Councillor ACR Chappell accepted the proposed amendment to the motion. Councillor PA Andrews formally seconded the amendment and a vote was taken.

For – 17

Against – 32

Abstentions – 2

The amendment to the motion was lost.

The Leader of the Council proposed an amendment to the notice of motion before Council asking that only the first two paragraphs be included. Councillor Phillips then spoke on the proposed amendment and emphasised the following points:

- The construction of a Rotherwas access road had long been a priority for the Council and in 2003 planning permission for the road was agreed.
- There were no records of meetings between Cabinet Members and Bloor homes around the time in question as diary dates had not been kept. Electronic diaries are to be used in the future.
- No undue pressure was placed on Planning Officers and professional advice was noted. The decision to act against the advice was not taken lightly.
- In January 2006, Cabinet was surprised when the funding bid was declined for the third time by government.
- Land at Bullinghope was not included in the Unitary Development Plan (UDP) at this stage.
- Businesses in Rotherwas are grateful for the relief road and its construction was a positive step for Herefordshire
- The decision to proceed with the road's construction was endorsed by Cabinet and all group leaders
- If the funding to secure the road was received as expected then the motion would not have been needed – the policy was sincere and based on information held at the time
- The UDP's existence will cease in 2010 unless the Council extends it.
- There was no debate at Council in July 2006 on the Cabinet report that said land for 16000 homes needed to be found in Herefordshire.
- Central Government expects section 106 agreements to be used for improvements to infrastructure, education provision and other related themes.
- The percentage of affordable homes in the UDP has been increased from 25 to 35%.
- A successful business park is central to the success of Herefordshire. It will attract well paid jobs, bring the younger generation back to live in Herefordshire and might go some way towards the creation of a university for Herefordshire.
- All information that the proposed enquiry aims to uncover is already available under freedom of information.

In response to a question from Councillor MAF Hubbard, the Assistant Chief Executive Legal and Democratic advised Council that Councillor Phillips' amendment did not, under Standing Order 4.26.5.1, "negate" the meaning of the original motion as it was deleting words from the original motion.

Councillor PJ Edwards seconded the amendment to the motion and made the following points:

- The public were consulted over plans for a Rotherwas relief road but the consultation events were very poorly attended.
- Development companies meeting with local authorities to discuss proposals are common place – this has long been established practise and is in no way unethical.
- Councillors must always be seen to lead through the democratic process and this has been done in this instance.
- Believe valuable public money and officer time would be wasted if a full enquiry were to take place.
- The construction of the relief road has improved air quality for residents of Holme Lacy Road

Councillor WU Attfield spoke against the amendment to the motion and made the following points:

- The importance of holding an enquiry was not widely recognised.
- On arrival at the meeting of Council in July 2006, Members believed that land at Bullinghope would not be included in the UDP and Members were “bounced” into a debate which they were not prepared for.
- The trust in the senior hierarchy of the Council had been compromised and public faith in the Council would be difficult to restore. An enquiry would reassure the public that their grievances were being investigated

Councillor MD Lloyd-Hayes stated that at Council in July 2006, the Leader had proposed an amendment. Had it been a notice of motion the public would have been aware and been able to present their questions.

Councillor Toon concurred with Councillor Hubbard and stated the fundamental element of the motion was regarding the process.

Councillor Oliver spoke against the amendment proposed by Councillor Phillips and raised the following points:

- It was long established that the land at Bullinghope was unsuitable for housing and the UDP working group at its meeting in March 2003 endorsed this view
- When land at Holmer was deleted from the UDP, only limited housing should have been proposed to be built on the land at Bullinghope in exchange for funding for an access road to Rotherwas
- The planning enquiry saw the inspector delete the allocation of land at Bullinghope, as it would have been harmful to the area.

Councillor JG Jarvis spoke to formally second the amendment put forward by Councillor Phillips and made the following points:

- The decision making process of Cabinet has always been transparent – this is especially true now that full minutes are taken at its meetings
- The Local Development Framework (LDF) has just finished consulting the people of Hereford which has looked at the best way to allocate land in Herefordshire for housing and will shortly report to Members
- Time spent conducting an enquiry would be wasted and better spent focusing on ensuring success for the future of Herefordshire

Councillor GF Dawe spoke against the proposed amendment and highlighted that the recent High Court Case was lost, in part, by this Council and that crucial

evidence was not provided to the court in a timely manner.

Councillor KG Grumbley supported Councillor Phillips' amendment and said that an enquiry would not achieve anything. He pointed out that since 2003 things had been achieved and that the eventual access road was built without money from Bloor homes.

Councillor SJ Robertson said that she recognised Rotherwas was an important place for employment for 18-25 year olds living in Herefordshire but expressed disappointment that the land for 300 homes at Holmer was included in the UDP.

Councillor DB Wilcox spoke in favour of the amendment and said that people in Herefordshire were pleased with their new road as it was important for the rural economy. He added that only a small number of Councillors voted against the issue in 2006 and that the planning process introduced the concept of developers paying for infrastructure. He pointed out that the High Court judgment of Justice Collins conceded that the planning inspector did accept that a contribution from developers towards a road was justifiable. The decision to include land at Bullinghope in the UDP was endorsed by the Government Office for the West Midlands and this accordingly updated the Regional Spatial Strategy. He added that the Rotherwas improvement scheme was now fully on track and a public enquiry would not be beneficial.

Councillor A Seldon said that the fact the Council is assembled at an extraordinary meeting goes to prove that something went wrong and an enquiry is needed to establish what went wrong.

Councillor PM Morgan said that the cost of an enquiry would impede on any future work of the Council and have no benefits

Councillor JP French said that enquires could be time consuming and expensive. Decision making processes are more transparent than ever as minutes are now routinely taken at Cabinet meetings and available electronically.

Councillor French highlighted the fact that the Rotherwas road was the first piece of major infrastructure for Hereford since the 1960s. She added that we must learn the lessons the judge has stated, that we must put the case clearly.

Councillor Chappell spoke against the proposed amendment. He contended that Councillor Phillips' proposed amendment would stifle any debate and not lead to the truth being found out. He urged Members to vote against the proposed amendment.

A vote on the proposed amendment was then taken.

In accordance with Standing Order 4.15.4 a named vote was held and is attached at Appendix 1 to the minutes. The voting for the amendment was as follows:

For 35
Against 14
Abstentions 2

The amendment to the motion therefore became the substantive motion.

Councillor MAF Hubbard then proposed an amendment to the substantive motion:

Council instructs that the Group Leaders should arrange a special Scrutiny Committee chaired by the chair of the Standards Committee, Mr Robert

Rogers, to take evidence; call witnesses co-opt appropriate advisors and publish a report. This committee would make recommendations to ensure that any future infrastructure projects and housing proposals did not meet the same difficulties as Bullinghope and the Rotherwas Access Road.

Councillor Hubbard then spoke on the amendment to the substantive motion:

- The proposed scrutiny review would be more cost effective than a public enquiry.
- The Council should be concerned that the road was not being used to its full potential

Councillor MD Lloyd Hayes formally seconded the amendment to the substantive motion and a number of Members spoke in support of the amendment.

In accordance with Standing Order 4.15.4 a named vote was held and is attached at Appendix 2 to the minutes. The voting in support of the amendment to the substantive motion was as follows:

For 16
Against 32
Abstentions 3

The amendment to the substantive motion was lost.

5. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: OUTCOME OF LEGAL CHALLENGE

The Assistant Chief Executive Legal and Democratic Services presented the report updating Council with the current legal position in respect of the recent High Court challenge to the Council resolution of 28 July 2006.

He said there remained an outstanding leave to appeal and that the Court of Appeal may overturn the ruling of Lord Justice Collins. He reiterated that the Unitary Development Plan (UDP) was adopted in 2006 and replaced the Local Development Framework (LDF). These changes were adopted by Council in July 2006. The UDP was judicially reviewed and heard in the High Court on 27 and 28 June 2008. Lord Justice Collins, in his judgement, said that land at Bullinghope should be deleted from the UDP. JS Bloor is appealing against the High Court ruling and Herefordshire Council has been served as an interested party in the case.

He pointed out that if the appeal is unsuccessful, the UDP would need to be modified to remove the Bullinghope land.

Councillor Phillips moved the recommendations of the report with Councillor Jarvis seconding the recommendations.

RESOLVED

That:

- (i) Council note the outcome of the High Court decision which is the subject of appeal;**
- (ii) Council receive a further report from the Assistant Chief Executive – Legal and Democratic following the completion of legal proceedings; and**

- (iii) Council notes the proposed amendments to the Unitary Development Plan at this stage.**

The meeting ended at 1.30 p.m.

CHAIRMAN

THE HEREFORDSHIRE COUNCIL

MINUTE ITEM 4

NAMED VOTE LIST

Appendix 1

4 September 2008

Amended Motion from the Conservative Group, which became the Substantive Motion

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

TOTALS	FOR	35	AGAINST	14	ABSTAIN	2
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THE HEREFORDSHIRE COUNCIL

NAMED VOTE LIST

Appendix 2

4 September 2008

Amendment to the Substantive Motion by Councillor Hubbard

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

TOTALS	FOR	16	AGAINST	32	ABSTAIN	3
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QUESTIONS FROM MEMBERS OF THE PUBLIC**Report By: Assistant Chief Executive, Legal and Democratic****Wards Affected****Purpose**

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

Background

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

Questions

4. A number of questions have been received by the deadline and are attached at Appendix 1.

1. Question from Mr Peter 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 inspecting 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</i>

inspected at least till signed as suggested above?

1.13 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 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?

1.14 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?

2. Question from Mr Adrian Spong, Moreton on Lugg.

2.1 *With reference to Planning Applications do Councillors attribute any importance to the views of neighbours and Parish Councils in the consultation process?*

2.2 *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?*

2.3 *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.*

2.3.1 *Do Councillors agree that it is unacceptable to threaten the fragile rural economy?*

2.3.2 *Do Councillors agree that tourists would be deterred by this close proximity to a waste site?*

3. Question from Mrs Jean 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?*

4. Question from Bob Clay, Hereford
4.1 <i>What Park & Ride facilities have been visited by Cabinet members or Directors of Herefordshire Council in the last 12 months ?</i>
4.2 <i>Does the Council agree with Paul Keetch MP that there is no legal obligation for the council to maintain a Cattle Market ?</i>
4.3 <i>What are the main terms and costs of the Council's consultancy contract with Amey plc or the relevant subsidiary ?</i>
4.4 <i>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?</i>
4.5 <i>When is the next Review of the Race course lease due to take place?</i>
4.6 <i>What steps would be necessary if the Council wished to terminate the Lease on the Race Course?</i>
4.7.1 <i>Why does the Council not provide Maps showing Polling District, Ward and Parliamentary Constituency boundaries within the County?</i>
4.7.2 <i>Are there any restrictions which apply to Herefordshire but do not apply to other Authorities?</i>
4.8 <i>Why does the Council's Website not provide a facility enabling members of the public to identify their Ward by entering their post code?</i>
4.9 <i>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?</i>

REPORT OF THE MEETINGS OF CABINET

HELD ON 31 JULY, 11 SEPTEMBER, AND 2 OCTOBER 2008

Cabinet Members: RJ Phillips (Leader of the Council),
JP French (Deputy Leader),
LO Barnett, AJM Blackshaw, H Bramer,
JA Hyde, JG Jarvis, DB Wilcox and PD Price.

This report submitted to Council covers the proceedings of the meetings listed above.

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

- 1.1 **Youth Justice Plan 2008/9** - Cabinet has received a report detailing the Youth Justice Plan, which is prepared annually on behalf of Herefordshire Council and Worcestershire County Council. Cabinet has endorsed the Youth Justice Plan, as prepared in line with deadlines and strict guidance from the Youth Justice Board (YJB), which this year, in partnership with the Youth Offending Services, developed a new outcome-focussed youth justice planning framework. The self-assessment framework identifies risks and associated mitigative actions and would be assessed and validated by the YJB. Cabinet noted the multi agency approach taken to working with vulnerable people and it was proposed that a Member seminar was arranged so that Members, in their role as community leaders and corporate parents, were made more fully aware of the topic and appreciate its impact on performance and priorities.

Cabinet recommends to Council that: the Youth Justice Plan 2008/9 be approved.

2. NOTICES OF MOTION

- 2.1 Cabinet considered no motions to Council at the meetings covered by this report.

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

- 3.1 **Broadband Bandwidth to Schools.** The Cabinet Member, ICT, Education and Achievement made a decision on 16 October 2008 approving the acceptance of funding from the Department for Children, Schools and Families for £1.1m awarded for the increase of broadband bandwidth to Herefordshire schools.

4. CORPORATE STRATEGY AND FINANCE **Chairman of Cabinet – Councillor RJ Phillips**

Report on Decisions Taken

- 4.1 **Review of Service Delivery Partnership.** Cabinet authorised the commencement of formal negotiations with Amey Wye Valley to secure changes to the partnership to reflect a preferred model of service delivery and also addressing anomalies and weaknesses in current contractual arrangements. Cabinet agreed that the Herefordshire Model of service delivery be used as the preferred model and used as

the basis for negotiations as long as it did not restrict the recommendation of a different model should that model prove to be in the Council's best interest. Under the Herefordshire Model staff would be transferred over to Amey under TUPE arrangements once negotiations had been completed successfully. Cabinet approved the exclusion of Asset Management and Property Services from the negotiations until a wider review of the property estate and its management had been carried out. It was expected that the review would be completed by the end of March 2009. Cabinet noted the recommendations of the Strategic Monitoring Committee, which broadly supports Cabinet's proposals.

4.2 Herefordshire Public Services. Cabinet considered a report on the progress made on the development of the public services partnership in Herefordshire and to approve the revised Terms of Reference for the Herefordshire Public Services Steering Group. Cabinet approved the report which quantified the current progress and the priority activity for the coming months. Cabinet also approved the revised Terms of Reference for the Steering Group and that progress reports are to be made to Cabinet on a bi-monthly basis.

4.3 Strategic Monitoring Committee - The Strategic Monitoring Committee report is the subject of a separate report to Council.

5. CHILDREN'S SERVICES
Cabinet Member: Councillor JA Hyde

Report on Decisions Taken

5.1 Minster College Building Schools for the Future One School Pathfinder – Award of Contract. Cabinet considered the report on the appointment of the preferred contractor for the Minster College Building Schools for the Future One School Pathfinder Scheme. Cabinet noted that Herefordshire had been successful in bidding for £20,642,037 to deliver the new Minster College, which was being met through the Department for Children, Schools and Families. Following a two stage tendering process three tenders were submitted and evaluated. Cabinet endorsed the approval of Stepnell Limited as the design and build contractors.

6. CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES
Cabinet Member - Councillor JP French

Report on Decisions Taken

6.1 Integrated Performance and Finance Report. Cabinet received a report outlining the performance for the whole operating year 2007/08 against the Annual Operating Plan 2007/08, Best Value Performance Indicators and the Direction of Travel indicators. Cabinet noted performance for 2007/08 was still improving but the overall rate for improvement was slowing. Consideration was given to setting appropriate and challenging targets and ensuring that delivery met the timescales outlined. Cabinet noted there was a new national indicator for carbon emissions which would be monitored in future. Directors were reminded to ensure issues were addressed within their service area, including updating service improvement plans.

6.2 Comprehensive Area Assessment Preparation Programme Progress Report. Cabinet considered the report and were advised of further guidance that had recently been made available on the Corporate Area Assessment (CAA). Cabinet noted the forthcoming training event and that a joint preparation plan was being worked on for

the Council and its partner organisations. Key issues under consideration in the preparation plan were around capacity and communications.

6.3 Integrated Corporate Performance Report for April to July. Cabinet considered the Council's performance over the first four months of 2008/09 and noted the improved and simplified report format, which showed performance against each of the themes in the new Corporate Plan. Cabinet in particular noted the progress in implementing the action plans produced following the Crookall review and agreed that future reports be made quarterly.

6.4 Comprehensive Area Assessment (CAA) – Joint Inspectorate Proposals and the implications for Herefordshire's preparations. Cabinet approved the development and re-launch of the CAA preparation programme focusing on the delivery of the improvement programmes of the Council's and the Primary Care Trust (PCT) and the wider Herefordshire Partnership and which have been tested against the proposed CAA key questions and lines of enquiry. Cabinet also agreed a rolling programme of self-evaluations against the key questions for the area assessment and the key lines of enquiry for the Council's organisational assessment. Future reporting will be included as part of the quarterly Integrated Corporate Performance Report. The Council's response to the inspectorates' proposals will be developed and submitted within the County Councils' Network.

7. ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES **Cabinet Member - Councillor AJM Blackshaw**

Report on Decisions Taken

7.1 Land at Faraday Road, Hereford. Cabinet received a report seeking approval for preparatory steps to be taken to acquire by agreement or compulsory purchase order land at Faraday Road. Cabinet noted that the land was allocated for employment use within the adopted Unitary Development Plan and should the land be acquired, could provide a site to which businesses from within the Edgar Street Grid Area could be relocated. Cabinet authorised the negotiations with the owners of all interests in the land at Faraday Road in an attempt to acquire the land by agreement. Cabinet also agreed that the Council would in principle consider using its powers of compulsory purchase to promote an order for the compulsory purchase of the land and authorised preparatory steps to be taken as required in tandem with negotiations to acquire by agreement. Cabinet agreed that if the land could not be acquired by agreement a further report outlining the financial implications and options available be presented to Cabinet.

8. ENVIRONMENT AND STRATEGIC HOUSING **Cabinet Member: Councillor JG Jarvis**

Report on Decisions Taken

8.1 Waste Collection Contract. Cabinet approved the Waste Collection Contract which allows for a weekly kerbside collection service from all households in the county, for which plastic sacks will be provided. Kerbside recycling of mixed materials is to be extended to all homes in the county with a collection made fortnightly. Cabinet approved the provision of wheeled bins for this service and noted there would be a variety of wheeled bins for the public to choose from. Cabinet was pleased to note that assistance would be provided for any elderly or disabled members of the community in the collection of waste or recyclables. Cabinet also approved officers

exploring opportunities of providing added value through providing other services whilst carrying out waste collection such as the collection of library books, the reporting of road defects or the delivery/collection of community equipment.

- 8.2 **ESG Masterplan.** Cabinet received a report seeking its endorsement of the ESG Masterplan and its status as a material consideration in the determination of relevant planning applications. Cabinet noted that one of the country's leading town planners was an advisor on the project. Cabinet endorsed the ESG Masterplan as a basis for the ongoing development of the ESG area and as a material consideration in the determination of relevant planning applications both within and outside the ESG area and where such applications are of relevance to the ESG proposals.

9. HIGHWAYS AND TRANSPORTATION
Cabinet Member - Councillor DB Wilcox

Report on Decisions Taken

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

10 ICT, EDUCATION AND ACHIEVEMENT
Cabinet Member – Councillor PD Price

Report on Decisions Taken

- 10.1 **Swimming Provision for Primary Schools in Hereford City.** Cabinet considered the issues relating the LEA Swimming Pool, which had been closed since December 2007. Cabinet agreed not to re-open the LEA Swimming Pool. It was agreed that alternative provision be offered from September 2008 from Hereford Leisure Pool, with the provision by HALO being monitored to ensure the needs of schools and other users continue to be met. Cabinet noted that close collaboration and partnership working was being undertaken between the Council and HALO and with schools, clubs and other users of the LEA pool to ensure a viable and efficient service. A report will be brought back to Cabinet by Easter 2009 outlining the outcome of the process.

- 10.2 **Herefordshire Connects.** At its meeting of 31 July Cabinet agreed that the Herefordshire Connects programme focus on implementing the three updated business cases and further develops these with the PCT as Herefordshire Public Services partners. Cabinet noted the critical risks to service continuity of key ICT system failures, which was due to the large number of inadequately connected systems requiring upgrades. Cabinet approved the Joint Management Team (JMT) and Deloitte's rationalisation of the ICT system application portfolio to achieve the minimum number of integrated applications. Cabinet also approved the Customer Relationship Management System upgrade as it will provide significant increases in system efficiency and customer services standards. The Finance System upgrade will address service continuity risks.

11. RESOURCES
Cabinet Member - Councillor H Bramer

Report on Decisions Taken

11.1 Treasury Management Activities 2007/08. Cabinet noted the Treasury Management Activities for 2007/08 and the outturn of Prudential Indicators. Cabinet examined the Council's performance for 2007/08 through cash flow, banking and money markets and borrowing transactions and found that a significant contribution had been made to the Council through investment.

11.2 Budget Monitoring 2008/09. Cabinet considered a report on the Council's performance against revenue and capital budgets and found that the basis for the current forecast was sound and reliable. Cabinet emphasised that the financial policy was for Directors to ensure that service delivery was managed within or below approved budgets and noted Directors' continued efforts to do so. Cabinet noted that projected expenditure levels were expected to show improvement at the next meeting.

12. SOCIAL CARE ADULTS
Cabinet Member Councillor LO Barnett

Report on Decisions Taken

12.1 There were no decisions by Cabinet relating to this portfolio during the reporting period.

COUNCILLOR RJ PHILLIPS
LEADER OF THE COUNCIL

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 15 August and 26 September 2008

Membership:

Councillors: TW Hunt (Chairman), RV Stockton (Vice-Chairman),
ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow,
KS Guthrie, JW Hope, B Hunt, G Lucas, RI Matthews, PM Morgan,
JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and
JD Woodward.

REFERRED PLANNING APPLICATIONS

1. The following Planning Applications were determined by the Committee because (i) they relate to the Council's own development or to the development of land owned by the Council; (ii) they are applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees are mindful to approve/refuse them contrary to officer recommendations and Council's Policies; (iii) they are of strategic importance; or (iv) they are applications by Members of the Council or their relatives.
 - (a) DCNW2008/1368/F - proposed agricultural worker's dwelling and garden at Lower Woonton Grange, Woonton, Almeley - refused as recommended;
 - (b) DCNW2008/1391/F - proposed two storey extension and change of use of agricultural land to residential at Keepers Cottage, Winforton – approved contrary to recommendation;
 - (c) DCNC2008/1824/O - site for development to form 21 apartments at Pinsley Works, Pinsley Road, Leominster – approved as recommended.
 - (d) DCNC2008/1934/CD - proposed redevelopment of The Minster College, South Street, Leominster - approved as recommended.
 - (e) DCSE2008/1827/CD - new school hall in school grounds, St Josephs R.C. Primary School, The Avenue, Ross-On-Wye – approved as recommended.

AREA PLANNING SUB-COMMITTEES

2. Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:
 - (a) **Northern Area Planning Sub-Committee meetings held on 2nd July, 30th July & 27th August, 2008**
 - applications approved as recommended – 14
 - applications refused as recommended – 0
 - applications minded to approve or refuse contrary to recommendation 6
 - applications deferred for further information or site visit - 3
 - number of public speakers – 3 parish council; 1 objector and 6 supporters
 - appeals - 16 appeals received, 3 dismissed, 4 upheld and 2 withdrawn)

(b) Central Area Planning Sub-Committee meetings held on 9th July, 6th August & 3rd September, 2008

- applications approved as recommended - 18
- applications refused as recommended - 1
- applications deferred for further information or site inspection – 5
- applications minded to approve contrary to recommendation 0 (referred to Planning Committee)
- applications minded to refuse approve contrary to recommendation 2
- applications deferred for further information/site inspection – 1
- applications withdrawn - 0
- number of public speakers – 0 parish council; 6 objectors and 7 supporters
- appeals - 14 appeals received, 3 dismissed, 4 upheld and 2 withdrawn).

(c) Southern Area Planning Sub-Committee meetings held on 23rd July, 20th August & 17th September, 2008

- applications approved as recommended - 6
- applications refused as recommended - 2
- applications minded to approve 0
- applications minded to refuse 0
- applications deferred for further information/site inspection – 1
- number of public speakers – 2 objectors and 8 supporters
- appeals – 5 appeals received, 4 dismissed and 5 upheld.

HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: OUTCOME OF LEGAL CHALLENGE

3. The Dinedor Hill Action Association has successfully challenged the allocation of a site for 300 new houses at Bullinghope within the Herefordshire Unitary Development Plan (UDP), by way of Judicial Review. The case was heard in the High Court of Justice in June and the judgement was that the allocation should be deleted from the UDP. No change was made to the Settlement Boundary for Hereford because that boundary was the subject of a separate policy and the Dinedor Hill Action Association was out-of-time to challenge that policy. Although the proposed site for the 300 houses remains within the Settlement Boundary, it is not allocated for development. This is not felt to be a problem in the judgement because the removal of the site from the list of allocations would be a material consideration in the determination of any planning application on it. Bloor Homes, the developers of the proposed 300 dwellings, has sought leave to appeal about the decision and the outcome of this matter will need to be known before the Council can decide whether any further action is merited.

HEREFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY: DEVELOPING OPTIONS PAPER CONSULTATION

4. The Committee has been informed about methods of public engagement, consultation and publicity undertaken as part of the Core Strategy Developing Options Paper. This sets out the vision for the County and its places for the period up to 2026 and included nine objectives and four strategic spatial options. The

Paper also proposes a number of “Place shaping” options including:

- options regarding the future role of the City and market towns;
 - the strategic distribution of housing, including an indication of potential directions of growth;
 - the potential for economic diversification;
 - retail provision in the market towns and the integration of the City centre with the Edgar Street Grid redevelopment; and
 - any transportation infrastructure requirements
5. As well as the strategy options and place shaping policies, the Paper includes a number of general policies which will help to manage development. These cover affordable housing, renewable energy, waste and flooding. the Committee noted the initial public response to the Developing Options paper and awaits further progress reports on the emerging Core Strategy.

MODEL FARM SUPPLEMENTARY PLANNING DOCUMENT

6. Comments have been received on the Draft Model Farm Supplementary Planning Document (SPD) which went out to consultation in June. The document was included within the Council’s Local Development Scheme (January 2008) and has been produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004. The site comprises some fifteen hectares and has been identified in the Herefordshire Unitary Development Plan (UDP) under policy E3 as an allocated employment site. The SPD has been prepared by consultants on behalf of Ross Area Partnership and Herefordshire Council. It expands upon and provides additional information and guidance in support of policies contained within the UDP. Its main aims are to:
- provide guidance on the existing planning policy framework which would influence the delivery of any future planning application;
 - identify the development requirements and constraints of the site;
 - provide guidance on the delivery of high quality design and landscaping principles for the site;
 - provide guidance on the delivery of access and movement to, from and within the site; and
 - ensure that the development can become fully integrated with the surrounding area.
7. The Committee has welcomed the innovative nature of the scheme which is aimed at diversification and growth of a rural economy. The scheme is felt to provide the type of employment suited to the locality and to make the best use of the land to achieve a balanced live/work concept. It relates to the development of a major area of land within the County carried out in collaboration with key stakeholders. There are high expectations of the quality of the scheme and the Committee has expressed its appreciation for the hard work undertaken by the Officers and commended the proposed amendments to the Cabinet Member (Environment and Strategic Housing)

**TW HUNT
CHAIRMAN
PLANNING COMMITTEE**

BACKGROUND PAPERS Agendas for the meetings of the Planning Committee held on 15 August and 26 September 2008.

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 17 October 2008

Membership:

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

DISPENSATIONS

1. We considered the question of what happens when we have granted a dispensation, and subsequently the membership of the parish council changes, with the effect that there are fewer than half of the Councillors affected. Because the dispensation is granted to named individuals, it will still apply until its expiry date or until revocation. We are clear that a parish or town council should revoke a dispensation if it remains in place for less than the qualifying number, or if the nature of an interest changes so that the dispensation is no longer applicable. Members should not take advantage of a dispensation when the legal requirements are no longer fulfilled.
2. We will make this clear in a new version of the dispensation application form, consulting the Herefordshire Association of Local Councils (HALC).

CONSULTATION PAPER: "COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES".

3. We considered a consultation paper from the Department for Communities and Local Government which seeks views on revising the Local Authorities (Model Code of Conduct) Order 2001, and on the proposed introduction of a model code of conduct for local government employees. We held an initial discussion and will submit our final views (which will be posted on the Council website) in due course. Full details of the consultation can be found via the following link:

<http://www.communities.gov.uk/publications/localgovernment/codesconductconsultation>

CODE OF CORPORATE GOVERNANCE

4. We have agreed a new Code of Corporate Governance for the Council, which was approved by the Audit and Corporate Governance Committee at its meeting on 25 September 2008. The aim of the new version is to be short, straightforward and clear, as befits what is in effect the council's promise to the people of Herefordshire. Both Committees recommend its adoption. If this high-level Code is approved by Council, we envisage that a detailed working version will be produced to set out exactly how compliance with the high-level aims is to be achieved.

RECOMMENDATION: that the re-drafted Code of Corporate Governance and Foreword (Appendix 1 to this report) be adopted by Council.

ASSESSMENT CRITERIA: ANONYMOUS COMPLAINTS

5. At our meeting on 04 July 2008, we agreed a process, and approved forms and guidance, for handling complaints about councillors in Herefordshire, as required by the Standards Committee (England) Regulations 2008. It also falls to the Committee to decide how to deal with anonymous complaints, and we have amended our guidance to include a process for this.

SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

6. Four of our members attended the Annual Assembly of Standards Committees, held at the International Conference Centre in Birmingham on 13 and 14 October 2008. The theme this year was “Delivering the Goods: Local Standards in Action”, and concentrated on operating the local filter, and sharing our experiences of the new regime in place since 08 May 2008. The conference was over-subscribed; an indication of its popularity and its invaluable contribution towards training.

STANDARDS BOARD FOR ENGLAND/HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS JOINT PILOT PROJECT

7. We heard further details of the SBE’s pilot project to produce a model for compacts between Associations of Local Councils, Monitoring Officers and Standards Committees through assessing activities such as joint training, informal meetings between Standards Committees and Associations to ensure agreement on application of the Code of Conduct, and the production of joint guidance leaflets. Our first task will be to engage with selected Parish and Town Councils and Clerks, to talk informally about the local filter and assessment process, and explain our own role.

EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

8. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. The initial handling of complaints is now conducted by the Assessment Sub-Committee, which to date has considered twelve complaints, and is meeting approximately once a month. We have also devised a system for managing and keeping track of complaints, as required by the new Regulations. The Standards Board for England has raised some interesting points on applying the new regime, in its Bulletin 40, which we have also considered. The Bulletin makes particularly helpful reading, and can be found on the SBE website at:

<http://www.standardsboard.gov.uk/Publications/TheBulletin/>

In the handling and assessment of cases, we keep in mind the three principles of our work: open; fair; and proportionate.

RECRUITMENT OF AN INDEPENDENT MEMBER

9. We conducted interviews for an additional post of Independent Member on 26 August 2008. The additional post is necessary to reduce the possibility of statutorily required independent chairs being conflicted out of the various stages of the local filter process. The interview panel consisted of Robert Rogers (Chairman), Councillor John Stone, John Hardwick, and Colonel Tony Ward OBE (Independent Member of the West Mercia Police Authority, and a member of that Authority's Standards Committee) as an external member. The process produced some very impressive candidates; the panel was unanimous in recommending the appointment of Ms Isabel Fox, and we readily endorse that recommendation. Isabel Fox is a solicitor of wide experience, and is currently a professional President of the Mental Health Review Tribunal and Chair of the Disability Appeals Tribunal. She was previously an Independent Member of the Standards Committee of South Oxfordshire, and recently moved to Ledbury.
10. It is immediately clear from our initial experiences of working with the local filter that a further Independent Member will be required. This will ensure resilience in the case of conflict, will enable much greater flexibility in the process, and will assure the public of continued transparency in what is proving to be a very demanding area. Neither post under this item is paid; the only cost to the Council will be modest expenses such as occasional mileage.

RECOMMENDATION: that

- (i) **Ms Isabel Fox be appointed as an Independent Member of the Standards Committee;**
- (ii) **The recruitment of a fourth Independent Member of the Standards Committee be approved.**

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 17 October 2008.

Code of Corporate Governance

FOREWORD

Herefordshire Council must meet high ethical and other standards in everything it does; it must comply with legal requirements; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions.

In order to discharge these responsibilities, Members and senior Officers must ensure the proper governance of the Council's affairs and the stewardship of its resources.

The Council has therefore adopted a Code of Corporate Governance, which observes the requirements of the framework *Corporate Governance in Local Government: a keystone for Community Governance*, approved by the Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives.

The Council's Director of Resources is responsible for the effective application of the Code in matters of financial probity, performance and risk.

The Council's Assistant Chief Executive (Legal and Democratic), and Monitoring Officer, is responsible for the effective application of the Code in respect of legal obligations and ethical standards.

Each will make an annual report on the effectiveness of the Code to the Audit and Corporate Governance Committee, and to the Standards Committee, respectively.

As part of its efforts further to improve standards of governance, the Council will itself carry out an annual review of the effectiveness of the Code.

HEREFORDSHIRE COUNCIL'S CODE OF CORPORATE GOVERNANCE

Introduction

1. Herefordshire Council must meet high ethical and other standards in everything it does; it must comply with legal requirements; it must serve the people of Herefordshire well; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions.
2. This Code of Corporate Governance sets out the Council's promise to the people of Herefordshire about how this will be done.

Responsibilities

3. All Members and Officers have a responsibility to ensure the proper governance of the Council's affairs and the stewardship of its resources. In particular, under the overall responsibility of the Chief Executive, the Council's Director of Resources is responsible for the effective application of the Code in matters of financial probity, performance and risk; and the Assistant Chief Executive (Legal and Democratic Services) is responsible for the effective application of the Code in respect of legal obligations and ethical standards.

Reporting

4. The Council will report annually on its compliance with this Code. That report will draw upon reports by the Director of Resources to the Audit and Corporate Governance Committee, and by the Assistant Chief Executive (Legal and Democratic) to the Standards Committee, and upon the opinions of those Committees.

The principles of this Code

5. This Code follows five principles of good governance:
 - Provide the best possible service to the people of Herefordshire
 - Define the roles of Members and Officers, ensure that they work together constructively, and improve their effectiveness
 - Require high standards of conduct
 - Take sound decisions on the basis of good information
 - Be transparent and open: responsive to Herefordshire's needs and accountable to its people.
6. The rest of this Code demonstrates how the Council will put these principles into action.

Provide the best possible service to the people of Herefordshire

7. The Council will
 - Set out a strategic vision for the County, and its intended outcomes for citizens

- Provide high quality services representing excellent value for money;
- Develop and sustain effective partnerships
- Encourage public participation in Herefordshire local government
- Identify and manage risk
- Make environmental impact a key part of decision-making at all levels
- Measure performance rigorously and improve it where necessary

Define the roles of Members and Officers, ensure that they work constructively together, and improve their effectiveness

8. The Council will
- Encourage and support effective leadership, and constructive working relationships, at all levels
 - Make clear the roles of Members and Officers, the way in which decisions are taken, and the nature and limits of delegated authority
 - Determine remuneration in a transparent and open way, with recommendations on Members' allowances made independently
 - Ensure that Members and Officers have the training and support they need to be effective; that their performance is appraised; and that development needs are addressed

Require high standards of conduct

9. The Council will
- Create and maintain a climate of openness, and mutual support and respect
 - Ensure that Members and Officers display consistently high standards of conduct
 - Be punctilious in ensuring that governance and decision-making reflects these high standards
 - Take effective action on "whistleblowing": complaints based on matters of propriety and conscience
 - Support an effective Standards Committee

Take sound decisions on the basis of good information

10. The Council will
- Be open about how and why decisions are taken
 - Demonstrate and record the evidence and analysis underpinning decisions
 - Enable and support effective scrutiny of those decisions

- Guard against any conflict of interest
- Support an effective Audit and Corporate Governance Committee

Be transparent and open: responsive to Herefordshire's needs and accountable to its people

11. The Council will

- Be open about its actions and plans, subject to the requirements of the law or of personal or commercial confidentiality
- Give a high priority to communicating and explaining its policies
- Respond readily to public needs and aspirations
- Take prompt and effective action on complaints
- Publish a comprehensive annual report on this Code
- Review this Code annually at the time of the Compliance Report

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meetings Held on 10 September and 20 October 2008

Membership:

Councillors: PJ Edwards (Chairman), PA Andrews, WU Attfield, WLS Bowen, KG Grumbley, T.M. James, RI Matthews, AT Oliver, PM Morgan, SJ Robertson, and K Swinburne.

REVIEW OF THE SERVICE DELIVERY PARTNERSHIP WITH AMEY WYE VALLEY LIMITED

1. Council was informed in July that the Committee had commented on the draft recommendations from the Service Delivery Review of the Council's Service Delivery Partnership with Amey Ltd.
2. The Committee considered a further report in September containing officer recommendations to Cabinet. These sought authority to commence formal negotiations with Amey based on a Herefordshire Model of service delivery as the preferred model. This was a "managing agent" model under which, subject to successful negotiations, Amey would take on the relevant Council staff responsible for the relevant service areas under TUPE arrangements. It was proposed that a further report would be submitted to Cabinet on conclusion of the negotiations, stating that negotiation of the preferred model would not restrict the recommendation of a different model if it was clear that this would be in the Council's best interests.
3. It was also proposed that Asset Management and Property Services should be excluded from the negotiation whilst a wider review of the property estate and its management was carried out, to be completed by the end of March 2009.
4. The Committee broadly supported the recommendations being made to Cabinet on the Service Delivery Review. There was some concern as to whether due weight was being given in the discussions to the importance of quality of service. It was noted that detailed negotiations would give rise to a further opportunity to scrutinise the methods being proposed to measure both quality and value for money of both individual projects as well as the contract as a whole.
5. The Committee requested that further reassurance should be sought on the employment matters and financial implications once firm proposals had been agreed by both parties. It also requested that it be reconsulted once the asset management and property review was completed. The Committee also made a number of other observations to which it recommended Cabinet had regard. Cabinet accepted the Committee's recommendations.

INTEGRATED CORPORATE PERFORMANCE REPORT

6. The Committee has received a report on the Council's performance for the first four months of 2008-09 against the Corporate Plan 2008-11 and national performance indicators used externally to measure the Council's performance, taking account of the separate but complementary financial performance report, the updated Council risk register and progress against the action plans produced following the Crookall review.

7. The Committee has previously acknowledged the efforts that have been made to improve the presentation of performance reporting information, not least in response to the Committee's own requests. The Committee considers that clarity of reporting assists all Councillors in the more efficient conduct of business. The Integrated Corporate Performance Report represents a further development in the style of reporting. The Committee welcomes many of the features of the revised report, including the Directors' commentaries on performance. However, it has identified a number of aspects where it considers further improvement can be made, for example to avoid any impression that performance is improving or deteriorating where that is unknown, and providing more explanation in places. At the same time, the Committee is mindful of the need for the Integrated Corporate Performance Report to be proportionate, bearing in mind the role of individual scrutiny committees in drilling down in greater detail where this is considered necessary. It is important that the corporate reports are kept concise and readable, the underlying purpose of the reports being to track progress in achieving the Council's Corporate Plan and priorities.
8. The Committee has also requested the Environment Scrutiny Committee to consider a report on the Waste Disposal Contract, noting the position statement given in the Council Risk Register.
9. In relation to the Crookall Review Action Plan the Committee noted progress but singled out the action allocated to the Member Development Policy Group. A number of concerns were expressed about the Group's current operation compared with the voice that backbench Members, in particular, felt was available to them through the former Member Development Working Group. The Committee has accepted the Chief Executive's offer to discuss the position with the Group Leaders in the first instance to consider these concerns.
10. The Committee has also highlighted the importance it places on the Executive demonstrating that it has considered the points made by the Committee on performance and has responded to them.

COMPREHENSIVE AREA ASSESSMENT

11. The Committee has noted the detailed proposals for the new system of Comprehensive Area Assessment and how Cabinet has agreed Herefordshire's preparations are to be taken forward. The Committee has been advised that the CAA is likely to be a more demanding system of assessment because it expects the Council and its partners to be on top of understanding needs and to be delivering improved outcomes for people, rather than compliance with particular check-lists or processes. It is not a one-off inspection but should rather be considered as the core of planning and performance management and, therefore, of reporting for the Council, public service arrangements with the PCT and with the Herefordshire Partnership. It has noted that further reporting on the CAA will accordingly be included as part of the Integrated Corporate Performance Report.

BUDGET MONITORING

12. The Committee has noted the position on the revenue and capital budgets and the estimated outturn for the 2008/09 financial year. The Committee has noted that the current projected overspend at £1.671 million is a lower forecast of overspend at this point in the year than in previous years. The monitoring report attributed this to a more vigorous approach to financial management at Directorate level. It also

reported that the Chief Executive has set an expectation that Directorates produce management proposals to bring expenditure back to balance at the end of the financial year.

13. The Committee was told that the level of interest on investments achieved in previous years cannot be guaranteed in the present financial climate. This has an implication for the level of the general reserves which based on current projections could see the level at the year end being close to the recommended level of minimum general reserves of £4.5 million.
14. Regarding the Capital Programme the Committee has sought and received an assurance that the Council's level of borrowing is prudent.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

15. The work of the Committees is analysed below in accordance with the following two roles for scrutiny based on a University of Birmingham categorisation. Each Committee has also considered and rolled forward its work programme.

Holding the Executive to Account	Developing Policy
Questioning members of the Executive	Pre-Decision Scrutiny – commenting on decisions about to be made
Call-ins – Scrutinising decisions before they take effect	Policy Reviews and Development
Scrutinising decisions after they are made	External Scrutiny
Management of Performance	Health Scrutiny
Ensuring Corporate Priorities are Met	
Budget Scrutiny	
Community and Area Scrutiny	

	Holding the Executive to Account	Developing Policy
Adult Social Care and Strategic Housing 3 October 2008	Presentation by Cabinet Member (Social Care Adults) Revenue budget monitoring Performance Monitoring Implementation of the Revised Fairer Charging Policy Integrated Social Care Record System	

	Holding the Executive to Account	Developing Policy
Children's Services 29 September 2008	Call-in of Cabinet Decision on Swimming Provision for Primary Schools in Hereford City	
Community Services 17 October 2008	Revenue Budget Performance Monitoring	Review of the Edgar Street Grid Project
Environment 15 September 2008	Environment Strategy and Carbon Management Performance Performance Monitoring	Review of planning services - Update
Health 23 September 2008	Update from the Chief Executive of the Primary Care Trusts Update from the Chief Executive of Hereford Hospitals NHS Trust National Institute For Health and Clinical Excellence (NICE) presentation Local Involvement Network	West Midlands Ambulance Service NHS Trust – Response Times
Strategic Monitoring Committee 10 September 2008 20 October 2008	Integrated Corporate Performance Report Comprehensive Area Assessment Budget Monitoring	Review of the Service Delivery Partnership with Amey

16. Issues of particular note include:

- **Children's Services Scrutiny Committee**

The Committee called-in Cabinet's decision on 31 July 2008 to approve the closure of St Martin's Swimming Pool with immediate effect and the subsequent capital investment in the Hereford Leisure Pool prior to the new academic year. The Committee has recommended the Council invests £72,500 to enable the pool to

reopen as soon as possible; there should be no additional costs to schools; the existing charge to schools be maintained; and a thorough feasibility/business case for the next 2 years (to include LEA pool, HALO and users/voluntary sector) be formulated on the future of the pool in the context of the whole of Herefordshire swimming provision.

Cabinet is due to consider these recommendations in November.

- **Community Services Scrutiny Committee**

The Edgar Street Grid project is the major development project for the County and is at an important stage in its implementation. The Committee has undertaken a review with the following aims:

- To make recommendations to maximise the value and impact of the ESG scheme for the benefit of Hereford City and the wider County;
- To understand the views, aspirations and concerns of partners and stakeholders;
- To recommend key considerations in the implementation of the ESG scheme, especially in relation to creating a whole city approach.

The Committee adopted an innovative approach to the review by seeking to complete its evidence gathering on one day at an informal meeting to which all relevant interviewees were invited, facilitating an exploration of the key issues concerning the scheme,

The Committee has agreed that the recommendations set out at section 7 of the review (appended), should be submitted to Cabinet and the Executive's response reported back to the Committee.

Health Scrutiny Committee

- Following consideration of response times the Committee is to undertake a formal review of the ambulance response service in the County – with particular focus on the market towns of Ledbury and Ross –on –Wye.

**PJ EDWARDS
CHAIRMAN
STRATEGIC MONITORING COMMITTEE
BACKGROUND PAPERS**

- Agenda Papers of the Meetings of the Strategic Monitoring Committee held on 10 September and 20 October 2008

Community Services Scrutiny Committee 17 October 2008 – Review of the Edgar Street Grid Project

Recommendations

That: a) Cabinet be requested to consider the following recommendations

- 7.1 The Expanded City Centre – That the scheme is referred to as the expanded City Centre to reflect the “one city” approach in creating benefit for and linkages between the whole of the city centre area.**
 - 7.2 Consultation – The importance of full consultation is recognised both to ensure the best results for the people of Herefordshire, but also to ensure compliance with planning regulations. ESG Ltd should continue with its current consultation (both giving and receiving) and to investigate and use other innovative methods of consultation as appropriate.**
 - 7.3 Town Centre Impact Study – That the Town Centre Impact Study commissioned by Stanhope as part of the planning process, is independently verified or conducted.**
 - 7.4 Business as Usual – that a partnership approach lead by the City Partnership is taken to address any down turn in use of the City Centre during construction work.**
 - 7.5 Linkage to the Courtyard – consideration is given to creating better linkage to the Courtyard Centre for the Arts for the venue to be part of the wider leisure offer presented as part of the expanded city development.**
- b) subject to the Review being approved, the Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response;**
- and;**
- c) That further reports be made to the Committee on the following issues:**
- 7.6 Hereford City Centre Regeneration Strategy - The Hereford City Centre Regeneration Strategy is a ten-year ambition is endorsed. The strategy should be presented to Committee specifically outlining the implementation of schemes through a partnership approach.**
 - 7.7 Support for Businesses - For the committee to fully understand via written report the current and intended support to businesses to relocate from the ESG site.**
 - 7.8 Inclusion of the Football Ground – For officers of the council to submit a report to committee on the current position and options available to enable the development of the Football Ground.**

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 12 August, 9 September and 7 October 2008

Membership:

Councillors: P Jones CBE (Chairman), JW Hope MBE (Vice-Chairman) CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter, SPA Daniels, JHR Goodwin, R Mills, A Seldon, DC Taylor.

APPLICATION TO REGISTER LAND AT ARGYLL RISE, BELMONT, HEREFORD AS A TOWN GREEN

1. An application has been made to the Council by Newton Farm Town Green Action Group to determine whether land at Argyll Rise, Belmont, Hereford should be registered as a Town Green. The land is part of a larger area purchased for housing purposes in 1959 by the former Hereford City Council under the powers of the Housing Act 1957 and laid out as open space as part of the surrounding housing development during the 1970s. In November 2002 the land was one of a number of open spaces included in a transfer of the Council's housing stock to Herefordshire Housing Limited (HHL). In line with a procedure followed by other Registration Authorities, the Council arranged for a non-statutory Public Inquiry, conducted by a barrister, to hear evidence and legal arguments from the applicants and HHL. If the land is registered as a Town Green this would effectively prevent any development of land that would interfere with recreational use. The view of the Inspector was that, because the land had been laid out as open space for the benefit of local residents in connection with the Housing Act powers, people who used the land did so under an implied statutory permission and so could not claim to have used it "as of right" which is one of the tests that need to be satisfied to establish Town Green status.. The Inspector also considered that the statutory process followed when the land was transferred to HHL defeated the claim.

2. The Committee heard submissions from the spokespersons of the applicants, HHL and the Local Ward Councillors. The Committee also took into consideration a second opinion obtained from a different barrister and the views from the Council's Legal Team. . The Committee accepted the findings of the Inspector regarding the factual evidence i.e. that the land has been used by a significant number of local residents for various recreational sporting and leisure purposes for a period of more than twenty years. However, the Committee also agreed with the Inspector that as the site had been laid out, managed and maintained as open space for the benefit of the surrounding housing estate, use had been with permission rather than "as of right" and so the application failed..

EARLY INCREASE IN HACKNEY CARRIAGE FARES 2008/2009 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

3. Following a request from the Herefordshire taxi and private hire trade, the Committee has agreed to an early increase in the level of fares charged within the County. The fares are usually reviewed in October each year but the trade had requested an earlier increase to reflect the substantial increase in fuel and operational costs that they have been faced with. The Committee has decided that there should be an increase of 10% in fares with effect from 8 September 2008, which will remain in force until the next scheduled review in October/November 2009.

APPLICATION FOR APPROVAL BY SIX MANUFACTURERS / INSTALLERS OF WHEELCHAIR ACCESS FACILITIES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

4. The Committee has considered applications from six independent and separate companies as approved manufacturers of wheelchair access vehicles to be used as licensed vehicles in Herefordshire. The six companies who have applied are:
 - i. Allied Vehicles Ltd, Glasgow
 - ii. GM Coachwork Ltd, Newton Abbot, Devon
 - iii. LDV Group Ltd, Birmingham
 - iv. Oughtred & Harrison (Facilities) Ltd, Goole, Humberside
 - v. Ponting & Betty Ltd, Northampton
 - vi. Stanford Coachworks Ltd, Essex
5. The supporting documentation provided by each applicant has been considered against Quality Assurance ISO 90001 as the benchmark for acceptability. Examination has also been made of the way in which each manufacturer had demonstrated that they could fulfil the requirements of the Council regarding the safety standards for wheelchair accessibility. Having considered the documentation put forward by each applicant, the Committee was satisfied that applicants (i) and (iv) fulfilled the Council's criteria. Further information was required from applicants (ii), (iii) & (v) but subject to the officers subsequently being satisfied, those manufacturers can be approved. The Committee was not satisfied that applicant (vi) could comply with the requirements and was refused.
6. The Committee next considered what action it wished to take in respect of the other issues regarding wheelchair accessible vehicles and decided upon the following course of action: -
 - (i) in the case of vehicles licensed by the Council which have wheelchair equipment fitted but the manufacturer or installer has applied for the approval of the Council and has been refused, the vehicles be allowed to continue to operate until such time as a voluntary standard VOSA Single Vehicle Approval Test is passed, provided that it is passed by no later than 31 December, 2008. After this date the licences of such vehicles still operating will be suspended until the Test has been passed; and
 - (ii) in the case of vehicles licensed by the Council which have wheelchair equipment fitted and either the manufacturer or installer is not known or has not applied to the Council for approval, the vehicles be allowed to continue to operate until such time as a voluntary standard VOSA Single Vehicle Approval Test is passed, provided that it is passed by no later than 31 December, 2008. After this date the licences of such vehicles still operating will be suspended until the Test has been passed.

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

7. Two applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. Four applications for the renewal of vehicle licenses have also been submitted to the Committee because the applications were

late in submitting their applications and were in breach of the Councils licensing conditions and policies.

8. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale. The applications were dealt with as follows:
 - (a) the two driver applications were granted because the Committee is satisfied that evidence had been given that the applicants are fit and proper persons to be licensed;
 - (b) the four vehicle applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of their particular circumstances, they had obtained the necessary VOSA certification, or the fact that the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable.

**P JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS Agenda papers from the meetings of the Regulatory Committee held on 12 August, 9 September and 7 October 2008.

COUNCIL

31 OCTOBER 2008

**REPORT OF THE
AUDIT AND CORPORATE GOVERNANCE COMMITTEE
Meeting Held on 25 September 2008**

Membership:

Councillors: ACR Chappell (Chairman), MJ Fishley, JHR Goodwin, B Hunt, R Mills, RH Smith and AM Toon.

1. ANNUAL GOVERNANCE REPORT AND LETTER FOR 2008

The Committee has received a report regarding the external auditor's Annual Governance report for 2008. The report was very positive with very little substance to report, which was welcomed. The Committee has agreed the proposed action plan in response to the recommendations contained in the Annual Governance report and with minor amendments has approved the Letter of Representation.

2. REVIEW OF THE CODE OF CORPORATE GOVERNANCE

The Committee has considered a report and has approved, subject to any supplemental or commentary instructions by the officers being submitted to the Committee for ratification, a revised Code of Corporate Governance for the Council following the issuing of a new governance framework and guidelines.

3. LEARNING DISABILITY INSPECTION ACTION PLAN

The Committee has considered and noted a report on the progress made through the implementation of the action plan which followed the Commission for Social Care Inspection in January 2007 and the ongoing adult and social care transformation programme. The Committee has requested a report to its next meeting to clarify a number of issues raised by a Member.

4. ANALYSIS OF INTERNAL AUDIT RECOMMENDATIONS IN 2007/08

The Committee has considered a report which provided information that had been requested by the Committee on the risk analysis of internal audit recommendations made in 2007/08 and the internal audit recommendations not accepted by management in the year. The Committee has noted the report subject a further report being submitted to the Committee on some of the recommendations which have not been accepted.

5. FIRST INTERIM AUDIT ASSURANCE REPORT 2008/09

The Committee has considered a report which provides the Committee with an update on progress in making planned improvements to the internal control environment and progress with the Annual Audit Plan for 2008/09. The Committee noted the report and agreed further actions.

**ACR CHAPPELL
CHAIRMAN
AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

BACKGROUND PAPERS Agenda papers of the meeting of the Audit and Corporate Governance Committee held on 25 September 2008

**REPORT OF THE HERFORD & WORCESTER FIRE AND RESCUE
AUTHORITY TO THE CONSTITUENT AUTHORITIES
MEETING HELD ON 22 SEPTEMBER 2008**

1.	<p>SERVICE REPORT</p> <p>The Chief Fire Officer presented a report regarding recent key developments and activities together with performance information for the period 1 April 2008 to 30 June 2008. More details can be found on the service website (www.hwfire.org.uk).</p>
2.	<p>JOINT SERVICE REVIEW</p> <p>The Authority considered the findings of the Strategic Options Appraisal conducted by the Joint Review Group established to examine opportunities for closer working arrangements between HWFRS and Warwickshire County Council.</p> <p>The Authority noted that subject to the development of a full business case, the Joint Review Group was of the view that it was in the strategic, operational and financial interests of both Authorities to initiate a period of structural collaboration, leading towards full combination in 2010. It was agreed that a corporate Joint Project Board should be established, consisting of Chief Officers from both Warwickshire County Council and Hereford & Worcester Fire and Rescue Authority, to develop a single business case to provide adequate information for each of the Authorities to make an informed judgement on the benefits and disadvantages of each of the options identified in the Strategic Options Appraisal and on appropriate timescales for any potential structural collaboration and/or combination.</p> <p>The Authority also agreed that the business case addressing the options and their impact on Warwickshire, Herefordshire and Worcestershire residents and appropriate timing for any potential structural collaboration and/or combination should be brought to Hereford & Worcester Fire and Rescue Authority and Warwickshire County Council's Cabinet in December 2008. In addition, the Joint Review Group was tasked to oversee the work of the Joint Project Board in developing the full business case and to agree its final recommendations to go to the Authorities.</p>
3.	<p>FIREGUARD CONTRACT</p> <p>The Authority discussed the Chief Fire Officers Association (CFOA) Fireguard Project which had been carried out nationally to award a contract for the provision of emergency fire cover which could be called on during scenarios such as pandemic flu, industrial action or natural disaster. The resilience model had been based on the current statutory responsibilities of the Service but this would be reviewed if any statutory duties changed.</p> <p>Due to the costs of the proposed Fireguard contract and the ability for the Service to provide its own minimal response capability, the Authority agreed not to enter into the proposed Fireguard contract.</p>

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
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	<p>The Authority acknowledged that the basis of resilience proposed was the <u>minimum</u> that would be considered to discharge current statutory duties under foreseeable circumstances and instructed Officers to seek this same level of resilience through managerial means and at minimal “steady state” cost to the Authority. It was agreed that Officers would advise the Authority should the contract provisions be changed in such a way that Members would wish to reconsider the recommendations.</p>
4.	<p>WORCESTERSHIRE SUSTAINABLE COMMUNITY STRATEGY 2008-2013</p> <p>The Authority approved the adopted Worcestershire Sustainable Community Strategy 2008-2013, which had been endorsed by the Authority’s Best Value Policy and Performance Committee at its meeting on 8 September 2008.</p>
5.	<p>ANNUAL GOVERNANCE STATEMENT</p> <p>The Authority noted the publication of the Annual Governance Statement, which was a summary of the governance arrangements of the Authority and had been approved by the Authority’s Audit Committee at its meeting on 30 June 2008.</p>
6.	<p>PROPERTY UPDATE</p> <p>The Authority noted the current progress and future plans for the Service property portfolio.</p>