

**Deputy Chief Executive's Office**  
A Faulder (Interim)

Your Ref:

Our Ref: SAHC

Please ask for: Sally Cole

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**TO ALL MEMBERS OF THE COUNCIL**

6 February 2009

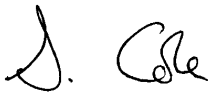
Dear Councillor

**POSTPONED COUNCIL MEETING 6 FEBRUARY 2009**

As you are aware the Council meeting scheduled for today was postponed due to the weather conditions. After consultation with the Chairman and Group Leaders it has been agreed to reconvene the meeting on Tuesday 17 February 2009 at 2.00pm at the Shirehall.

Members will be aware that a Children's Services seminar was scheduled for the afternoon of Tuesday 17 February, however, in order to reconvene the Council meeting as soon as possible, it has been agreed with the Director to postpone this seminar. A new seminar date is being decided upon and Members will be notified of the new date next week.

Yours sincerely



**SALLY COLE  
COMMITTEE MANAGER EXECUTIVE  
ASSISTANT CHIEF EXECUTIVE'S OFFICE  
LEGAL AND DEMOCRATIC**





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**DEPUTY CHIEF EXECUTIVE'S OFFICE**

A Faulder (Interim)

**TO: ALL MEMBERS OF THE COUNCIL**

Your Ref:

Our Ref: AMcL/SAHC

Please ask for: Mrs S Cole

Direct Line/Extension: (01432) 260249

Fax: (01432) 261868

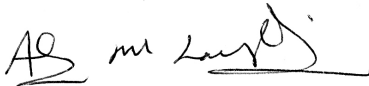
E-mail: [scole@herefordshire.gov.uk](mailto:scole@herefordshire.gov.uk)

Dear Councillor,

**YOU ARE HEREBY SUMMONED** to attend the meeting of the Herefordshire Council to be held on **Friday, 6th February, 2009** 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**  
**LEGAL AND DEMOCRATIC**





# COUNCIL

Date: **Friday 6 February 2009**

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Time: **10.30 a.m.**

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

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

*For any further information please contact:*

*Sally Cole, Committee Manager Executive*

**Tel: 01432 260249**

**E-mail [scole@herefordshire.gov.uk](mailto:scole@herefordshire.gov.uk)**

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**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 31 October 2008.

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**5. CHAIRMAN'S ANNOUNCEMENTS**

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

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>6. CONSTITUTIONAL AMENDMENTS</b><br>To approve the adoption of changes to the Council's constitution.                                                    | 31 - 34 |
| <b>7. QUESTIONS FROM MEMBERS OF THE PUBLIC</b><br>To receive questions from members of the public.                                                          | 35 - 58 |
| <b>8. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS</b><br>To receive any written questions from Councillors. |         |
| <b>9. NOTICES OF MOTION UNDER STANDING ORDERS</b><br>To consider any Notices of Motion.                                                                     |         |

Two Notices of Motion were submitted.

#### **NOTICE ONE**

Councillors TM James, RI Matthews, SJ Robertson, A Seldon, PJ McCaull, AT Oliver, AM Toon, WU Attfield, and B Hunt submitted the following Notice of Motion as a matter of urgency:

*"This Council notes the recent announcement in the advertisement columns of the local press announcing the sale of a substantial part of the smallholdings estate including three farms with sitting tenants. We also note that a number of other tenants have been given notice to quit or face eviction.*

*There was a clear undertaking made by the Cabinet Member and officers at a special meeting of the Strategic Monitoring Committee meeting on 10 December that no change in the Council's policy would be taking place. On being asked whether there were plans to instigate a policy of selling holdings the Cabinet Member and officers indicated that there was none.*

*We now know that four days after that meeting letters were sent to tenants informing them that their homes and livelihoods were to be placed on the market to sell to a private landlord. This having been done without any consultation with Councillors, tenants or the public. This is clearly seen by the public and agricultural rural community as a major policy change and should have been treated as a key decision, this decision having been made privately by the Cabinet Member and officers should have been subject to full and open debate.*

*For eighty years the retention of our smallholdings estate has been seen across the political divide as a vitally important part of the economic and social fabric of our County, being the only route available to young working people to enter farming.*

*Therefore this Council instructs the Cabinet to withdraw the sale of holdings on the Nieuport estate and begin a consultation on the future of our smallholdings in this County."*



The Chairman will rule whether the motion is urgent.

## NOTICE TWO

Councillors ACR Chappell, AT Oliver, AM Toon, RI Matthews, JB Williams, AE Gray, TM James, C Bartrum, WJ Walling, PJ McCaull, GA Powell H Davies, A Seldon, WS Bowen, JD Woodward, PJ Edwards, SJ Robertson, SPA Daniels, WU Atfield, DJ Benjamin, AP Taylor, MAF Hubbard and B Hunt submitted the following Notice of Motion as a matter of urgency:

*“Based on the evidence collated by the St Martin’s Community Swimming Support Group, the current swimming provision is clearly a compromise which is untenable for all users and providers.*

*Therefore, we recommend that Herefordshire Council support the St Martins Community Swimming Support Group by committing funds to be made available for the necessary repair works to the St Martins Pool, enabling the pool to re-open in September 2009 to address the needs of the whole community.”*

The Chairman will rule whether the motion is urgent.

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| <b>10. REVIEW OF HEREFORDSHIRE COUNCIL CONSTITUTION</b>                                                                                                               | 59 - 60 |
| To inform Council of the process for reviewing the Council’s constitution.                                                                                            |         |
| <b>11. CABINET</b>                                                                                                                                                    | 61 - 66 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 16 October, 20 November, 18 December 2008 and 22 January 2009. |         |
| <b>12. PLANNING COMMITTEE</b>                                                                                                                                         | 67 - 74 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 14 November 2008 and 9 January 2009.                           |         |
| <b>13. STANDARDS COMMITTEE</b>                                                                                                                                        | 75 - 80 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 16 January 2009.                                                |         |
| <b>14. STRATEGIC MONITORING COMMITTEE</b>                                                                                                                             | 81 - 92 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 19 November and 10 December 2008.                              |         |
| <b>15. REGULATORY COMMITTEE</b>                                                                                                                                       | 93 - 94 |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 4 November and 2 December 2008 and 6 January 2009.             |         |

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| <b>16. AUDIT AND CORPORATE GOVERNANCE COMMITTEE</b>                                                                                          | 95 - 98   |
| To receive the report and to consider any recommendations to Council arising from the meetings held on 21 November 2008 and 23 January 2009. |           |
| <b>17. WEST MERCIA POLICE AUTHORITY</b>                                                                                                      | 99 - 114  |
| To receive the report of the meetings of the West Mercia Police Authority held on 23 September and 16 December 2008.                         |           |
| <b>18. HEREFORD &amp; WORCESTER FIRE AND RESCUE AUTHORITY</b>                                                                                | 115 - 116 |
| To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 19 December 2008.                        |           |