

Deputy Chief Executive's Office
A Faulder (Interim)

Your Ref:

Our Ref: SAHC

Please ask for: Sally Cole

Direct Line / Extension: 01432 260249

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TO ALL MEMBERS OF THE COUNCIL

6 February 2009

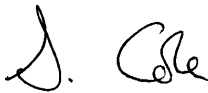
Dear Councillor

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**





Herefordshire Council, PO Box 240, HEREFORD, HR1 1ZT
Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

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

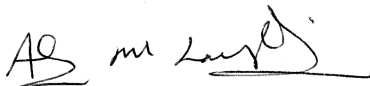
E-mail: scole@herefordshire.gov.uk

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**

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 260249

E-mail scole@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 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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| 6. CONSTITUTIONAL AMENDMENTS
To approve the adoption of changes to the Council's constitution. | 31 - 34 |
| 7. QUESTIONS FROM MEMBERS OF THE PUBLIC
To receive questions from members of the public. | 35 - 58 |
| 8. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS
To receive any written questions from Councillors. | |
| 9. NOTICES OF MOTION UNDER STANDING ORDERS
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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| 10. REVIEW OF HEREFORDSHIRE COUNCIL CONSTITUTION | 59 - 60 |
| To inform Council of the process for reviewing the Council's constitution. | |
| 11. CABINET | 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. | |
| 12. PLANNING COMMITTEE | 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. | |
| 13. STANDARDS COMMITTEE | 75 - 80 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 16 January 2009. | |
| 14. STRATEGIC MONITORING COMMITTEE | 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. | |
| 15. REGULATORY COMMITTEE | 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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| 16. AUDIT AND CORPORATE GOVERNANCE COMMITTEE | 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. | |
| 17. WEST MERCIA POLICE AUTHORITY | 99 - 114 |
| To receive the report of the meetings of the West Mercia Police Authority held on 23 September and 16 December 2008. | |
| 18. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY | 115 - 116 |
| To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 19 December 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 Cabinet and 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, Cabinet, 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.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

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- 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:

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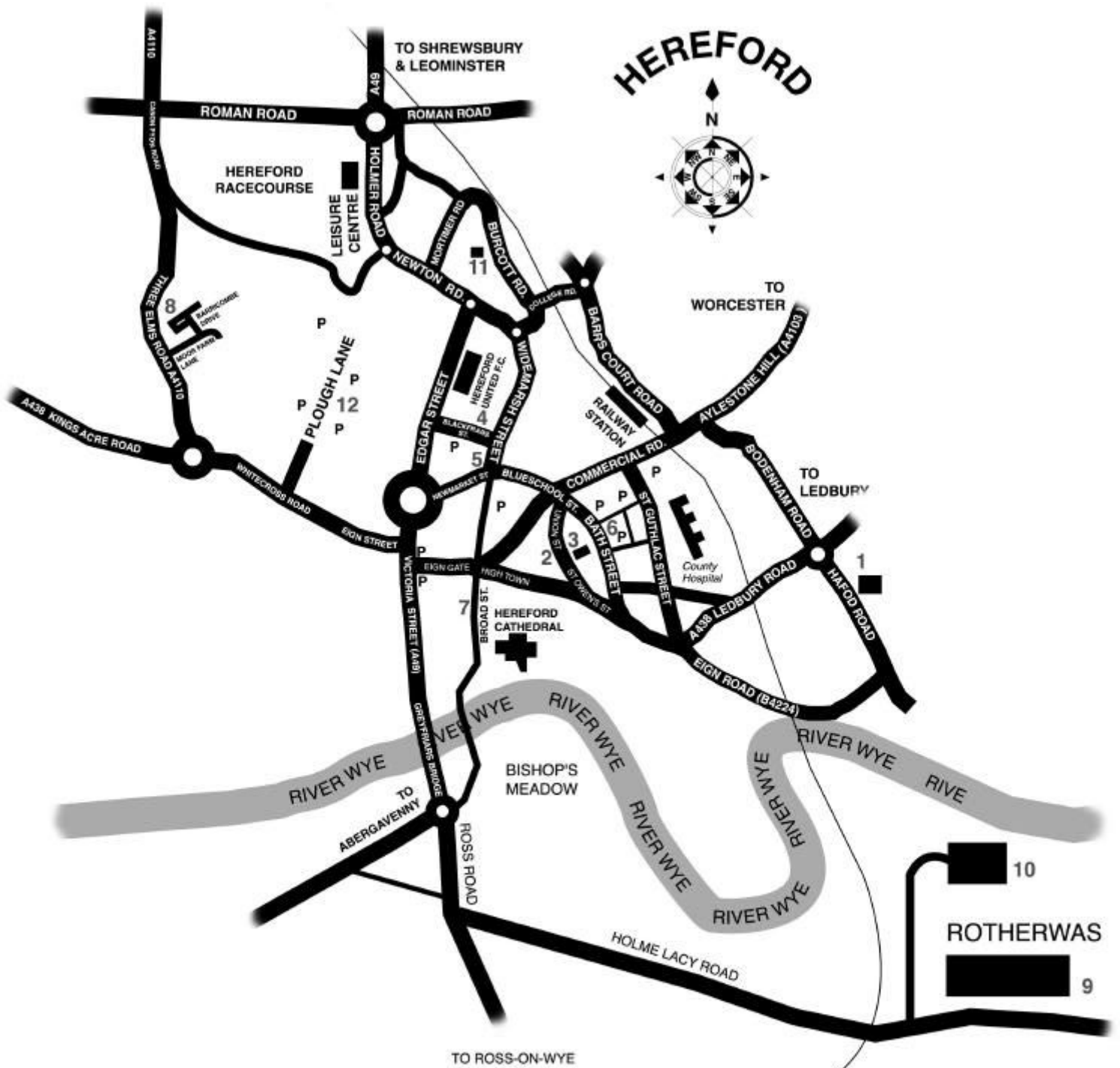
The meeting room is accessible for visitors in wheelchairs via the main entrance by prior arrangement. Please telephone 01432 272395

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

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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 31 October 2008 at 10.30 am

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

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

6. PRAYERS

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

7. APOLOGIES FOR ABSENCE

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

8. DECLARATIONS OF INTEREST

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

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

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

9. MINUTES

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

10. CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

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

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

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

EMERGENCY NOTICE OF MOTION

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

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

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

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

Office Ltd, received on 29 October.

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

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

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

The Chairman ruled urgency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. **QUESTIONS FROM MEMBERS OF THE PUBLIC (Appendix One)**

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

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

1. Question from Councillor M Hubbard, Central Ward

1.1. *Can the Cabinet Member for the Environment please explain what work has been done to ensure Herefordshire Council has complied with the Code of Practise on Litter and Refuse published by DEFRA in April 2006 under the Environmental Protection Act of 1990 with regard to the clearance of litter? In particular can the Cabinet member explain how Herefordshire Council has complied with points 8.7 and 8.8 of this code?*

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

service.

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

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

Answer from Councillor RJ Phillips, Leader of the Council

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

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

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

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

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

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

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

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

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

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

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

Answers from Councillor DB Wilcox Cabinet Member Highways and Transportation:

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

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

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

Herefordshire?

Answer from Councillor H Bramer Cabinet Member Resources

2.1.1 and 2.1.2

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

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

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

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

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

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

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

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

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

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

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

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

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

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

Answer from Councillor H Bramer Cabinet Member Resources:

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

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

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

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

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

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

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

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

projects?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Question from Councillor RI Matthews

4.1 *I understand that in the near future a Planning Application for the new Cattle Market site is to be submitted, and if approved will be closely followed by Members having to make a decision which would involve the expenditure of many millions of pounds of public money for the construction work. Do you agree with me, that it would be highly irresponsible to ask elected Members to consider these two issues before being given access to the professional legal advice which the Council sought, to establish whether or not we were legally obliged to provide a replacement market?*

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

4.1 The Assistant Chief Executive (Legal and Democratic Services) has an obligation to ensure that Members receive appropriate legal advice prior to taking decisions. The position on this matter is no different. For the record the legal advice that the Council has received is clear in saying that the Council has an obligation to provide a market.

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

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

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

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

5.	Questions from Councillor ACR Chappell
5.1	<i>Why has the Cabinet not considered the unanimous recommendations concerning the LEA swimming pool of the Children's Services Scrutiny Committee arising from their "Call In" Meeting on September 29?</i>
5.2	<i>What is the number of affordable housing properties completed in 2006/07? What percentage of total completions does this represent?</i>
5.3	<i>What is the number of affordable housing properties completed in 2007/08? What percentage of total completions does this represent?</i>
5.4	<i>What estimate does he have for affordable housing property completions for the current year? What estimate does he have for total housing property completions in the current year?</i>
5.5	<i>What plans does he have to bring forward Council projects that would offer support for employment in the next two years and would attract Government funding allocated for such projects?</i>
Answer from Councillor PD Price Cabinet Member ICT, Education and Achievement	
5.1	Consideration of the recommendations made by the Children's Services Scrutiny Committee, following the call-in of the Cabinet decision on the Local Education Authority (LEA) swimming pool, is on the Cabinet agenda for 20 November. This is the earliest opportunity that Cabinet has had to consider the recommendations. The only other Cabinet meeting since 29 September was held on 16 October. However, the dead-line for submission of reports to that meeting was 2 October. Given that the call-in meeting was on 29 September, this allowed insufficient time to produce the necessary report for the Cabinet meeting on 16 October.
Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing	
5.2	Total number of housing completions 842 Total number of affordable units 182 (total number of new build 143)

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

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

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

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

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

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

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

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

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

6.	Question from Councillor WLS Bowen
6.1	<i>Having promised to get rid of plastic bin bags in favour of wheelie bins – when will you make a start on eliminating the distribution of plastic bags in Herefordshire’s shops?</i>
6.2	<i>Can you assure us that the proposed wheelie bins will be made from recycled plastics?</i>
Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing.	
6.1	The use of plastic carrier bags in Herefordshire shops is clearly a matter for the retailer. We support the efforts of all shops and supermarkets who have introduced a "bag for life" and reduce the number of plastic bags handed out. Indeed, the major supermarkets have their own take back and recycling schemes for the sacks that are still used. As part of a major waste prevention promotion over the next few months, the Waste Management Team along with colleagues in Worcestershire have successfully bid for £80,000, through the "Love Food Hate Waste" scheme. Part of this will be handing out re-useable jute shopping bags. Over 2,000 will be allocated to Herefordshire for free distribution.

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

7. Questions from Councillor AT Oliver

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

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

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

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

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

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

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

Answer from Councillor H Bramer Cabinet Member Resources

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

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

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

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

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

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

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

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

Revenue costs are estimated at £75,900.

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

School income of £44,280.

Revenue costs after income are £31,620.

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

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

School income of £44,280.

Revenue costs after income would be £138,720.

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

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

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

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

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

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

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

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

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

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

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

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

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

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

Answer from Councillor H Bramer Cabinet Member Resources:

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

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

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

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

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

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

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

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation:

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

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

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

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

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

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

13. NOTICES OF MOTION UNDER STANDING ORDERS

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

14. CABINET

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

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

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

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

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

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

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

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

That the Youth Justice Plan 2008/9 be approved.

15. PLANNING COMMITTEE

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

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

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

16. STANDARDS COMMITTEE

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

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

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

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

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

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

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

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

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

That:

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

17. STRATEGIC MONITORING COMMITTEE

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

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

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

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

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

18. REGULATORY COMMITTEE

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

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

19. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

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

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

20. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

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

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

The meeting ended at 1.00 p.m.

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL

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

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?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

1.1 to 1.14

The Council is keen to ensure that information it holds is easily accessible, and will look at how it can improve availability as suggested. I have asked the Director of Environment and Culture to arrange a meeting with Mr McKay to take this forward and to address the other issues raised by Mr McKay in his questions and the explanatory information he had previously provided.

2. Question from Mr A Spong, Moreton on Lugg

2.1 *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?*

2.3.1 *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.*

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

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

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

2.1 The Council has a statutory duty to notify local residents and parish councils of planning applications. The Members of the various planning committees are always very keen to establish the views of local people. In assessing local comments Committee Members have to make a distinction between material planning considerations and other matters raised which are not material to the decision making process. The Members of the Central Area Planning Sub-Committee will be made aware of the strength and nature of local opinion on the application when it is reported to their December 2008 meeting.

2.2 The status of agricultural land on and around the application site will be a material consideration for Members when they determine the application. As always the Committee will make its decision after balancing national and local planning policies with detailed site specific matters.

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

2.3.1 and 2.3.2

The impact of the proposal on the wider rural economy will also be a material planning consideration for Members to weigh against the other matters relevant to the application. In

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

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

3. Question from Mrs J Watkins, Upper Lyde

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

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

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

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

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

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

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

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

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

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

4. Question from Mr B Clay, Hereford

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

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

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

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

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

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

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

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

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

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

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

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

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

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

Answer from Councillor H Bramer Cabinet Member Resources

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

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

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

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

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

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

Rent for the Racecourse house is £280 per annum

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

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

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

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

Answer from A McLaughlin, Assistant Chief Executive Legal and Democratic

4.7 to 4.8

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

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

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

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

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

Answer from A McLaughlin, Assistant Chief Executive Legal and Democratic

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

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

CONSTITUTIONAL AMENDMENTS

Report By: Assistant Chief Executive – Legal and Democratic

Wards Affected

County-wide

Purpose

- 1 To approve the adoption of changes to the Council's constitution.

Financial Implications

- 2 There are no financial implications.

Reasons

- 3 All Councils are required by law to prepare and keep up to date a Constitution that explains and regulates how the Council operates, how decisions are made and the procedures which are followed.
- 4 Council is requested to adopt the changes outlined in this report.

Considerations

- 5 Scheme of Delegation
Paragraph 12.4.2

The Scheme of Delegation was approved by Council on the 25 July 2008. It requires minor amendment to enable Cabinet Members to take key decisions within their portfolio responsibilities, consistent with Part 6 of the constitution. The proposed amended paragraph 12.4.2. will now read:

“Cabinet Member Decisions are those that do not fall within the definition of an Administrative or Management Decisions (See 12.5)”.

- 6 Paragraph 12.4.12 b)

This paragraph currently requires the Assistant Chief Executive – Legal and Democratic to provide a report to Cabinet on Urgent Key Decisions made by Cabinet Members. As key decisions would be subject to the normal call-in scrutiny procedures of the Council, Council is requested to approve the deletion of paragraph 12.4.12 b) of the Scheme of Delegation:-

“The report must be sent to the Assistant Chief Executive- Legal and Democratic to present to the next convenient Cabinet Meeting”.

7 Questions from Members of the Public

Council agreed in principle at its meeting on the 25 July 2008 to permit one supplementary question from a member of the public who has submitted written questions for a Cabinet Member or a Chairman of a Committee's response and to amend paragraph 4.24.2 of the constitution. Attached as Appendix 1 is a guide for public speaking at meetings of Council.

8 Paragraph 4.24.2 of the constitution reads:-

"No supplementary questions may be asked"

to be replaced by:-

4.24.2.1 A member of the public with permission of the Chairman of the Council may ask one supplementary question only, addressed to the appropriate Cabinet Member or Chairman of a Committee for response. A verbal response will be given by the Cabinet Member or Chairman of a Committee. If the Cabinet Member or Chairman of a Committee is not able to respond verbally then a written reply shall be sent to the questioner.

4.24.2.2 The supplementary question must relate to the question made by the member of the public. Only one supplementary question is permitted and is time restricted to one minute. Where several members of the public have lodged similar written questions, these will be dealt with together. One person may be elected by the group to ask one supplementary question on behalf of the group.

4.24.2.3 Supplementary questions will be dealt with in the same order as the questions are presented in the Agenda. This is the order in which they are received by post or electronically by the Assistant Chief Executive: Legal and Democratic."

RECOMMENDATION

THAT

- (a) **Council considers and adopts the amendments to paragraphs 12.4.2 and 12.4.4 of the Scheme of Delegation;**
- (b) **Council considers and adopts the amendment to the constitution to permit members of the public to ask one supplementary question of cabinet members or a Chairman of a Committee at public questions**

APPENDICES

- Appendix 1 – Guide to public speaking at meetings of Council

BACKGROUND PAPERS

- None

Public speaking at meetings of Council

1. HOW TO SUBMIT FORMAL QUESTIONS TO COUNCIL

Questions must be lodged with the Assistant Chief Executive Legal and Democratic at close of business six clear working days before the meeting (for example, 5.15pm on Wednesday in the week preceding a Friday meeting). Questions should be posted to: Assistant Chief Executive Legal and Democratic, Herefordshire Council, Brockington, 35 Hafod Road, Hereford, HR1 1SH or emailed to councillorservices@herefordshire.gov.uk. An email or letter will be sent acknowledging receipt of the question(s).

2. RESERVED SEATING FOR PUBLIC SPEAKERS

A member of the public who has lodged a written question should identify themselves to a Council officer in order to be directed to the public speaking area. Seating will be reserved in the first row on the right hand side of the public gallery for supplementary questions. All written questions and answers will be made available, in writing, to members of the public prior to the commencement of the meeting and no later than 10.15am.

3. ASKING A SUPPLEMENTARY QUESTION AT COUNCIL

A member of the public who has lodged a written question (or series of questions) to Council is permitted to ask **one** supplementary question only.

Where several members of the public have lodged similar written questions, these will be dealt with together. One person may be elected by the group to ask **one** supplementary question on behalf of the group.

Supplementary questions will be dealt with in the same order as the questions are presented in the Agenda i.e. the order in which they are received by post or electronically. Once each formal written question (or series of questions from the same person) has been answered, the Chairman may invite the person who submitted the written question to raise one supplementary question only, if they wish to do so.

As set out in Standing Order 4.24.3 of the Constitution up to 25 minutes is set aside for the answering of questions and supplementary questions from members of the public.

Respect must be shown to the Chairman. Once the Chairman has invited a speaker to ask a supplementary question, the speaker should stand (unless unable to do so). A microphone will then be handed to the speaker to enable the supplementary question to be asked.

The supplementary question:

- must relate to the original question raised
- must not be defamatory
- is time-restricted to one minute

A verbal response will be given to the supplementary question by the relevant Cabinet Member or Chairman of a Committee, where appropriate. If the relevant Cabinet Member or Chairman is unable to respond verbally a written response will be sent to the member of the public.

If you have any queries or would like further information about speaking at Full Council please email councillorservices@herefordshire.gov.uk or telephone (01432) 260201

February 2009

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.
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 Peter McKay, Leominster

Council motto is to Preserve our Heritage, and Full Council initial reply to my question put before that meeting is that Council is keen to ensure information it holds is readily accessible, and will look at how it can improve availability. Back in 1983, on 27 January, Hereford and Worcester Council held a Public Rights of Way County Conference, with the conference learning, question 24, that the Council would look into difficulties concerning paths not shown on the definitive map. This came about due to a large number of parishes at the conference asking why paths were not recorded, a question raised by them at that time due to it only becoming apparent in the 1980/90s when paths were cleared of obstructions and signed that this was not being undertaken on all parish paths, ie they had not all been recorded, and parishes had not been informed that their information had been rejected and the reasons why. Having inspected some of your modern records I find they reveal that many paths submitted for recording by parishes and rural district councils were not recorded, for reasons which Government Inspector has declared to have nothing to do with whether or not they were public rights of way, reference FPS/W1850/7/7 a copy of which is held by your Rights of Way Department regarding paths Wellington 14 and 26, and can be provided. Council action per conference has yet to take place, and these paths are slowly being lost to development. But Council has now completed its computerisation of the definitive map and could raise a layer showing these unrecorded paths, along with the reasons not shown, enabling your planners to take their existence into account, and assume that they exist unless and until proved otherwise, and parishes to likewise have access to this information so that they may consider whether or not the reason for rejection was valid and to bring those paths back into use. This would comply both with your motto to preserve our heritage, and with your stated intention to be keen to make information you hold readily available, along with the conference consideration of this issue. So would Council undertake to do this, or if not, change its motto?

2 Question from Ms Nicola Goodwin, Hereford

Since the closure of the pool teachers and coaches have found it impossible to give children the standard of swimming coaching that they deserve, the number of badges completed by children has almost halved since the pool was closed (from 212 to 108) and the health and the safety of children using the St Martin's pool has been compromised on numerous occasions. The amount of time available for the Hereford public to swim has been dramatically cut and both Hereford Triathlon Club and Hereford Swimming Club have seen members leave the county due to the lack of pool time available. I would like cabinet to ask to view CCTV of the St Martin's pool between 0930 and 1000 on Friday January 23 when you will see almost 60 pupils from the Kielder Unit forced into half the main pool with no space to improve their swimming, up to 5 fast swimmers unable to swim at their regular speed as the lane they were pushed into had no space for overtaking and the remaining 16 plus recreational swimmers packed into the remaining lane like sardines. The safety of all of those swimmers was at risk and this is at a time advertised on Halo's website and in their promotional material as 'public swimming.

2 *Will the council please consider reopening the LEA pool in Hinton with immediate effect to ensure the safety of Herefordshire's schoolchildren and the general public?*

3. Question from Mr Iain Nunn, Belmont, Hereford

3 *Please would the Council please consider re-opening the LEA Pool in Hinton because:*

- a: the structure of the Leisure Pool has proven to be completely unsuitable for teaching young children to swim;*
- b: the amount of time available on the current timetable for Public Swimming is just not acceptable. The sessions that are available are too restrictive, and at times dangerous due to the large number of swimmers (of all abilities) being restricted to lane swimming;*
- c: more people should be encouraged to swim and take exercise to combat obesity, heart problems etc. etc., all of which puts a severe strain on our Health System;*
- d: the population of Hereford/Herefordshire is continuing to grow; and*
- e: athletes from Hereford are now looking elsewhere to train, possibly even moving away or just giving up due to this closure.*

I hope you will vote favourably on this very important issue.

4. Question from Mr Steve Grist, Chairman, Herefordshire Association of School Governors

I can still remember the feeling, at age five years, of slipping under the surface of the River Roding. I can still see my father diving into the river, fully clothed, dragging me to the surface and emptying my lungs of water. A year later I nearly drowned in the sea and again my father pulled me out of the waves. By the age of six years I was terrified of rivers, the sea and any expanse of open water. My father was, understandably totally fed up with pulling me out of those expanses of water, half drowned. The remedy was quite clear, that being that I should attend the LEA swimming pool to learn to swim.

It was a very cold summer and the LEA pool was an open pool. I shivered for six weeks gradually developing the confidence to move away from the side of the pool. Then I took a few strokes, then I swam..... and at the end of the summer holiday I was able to swim three hundred yards. Not only was I now able to swim and be safe around water but I developed a sense of confidence and self esteem that carried on into other areas of sport and learning.

It is essential that the children of Herefordshire have the same access to a swimming pool that I had. The Hereford Leisure Pool does not meet the requirements for teaching a child to swim, and I am aware that it is incumbent upon schools to teach each child to swim a minimum of twenty five metres. The majority of school governors are parents and they are adamant that their children are taught to swim from an early age. Herefordshire, after all is a County with a large river flowing through it and a number of very swift flowing tributaries. The Hereford Local Authority Pool must be re-opened, and rapidly. It provides both a life saving and educational service to our children.

4 *A recent questionnaire to school governors poses the question, how will they as governors fulfil their obligations ensuring that children are taught to swim the requisite twenty five metres. I believe that question should now be posed to Herefordshire Council, that being how do they mean to provide the facilities, the LEA pool, whereby children may be taught to swim?*

5. Question from Mr Mike Wilson, Lugwardine

On matters of procedure:

5.1 *In a recent request to the Standards Committee, for review of an Assessment sub-committee decision, the Review sub-committee failed to comply with the timescale laid down in the Act of Parliament, namely 3 months. What action has been taken for this breach of the Law and what actions have been taken to ensure it does not happen in the future?*

5.2 *The Standards Board for England (SBE) in its document on Local Assessment of Complaints states that Standards Committees are to develop Assessment Criteria, which are to be available to the public. Are these in existence and where may they be found? A search-engine search of the website failed to produce them.*

5.3 *In the complaint at question 5.1, the Standards Committee's decision notices contained errors of fact (again) and also stated that evidence was not submitted. The document at question 2 clearly shows the task of the sub-committees to be to consider if there was a POTENTIAL breach of the Code of Conduct. To be requiring evidence at this stage is premature and implies the committees are making findings without the full evidence. To quote the document "The assessment and review sub-committees make no findings of fact". If this is the case were the decisions valid and are the sub-committees carrying out the task for which they were set up or are they exceeding their remit?*

5.4 *Why is the Standards Committee exempt from any form of scrutiny and apparently answerable to no one?*

6 Question from Mr Bob Clay, Hereford

- 6.1 Will the Cabinet Member Corporate and Customer Services and Human Resources now publish the legal advice that the Cabinet rely on when refuting the opinion of the House of Commons library and Paul Keetch MP, the parliamentary sponsor of the Hereford Markets Act 2003, that “the Act does not require the council to build a new market”?
- 6.2 Does the Council have the legal power to purchase houses within its area that have been re-possessed by financial institutions?
- 6.3 How much has been spent so far on Aylestone Park and what has been achieved so far? What is the current estimate of the time and funding required to complete the project as currently envisaged?
- 6.4 What plans does the Council have for the future use of Churchill House?
- 6.5 What representations has the Council received concerning the lack of a Community centre or any similar facility in Aylestone Ward?

7. Question from Mr Luke Moseley, Hereford

As a PE teacher in Herefordshire I am only too aware of the importance of promoting healthy lifestyles for our young people. Can the committee explain how they will ensure that the loss of pool time for young people/schools will **not** have an adverse effect on the number of young people learning to swim (as evidenced by the greater than 50% reduction in the number of swimming badges gained by the young people of Herefordshire since the closure of the LEA pool)?

8. Question from Mr Peter Crowther, Hereford

How can the council not consider reopening the Local Education Authority pool after the quality of children's teaching has substantially decreased since its closure." This is clearly evident from the fact that the amount of swimming badges completed by schoolchildren in Herefordshire has dropped from 212 badges per year to 108 per year since the pool was closed.

9. Question from Mrs Uta Clay, Hereford

- 9 What consultation took place with service users and carers in relation to the proposed amalgamation of the two respite units for Learning Disabled adults? Will the effect of this amalgamation be that the availability of respite will be reduced?

10. Question from Ms Barbara Evans, Kings Thorn, Hereford

10 Does responsibility for planning all bus services that will access the Edgar Street Grid transport hub rest with the County Council or the E.S.G. company?

11. Question from Ms Rebecca Gill, Hereford

I was very disappointed to learn that the LEA pool has not re-opened. I have always taken my 4 year old twins swimming and we are now feeling the impact of the closure of the LEA pool as I am finding the public baths often inaccessible because they are closed due to swimming lessons or galas. I try to take them swimming in the week as at weekends it is usually full of young people who are often boisterous and their behaviour and bad language is upsetting to my twins.

- 11.1 Why can't the LEA pool reopen for school use which would then free up the public baths for the general public?
- 11.2 People are having to take their families to Leominster, do you not agree then that Hereford is not providing enough public swimming time for them and do you not agree that Hereford is losing valuable income?
- 11.3 The Council is failing in its duty to provide adequate swimming for my children along with other members of the public, do you not agree that because of the increased school use and decreased public use, we are now being denied the right as citizens and taxpayers of Hereford to accessible public swimming sessions?

REVIEW OF HEREFORDSHIRE COUNCIL CONSTITUTION

Report By: Assistant Chief Executive - Legal and Democratic

Wards Affected

County-Wide

Purpose

- 1 To inform Council of the process for reviewing the Council's constitution.

Reasons

- 2 All Councils are required by law to prepare and keep up to date a constitution that explains how the Council makes decisions and the procedures that are followed.
- 3 Council is requested to note the report.

Considerations

- 4 The Constitution is the Council's foremost document which sets out how the Council operates, how decisions are made and the procedures which are followed to make sure they are efficient, transparent and accountable. Whilst many aspects of the Constitution are required by law, the Council does have discretion over other processes. It has been recognised that due to a number of drivers for change (including changes to national legislation, the revised Code of Corporate Governance and Council's express wish that its processes and protocols are effective, appropriate clear, and enable effective participation) the Constitution requires a thorough revision to ensure its relevance and robustness, whilst also ensuring that it is in line with, and enable the delivery of the Council's ambitions.
- 5 To enable an independent revision of the Constitution, Inlogov has been appointed to work with the authority to undertake this review. As a well regarded local government focussed organisation, Inlogov is well placed to draw on existing best practice, analyse views from the authority and ensure that the wider context around local government is considered in the drafting of a revised constitution.
- 6 The following stages of development have been identified (December 2008 – May 2009)
 - Undertaking a comprehensive comparative study of Constitutions from relevant authorities
 - Conducting interviews with relevant elected members, officers and related stakeholders and reviewing documentation in light of these interviews

Further information on the subject of this report is available from Alan McLaughlin, Assistant Chief Executive, (Legal and Democratic) on (01432) 260200

- Development of a draft modular constitution for discussion incorporating alternative models of best constitutional practice
- Refinement of draft constitution
- Technical and legal check
- To propose the adoption of a revised constitution to Annual Meeting of Council on 22 May 2009

Legal Implications

- 7 All councils are required by law to prepare and keep up to date a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to make sure that they are efficient, transparent and accountable.

Financial Implications

- 8 The work can be resourced from within existing budgets.

RECOMMENDATION

THAT: Council note the process which will support the review of the Constitution.

REPORT OF THE MEETINGS OF CABINET**HELD ON 16 OCTOBER, 20 NOVEMBER, 18 DECEMBER 2008
AND 22 JANUARY 2009**

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 None were considered during the time period covered by this report

2. NOTICES OF MOTION

2.1 Cabinet considered no motions to Council during the time period 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 considered this item as an urgent key decision, as defined in the constitution. This report outlined the award of £1.1m to Herefordshire Council from the Department for Children, Schools and Families and sought approval to accept the funding to be used to increase broadband width to Herefordshire schools, which was given by the Cabinet Member.

**4. CORPORATE STRATEGY AND FINANCE
Chairman of Cabinet – Councillor RJ Phillips****Report on Decisions Taken**

4.1 **Proposal and Action Plan to Address the Sustainable Communities Act 2007 –** Cabinet considered a report which provided an update on the Sustainable Communities Act 2007. Cabinet agreed to accept the invitation from the Secretary of State for Communities and Local Government to submit proposals under section 2(1) of the Sustainable Communities Act and further approved the commencement of a local process for identifying the proposals for submission to the ‘Selector’. A briefing note would be circulated to all Members which identified any potential proposals for submission.

4.2 **Amey Service Delivery Review –** Cabinet considered a report which sought agreement to conclude the service delivery review, which, following negotiations have secured commitment for Amey to key principles which would achieve the objectives of a minimum of £1million savings per annum and improved service delivery. The principles outlined in the report were agreed by Cabinet and it was further agreed that the detailed negotiations be concluded under the authority of the

Chief Executive. Cabinet agreed that the staff in the scope of the review (as identified in the report) be given formal notification of a potential TUPE transfer.

- 4.3 Herefordshire Partnership Governance Review** – The report informed Cabinet of the outcome of the Herefordshire Partnership Governance Review and outlined the impact of the new structure on performance management and achievement of outcomes for the local community. Whilst Cabinet noted the content of the report, it was requested that Herefordshire Partnership clarify the role of elected members within the structure and that a review of the effectiveness of the new governance structure be undertaken within two years.

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

Report on Decisions Taken

- 5.1 Call in of Cabinet Decision on Swimming Provision for Primary Schools in Hereford City** – Cabinet considered the recommendations made by the Children's Services Scrutiny Committee in relation to the call in of the Key Decision on swimming provision for primary schools in and around Hereford City and the future of the LEA swimming pool. Cabinet reconfirmed that the LEA swimming pool was not to be reopened and that alternative provision from September 2008 would be offered at Hereford Leisure Pool and that this provision by HALO be monitored to ensure that the needs of schools and other users continued to be met. Cabinet confirmed the need for close collaboration and partnership working be undertaken between the Council and HALO with schools, clubs and other users of the LEA pool to ensure that available and efficient services was provided. Cabinet requested that the local community submitted a feasibility/business case to cover several years on the viability of the use of the LEA pool. Cabinet would consider a further report by Easter 2009 outlining the outcome of the process.

- 5.2 Joint Scrutiny Review of the Transition From Leaving Care to Adult Life** – Cabinet considered the response to the recommendations arising from the Joint Scrutiny Review which overlapped the responsibilities of both Children's Services and Adult Social Care portfolios. Cabinet approved the proposed response to the recommendations arising from the Joint Scrutiny Review of the Transition from Leaving Care to Adult Life and agreed that a report be submitted to Cabinet in May 2009, detailing the actions taken on the recommendations. It was also agreed that the report considered in May 2009 would encompass a more holistic approach to the health and environment culture.

- 5.3 OFSTED APA Outcomes for Children's Services 2008** – Cabinet received a formal report on the outcome of the recent 2008 Annual Performance Assessment (APA) inspection of Children's Services. Members noted the content of the report and commended staff and partners on the progress made during the year. The Cabinet noted the areas for improvement for the coming year, in particular safeguarding and the preparation for the forthcoming anticipated CAA inspection in 2009.

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

Report on Decisions Taken

- 6.1 Comprehensive Equality Policy and Associated Equality Schemes** – Cabinet considered a report that provided progress on the work the Council had done with

regard to its Comprehensive Equality Policy and Associated Equality Schemes. It was highlighted that the Council had received recognition at both regional and national level and that Shropshire County Council had visited the authority to receive training from Herefordshire Council Officers. Members noted that the MeWe film on Race Equality had been used for the training of officers and Members and would be circulated to all schools. The external assessment on the Council's Comprehensive Equality Scheme was expected to be confirmed for February 2009. The Cabinet noted progress made in implementing the Comprehensive Equality Policy and associated schemes. It endorsed the continued work of the Corporate Diversity Team and the implementation of the Equality Standard and the transition to the new Equality Framework. The Cabinet confirmed the importance of maintaining progress and commitment to equality schemes in ensuring compliance

- 6.2 Data Quality – Six Month Update –** Cabinet was updated on progress against the data quality action plan, as was required by the Council's data quality policy. The report outlined that demonstrable progress had been made with the action plan, which had been confirmed by the preliminary findings of the Audit Commission's 2008 audit. It was recognised that not all targets for the six months had been met and more attention was being given by all Directorates to particular actions detailed within the report. The Cabinet noted the progress made against the data quality action plan and agreed that the plan be fully completed by the time of the annual review.
- 6.3 Integrated Corporate Performance Report for April to September 2008 –** Cabinet received a report outlining the performance for the first six months of 2008-2009 against the Corporate Plan 2008-11 and national performance indicators used externally to measure the Council's performance, which also took into account the separate but complementary financial performance report, risk and progress against the action plans produced following the Crookall review. Cabinet noted that the appendices to the report had been enhanced to include additional information so as to provide more insight into issues. The Cabinet considered the Council's performance to the end of September and the measures that were being taken, where necessary to improve it. The Cabinet additionally noted progress in implementing the action plans produced following the Crookall review.
- 6.4 Ombudsman Letter and Complaints and Compliments Monitoring 2007/08 –** Cabinet considered and noted a report which informed Members of the Ombudsman Annual Letter 2007/08 and the figures of complaints recorded and determined by the Local Government Ombudsman and the Complaints Panel for the year ending 31 March 2008. Members were informed that the Ombudsman had commented favourably on several aspects of the Council's complaints handling arrangements. Cabinet was also updated on other governance matters relating to the Standards Committee.
- 6.5 Council Employee Opinion Survey 2008 –** The Cabinet received a report which provided feedback on the Council's eighth Council Employee Opinion Survey which took place throughout October and into November 2008. Members noted the decision of the Joint Management Team that the key corporate themes for action would be captured and addressed in the action plan of the Organisational Development strategy for 2009/2010, that the model adopted by the Resources Directorate for communications and action planning be implemented by all Directorates, and that all Directorates needed to take action to address employee feedback in those areas which showed significant deterioration in responses from the 2007 survey.

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

Report on Decisions Taken

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

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

Report on Decisions Taken

- 8.1 **West Midlands Regional Spatial Strategy Phase Two Revision** – Cabinet received a report which sought to determine a response to the update Phase Two Revision of the Regional Spatial Strategy in light of the proposed revised housing allocations published on 7 October 2008. Cabinet re-affirmed its previous representations made in May 2008 to the Panel Secretary confirming its general support for the Phase Two Revision with the reservations as previously set out. Cabinet agreed that it did not object to the allocation of 1,200 additional dwellings in the rural areas during the plan period to 2026 as proposed in the Nathaniel Lichfield study, and expressed concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region might have adverse consequences for the overall regional strategy.
- 8.2 **Annual Monitoring Report 2007-2008** – Cabinet considered and approved the Annual Monitoring Report 2007-2008 for submission to the Secretary of State in accordance with the requirement of the Planning and Compulsory Purchase Act 2004.
- 8.3 **Local Development Scheme** – The approval to the revised Local Development Scheme (LDS) was sought from Cabinet. The report outlined the need for the Council's LDS, a statutory requirement of the Planning and Compulsory Purchase Act 2004, to be up to date and stated that it was a requirement placed on local planning authorities to publish a statement of how their forward planning work would be organised over a three year period. Cabinet approved the revised Local Development Scheme which would take effect from 28 February 2009.
- 8.4 **Herefordshire and Worcestershire Waste Arrangements** – The Cabinet considered an exempt report on proposals brought forward by the Herefordshire and Worcestershire Councils Waste Disposal Contractors. Cabinet agreed, without prejudice to the outcome of the current review of the Joint Municipal Strategy and any future variations of the Waste Management Contract, and noting that similar approvals had been given by Worcestershire County Council, to the recommendations.

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 Data Centre / Modern Records Unit (MRU) Relocation and Corporate ICT Strategy Update – The Cabinet agreed to the relocation of the Thorn Office Data centre and the Modern Records Units (currently at Merchants House and Blueschool House) to a co-located facility at Wallbrook Court, Rotherwas and approval was given to begin work on the relocation project and to the funding of the project. Cabinet additionally noted the update and follow-up actions from the Corporate ICT strategy.

10.2 Herefordshire Connects Programme – Cabinet considered two reports on this subject area since the last Council meeting. The first report provided an update on the progress of the Herefordshire Connects evaluation of ICT system solutions, which had been managed in compliance with the Council's Procurement Policy and recommended the consideration of a new system for Environment and Planning. Cabinet approved Civica as the technology system for an integrated solution for Environment and Planning and agreed for Joint Management Team (JMT) to conclude negotiations with Deloitte (within the Framework Agreement between the Council and Deloitte) and to plan and commence the implementation of the Civica system by November 2008. The second report considered the recommendations of new systems for an Integrated Support Services (back office) and a new system for Performance Management and Risk Management together with a toolset to integrate systems. Cabinet approved Afresso as the preferred technology system for Integrated Support Services (ISS), approved Microsoft as the solution for a toolset for integration and approved Inphase as the technology system for Performance Management and Risk Management. Approval was additionally given for the Interim Deputy Chief Executive to have delegated responsibility to conclude negotiations with Deloitte (within the Framework Agreement between the Council and Deloitte), to plan and commence implementation of the systems by January 2009. The third phase planned for the new Social Care system, Core Logic, was approved by Cabinet.

**11. RESOURCES
Cabinet Member - Councillor H Bramer**

Report on Decisions Taken

11.1 Budget Monitoring 2008/09 – Cabinet considered and noted a report on the Council's performance against revenue and capital budgets as at 30 September 2008 which provided an indication of the estimated outturn for 2008/09 financial year. The report additionally included the numbers and amounts written off for individual debts exceeding £1,000 for the period 1 April – 30 September 2008.

**12. SOCIAL CARE ADULTS
Cabinet Member Councillor LO Barnett**

Report on Decisions Taken

12.1 Joint Scrutiny Review of the Transition From Leaving Care to Adult Life – see paragraph 5.2.

12.2 Scrutiny Review of Day Services for Older People – Cabinet considered the response to the recommendations arising from the scrutiny review of day services for older people. The Review Group produced a number of specific recommendations

aimed at improving day care provision for older people. Cabinet welcomed the principles underlying the recommendations however requested that the action list be reframed to provide clarity of actions and outcomes required, which would be considered by Cabinet at a future meeting. It was further stated that service configuration of specific day care centres would be subject to a report to a future meeting of Cabinet, following consultation with staff and service users, with a report on day care contracts proposed for consideration by Cabinet during March 2009.

**COUNCILLOR RJ PHILLIPS
LEADER OF THE COUNCIL**

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 14 November 2008 and 9 January 2009

Membership:

Councillors: TW Hunt (Chairman), RV Stockton (Vice-Chairman), ACR Chappell, PGH Cutter, Mrs H Davies, GFM Dawe, DW Greenow, Mrs KS Guthrie, JW Hope, B Hunt, G Lucas, RI Matthews, Mrs PM Morgan, Mrs 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 were applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees were 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) DCNW2008/1807/F - retrospective application for change of use (temporary) of land from agricultural to a single-family travellers site including the stationing of one caravan and ancillary structure at Lower Field, Ash Farm, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ - refused contrary to recommendation;
 - (b) DCCE2008/2464/L - Internal Repairs And Improvements To A Listed Building. Castle Cliffe, 14-16 Quay Street, Hereford, Herefordshire, HR1 2NH – approved as recommended;
 - (c) DCSW2008/2020/O - provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages, Etna, Orcop Hill, Much Dewchurch, Herefordshire, HR2 8EW – refused as recommended.
 - (d) DCCW2008/2101/F - variation of condition 1 of planning permission DCCW2007/1229/F to allow for Dot.Com operations on Sundays between the hours of 9.00 am and 4.30 pm at Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS - approved as recommended with additional conditions regarding access and hours of operation.
 - (e) DCNE2008/2955/F - proposed subdivision of dwelling into two units with two additional car parking spaces 2 Stanley Hill Court, Stanley Hill, Bosbury, Ledbury, Herefordshire, HR8 1HE – 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 24th September, 22nd October, 19th November & 17th December, 2008

- applications approved as recommended – 14
- applications refused as recommended – 1
- applications minded to approve or refuse contrary to recommendation - 3
- applications deferred for further information or site visit - 2
- number of public speakers – 1 parish council; 3 objector and 5 supporters
- appeals - 6 appeals received, 12 dismissed, 4 upheld and 2 withdrawn

(b) Central Area Planning Sub-Committee meetings held on 10th October, 5th November & 13th December, 2008

- applications approved as recommended - 6
- applications refused as recommended - 0
- applications deferred for further information or site inspection – 3
- applications minded to approve contrary to recommendation -1 (not referred to Planning Committee)
- applications minded to refuse approve contrary to recommendation - 2 (referred to Planning Committee)
- applications deferred for further information/site inspection – 4
- applications withdrawn - 0
- number of public speakers – 7 parish council; 13 objectors and 9 supporters
- appeals - 4 appeals received, 2 dismissed, 5 upheld and 1 withdrawn

(c) Southern Area Planning Sub-Committee meetings held on 15th October, 12th November & 10th December, 2008

- applications approved as recommended - 10
- applications refused as recommended - 1
- applications minded to approve - 2 (1 referred to Planning Committee)
- applications minded to refuse 0
- applications deferred for further information/site inspection – 3
- number of public speakers – 1 parish council, 4 objectors and 5 supporters
- appeals – 5 appeals received, 3 dismissed 1 withdrawn and 5 upheld.

WEST MIDLANDS REGIONAL SPATIAL STRATEGY: PHASE TWO REVISION

3. The Committee has looked at a response to the updated Phase Two Revision of the Regional Spatial Strategy (RSS), in the light of the proposed revised housing allocations published on 7 October 2008. The RSS was issued by the Government in 2004 and was followed by a phased review. The first phase, which dealt with the Black Country, had been completed and the second phase had reached an

advanced stage. It deals with housing, employment, the role of town centres, waste and some aspects of transport. The third and final phase began in November 2007 and covers rural services, gypsy and traveller sites, culture, minerals and environment policies. The Regional Assembly has worked closely with regional stakeholders in preparing the Phase Two Revision, and strategic planning authorities such as Herefordshire Council had submitted advice to the Assembly in 2006. Consultation was undertaken on Spatial Options which were considered by Cabinet in February 2007. A preferred option was approved by the Assembly's Regional Planning Partnership in October, and submitted to the Secretary of State in December. It was reported to Planning Committee on 23 May 2008 and considered by Cabinet on 29 May 2008. Cabinet offered general support to the Revisions, subject to a number of issues regarding the infrastructure requirements of Hereford if growth was to be achieved; the peripheral expansion of market towns, housing targets and growth; retail floorspace requirements; office development; waste policies and transportation issues.

4. Throughout the process of preparing the revisions, the Government had been concerned about the need for a larger amount of affordable housing. It had taken advice from the National Housing and Planning and Advice Unit (NHPAU). The NHPAU had studied population and household formation trends at national and regional levels and had concluded that more housing was required. The Regional Office for the West Midlands commissioned a study by Nathaniel Lichfield Partners (NLP) into the options for delivering a higher housing allocation and the impact that this would have within the regions. The NLP report has concluded that it is possible to deliver more housing without undermining the urban renaissance strategy for the Region. The examination in public into the Phase 2 Revision will not now commence until 28 April 2009 and the proposals include an additional 1,200 dwellings for Herefordshire to be allocated to the rural areas. Consultees were given until 8 December 2008 to finalise their comments on the Phase 2 Revisions overall. The Phase 2 Revisions, included the revised figures and have effectively formed the starting point for the Council's Local Development Framework. and is therefore essential to define the Council's position on the RSS document and the NLP study to establish a basis for the Core Strategy spatial options.
5. The Committee and the Officers have some concerns about the proposed distribution of the increased housing allocation between Hereford and the rest of the County. The Phase 2 Revision have introduced a new requirement that half of the new housing should be directed to Hereford. In effect this equates to a significant increase in rates of development in Hereford, being some 54% on the Herefordshire Unitary Development Plan rates and a 50% increase on what had been achieved in the recent past. Elsewhere in the County the position has reversed with the rate of development proposed to fall. Past completion levels and UDP rates of development have been significantly higher than those being proposed. This has raised the issue about whether sufficient provision would be made outside the City, bearing in mind the need to make provision for the growth of the market towns and sustainable settlements in the wider rural areas. Although the potential additional of 1,200 houses to the rural was not objected to, the main concern for Herefordshire remained the infrastructure necessary to support the proposed level of housing growth.
6. It has therefore been recommended to the Cabinet Member (Environment and Strategic Housing) that the following representations be made:
 - (i) to re-affirm previous representations made in May 2008 to confirm general support for the Phase Two Revision with the reservations already set out;
 - (ii) not to object to the allocation of 1,200 additional dwellings in the rural areas

during the plan period to 2026 as proposed in the Nathaniel Lichfield Study; and,

- (iii) to express concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region may have adverse consequences for the overall regional strategy.

ANNUAL MONITORING REPORT 2007 - 2008

7. The Planning and Compulsory Purchase Act 2004 has introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's are based on the period from 1st April to 31st March each year and have to be submitted to the Secretary of State by no later than the following 31st December. AMR' are required to assess the impact of the Councils planning policies and framework
8. The key findings have revealed the following:-
 - (a) housing – between 01-02 and 04-05 completions were below the rate anticipated. Recent releases of UDP sites had resulted in an increase in the rate of housing completions in the County with 829 dwellings being completed in 2007-8 (gross). The levels of housing supply in the County had suggested that the UDP housing target was likely to be achieved by 2011, however, the downturn in the housing market may well impact upon the rates of completions in the next few years. The percentage of housing completions on previously developed or brownfield land at 73% (606) had again exceeded regional and national targets. In terms of affordable housing, 141 units were completed in 07/08, an increase over the previous year (120 units). Moreover, the number of planning permissions for affordable housing and such housing likely to be delivered on allocated UDP sites suggested that the rate of completions over the remaining UDP period would increase. In addition, the preparation of the Local Development Framework provided an opportunity to review the effectiveness of the UDP affordable housing policies;
 - (b) employment - the amount of land developed for employment uses over the monitoring period was 8.66ha ha, significantly less than the almost 25ha developed during 2006-7 but still above the average recorded since the 1980's. Around 59% of the completions in the year were located on previously developed (brownfield) land; and
 - (c) in the remaining areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally demonstrated that targets were being met or that there had been progress towards meeting targets or monitoring requirements during the 07-08 monitoring period.
9. The Annual Monitoring Report 2007-8 was endorsed and commended to the Cabinet Member (Environment and Strategic Housing) for submission to Cabinet.

POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

10. Comments have been received about the draft Supplementary Planning Document (SPD) which had been prepared to provide planning guidance about polytunnel development. The SPD is aimed supplementing and expanding upon the policies e contained within the Herefordshire Unitary Development Plan and the Local Development Framework. There has been a considerable amount of consultation

and information gathering since the process started In July 2007 when the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders were sought about the form that the document should take. This was followed by structured consultation events with representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process followed the Council's Statement of Community Involvement and the comments which had been received have helped to shape the draft SPD. The draft SPD was endorsed by the Committee in April and approved for consultation purposes by Cabinet in June. Consultation took place from 26th June to 8th August 2008.

11. The SPD is aimed at assisting all those involved about the requirements and issues to be addressed in any polytunnel development through:
 - helping to clarify the forms of development that would require planning permission;
 - setting out the planning issues associated with the erection of polytunnels;
 - setting out the UDP policies that will need to be addressed;
 - make clear the additional information that would need to accompany an application; and
 - set out the Council's pre-application planning guidance.

12. The draft SPD had prompted many and varied comments from parish councils, residents groups, growers, statutory bodies, support groups, environmental groups, researchers and the local public. Many comments had been made with specific reference and knowledge of current local situations. All written comments received had been summarised along with a Councils response. The summary has been included in a full Consultation Statement published with the adopted SPD and an accompanying Sustainability Appraisal. The main changes proposed are:
 - redraft Section 2 – Planning Context, to simplify advise and interpretation of when development requires planning permission;
 - update to use latest Defra statistics on soft fruit production;
 - firm up requirements for applications to consider all/associated development of a polytunnel proposal (whole farm plans);
 - redraft section on surface water/water quality/pollution prevention to encourage sustainable drainage systems;
 - provide further clarification on table top growing;
 - clarify the protection to be afforded to AONBs;
 - clarify guidance related to noise and buffer zones; and
 - re-order guidelines

13. The Cabinet Member (Environment and Strategic Housing) has been asked to agree the changes to the draft Poly tunnels SPD and to the document being adopted as part of the Council's Local Development Framework.

DEVELOPMENT CONTROL: HALF ANNUAL REPORT FOR 2008/09

14. The Committee received the Half-Annual report for 2008/09 and expressed its appreciation to the Planning Staff for efficient way in which they had dealt with planning applications during that time.

LOCAL DEVELOPMENT SCHEME

15. A requirements of the Planning and Compulsory Purchase Act 2004 is that Local Planning Authorities have to publish a Local Development Scheme (LDS) setting out how their forward planning work would be organised over a three-year period. The first Scheme for Herefordshire came into effect on 1st January 2005 and has been reviewed each year and is linked in to the completion of the Annual Monitoring Report. The LDS has been reviewed in response to a number of factors and to reflect the following :-

- the need to roll the Scheme forward a year and include revised proposals for local development documents, taking account of advice from Government Office (GO) and the Planning Inspectorate (PINS) as experience of implementing the new system is accrued;
- the adoption of the Unitary Development Plan (UDP) in March 2007, and the need to “save” those policies which will need to continue in effect until the new Local Development Framework was completed;
- the need to address the emerging provisions in the current Phase 2 review of the Regional Spatial Strategy (RSS), notably new housing development for the period up to 2026, responding to the higher level of house building required by Government. There is also continuing recognition in the RSS of the role of Hereford as a “settlement of significant development” (replacing the previous designation of Hereford in the RSS as one of five sub-regional foci for development);
- the need to take forward the partnership for growth with Government set out in the identification of Hereford as a ‘New Growth Point’, by addressing the delivery of housing growth in and around the City. The levels of growth will be confirmed through the current RSS review process;
- changes brought about by the revised Local Development Regulations (in June 2008) and the new Planning Act 2008 (in November 2008) especially with regard to the revised status of Supplementary Planning Guidance (which no longer forms part of the Local Development Scheme), the potential introduction of the Community Infrastructure Levy and new statutory requirements regarding good design and policies to combat climate change;
- the increased emphasis being placed by GO and PINS on the development of a “sound” evidence base to underpin the LDF. Considerable work is underway across a range of topics in this regard, and this must be completed or progressed to certain stages in order to support the development of various LDF policy documents.

16. The revised LDS included the following main amendments :-

- provision for just three Development Plan Documents: the Core Strategy, a Hereford Area Plan and a Market Towns and Rural Areas Plan;

- the Core Strategy is moving forward following the “Developing Options” consultation in the summer of 2008, with a view to preparing the submission document during 2009/10. Its timetable has had to be revised to take account of the delay to the Regional Spatial Strategy – which will not reach Examination in Public stage until April to June 2009 and will not be adopted before mid 2010. It is currently anticipated that the Core Strategy after that, during 2011.
 - Hereford Area Plan will be required for Hereford and its immediate environs, taking forward the City’s Growth Point status and RSS proposals for the City in an integrated manner and including the delivery of housing, employment and retail growth in a balanced fashion. It is intended to bring this forward for adoption following the adoption of the Core Strategy.
 - an equivalent allocations document will be required for the rest of the County and therefore a Market Towns and Rural Areas Plan is proposed. This will be the third DPD in the sequence, also to be adopted after the Core Strategy and the Hereford Area Plan, thereby recognising the needs created by the focus of growth on Hereford.
 - in the light of the above the proposed target dates for adoption of the three DPDs are as follows:
 1. Core Strategy – target adoption date 2011
 2. Hereford Area Plan – target adoption date 2012
 3. Market Towns and Rural Areas Plan – target adoption date 2013
 - following the Planning Act 2008, SPDs are no longer included in the Local Development Scheme. This does not mean that all work on SPDs will cease. Indeed it is proposed that a new Supplementary Planning Document is introduced (currently with the working title of a Design Code for Herefordshire) to update the Design and Development Requirements SPG 2004 and bring it up to date with the latest guidance on climate change, design and the relationship to Parish Plans and Village Design Statements. This will form an integral part of the “Place Shaping” agenda at the site-specific level. It is also anticipated that, once the associated regulations have been published, work can also commence on a Community Infrastructure Levy Charging Schedule with the intention that it be adopted as soon as possible after the Core Strategy is adopted in 2011.
17. It has been recommended to the Cabinet Member (Environment and Strategic Housing) that the Local Development Scheme should be endorsed and commended to Cabinet.

**T.W. HUNT
CHAIRMAN
PLANNING COMMITTEE**

BACKGROUND PAPERS Agendas for the meetings of the Planning Committee held on 14 November and 9 January, 2009.

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 16 January 2009

Membership:

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

NEW INDEPENDENT MEMBER: MRS ISABEL FOX

1. We welcomed our newly appointed independent member, Mrs Isabel Fox, to her first Standards Committee meeting. Her skills and expertise have already been put to good use, chairing two Review Sub-Committees and one Assessment Sub-Committee.

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

2. 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. We are one of only six authorities selected for the pilot, which involves 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. In connection with this, Councillor Beris Williams attended a Kington Town Council meeting, and Mr David Stevens visited Eardisland Parish Council, to talk informally about the local filter and assessment process, and explain our role.
3. As part of the project, parish and town councillors are being asked questions designed to gauge their understanding of the new Code of Conduct, of the Standards Committee's and the Monitoring Officer's roles, and of the new local filter process. This will help us to ascertain whether they would benefit from additional training.
4. The Herefordshire Association of Local Councils (HALC) and the Assistant Chief Executive (Legal and Democratic), in partnership with the Committee, are producing guidance leaflets for Town and Parish Councils on the planning process, and on the Code of Conduct and the role of the Standards Committee. The Assistant Chief Executive (Legal and Democratic) and the HALC Chief Executive will introduce the leaflets at an informal Chairs and Clerks training evening on 17 February 2009. Some of our members will also be present to assist with training and to answer questions.

GIFTS AND HOSPITALITY CODE

5. We considered a proposed Gifts and Hospitality Code, which has been devised as part of the wider review of the Constitution, and made a number of amendments. The Code now requires approval by Council.

RECOMMENDATION: that the Code on Gifts and Hospitality (Appendix 1 to this report) be adopted by Council, for inclusion in the Constitution.

MONITORING OFFICERS' MEETING

6. The Assistant Chief Executive (Legal and Democratic) attended a meeting for Monitoring Officers, at the SBE headquarters in Manchester on 12 January 2009. These meetings take place quarterly, and are a forum for the SBE to learn about issues that are affecting standards committees, particularly in relation to operating the local filter. They are proving to be extremely useful, and we are grateful to Mr McLaughlin for his contribution.
7. Mr McLaughlin reported to us on problems experienced by some local authorities when applying mediation as an alternative action. One Monitoring Officer reported that mediation had taken two-and-a-half years to resolve. This is not an example we are keen to follow.
8. In addition, Monitoring Officers discussed the possibility of asking complainants what outcome they would like to achieve from the complaints process, and what alternative actions would be appropriate, if an Assessment or Review Sub-Committee wished to consider this route. We feel that there is merit in amending our complaints form to accommodate this, because it supports the aims of transparency and restorative justice, and on occasion may mean that a complaint can be dealt with more quickly and simply. At the same time, of course, it has to be clear that a complainant is not by these means given undue influence in the process; that must remain a matter for us.

PUBLISHING THE DECISIONS OF ASSESSMENT AND REVIEW SUB-COMMITTEES

9. The new rules under Regulation 8 of the Standards Committees (England) Regulations 2008 state that a written summary must be produced after an Assessment or Review Sub-Committee has considered a complaint. The summary must include the main points considered, the conclusions drawn, and the reasons for the conclusion. It must also be available for public inspection for six years. We shall be publishing the summaries in the form of a decision notice on the Standards and Ethics pages of the Council's website, and we shall also keep a public register which will be available for inspection.
10. We have agreed that, in some cases, we will only publish the complaint reference number, and not the name of the person complained about. We would normally do this if no further action were to be taken against the councillor concerned, or if revealing the name might prohibit or hinder the fairness of an investigation.

EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

11. 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. To date, the Assessment Sub-Committee has considered eighteen complaints, and the Review Sub-Committee has considered two. The start of 2009 has been particularly busy, with the Sub-Committees having met six times over a two-week period in January, including three adjournments to obtain further information. This is an additional call on resources, but we remain convinced that the local handling of cases is a great improvement on the previous cumbersome process whereby all complaints automatically went to the Standards Board for England. It allows knowledge of the local circumstances to be brought to bear, and it means that complaints without substance go no further.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 16 January 2009.

Code on gifts and hospitality

- This Code covers any gift, favour or hospitality that is offered or given to you in your capacity as a Member whether you accept it or not. It is not intended to cover the ordinary social relationships which people enjoy with friends, provided that the friend is not applying to the Council for anything, seeking to do business with the Council, or involved in a business relationship with the Council.
- As a Member you must declare in writing to the Assistant Chief Executive – Legal and Democratic within 28 days of being offered or receiving it any gift or hospitality. Your declaration will be recorded in a register which will set out the date of declaration, the date on which you received the hospitality, your name, the nature of the gift or hospitality, and if a gift, what was done with it. The register will be countersigned by the Assistant Chief Executive - Legal and Democratic.
- The Members' Code of Conduct at Appendix 12, Part 2 (1) (a) relates to offers (whether accepted or declined) of gifts over £25. Where an offer is made to a group of Members which in total is the equivalent of £25 or more in respect of each Member, a representative of the Members involved will declare that to the Assistant Chief Executive Legal and Democratic and it will be recorded in the Hospitality Register.
- Members need to be aware that the receipt of a gift or other form of hospitality might be a prejudicial interest and the rules in relation to prejudicial interests in the Code of Conduct would apply.

COUNCIL

6 FEBRUARY 2009

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meetings Held on 19 November and 10 December 2008

Membership:

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

INTEGRATED PERFORMANCE AND FINANCE REPORT

1. The Committee considered the Council's performance for the first six 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, risk and progress against the action plans produced following the Crookall review. The Committee tested several aspects of performance and noted remedial action underway.

BUDGET MONITORING 2008/09

2. The Committee noted the Council's performance against revenue and capital budgets as at 30 September 2008 and an indication of the estimated outturn for the 2008/09 financial year. It sought assurances on several aspects of expenditure.

INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES SCRUTINY REVIEW

3. The Committee approved the findings of the scrutiny review of Information and Communication Technology Services.
4. The Committee had previously completed a review of Information Communication and Technology (ICT) Services in December 2006. In response to a request from the Audit and Corporate Governance Committee the Committee revisited that review.
5. The 2008 review found that there had been some significant changes affecting ICT Services since publication of the previous review. The 2008 review identified a number of areas covered by the original recommendations where it considered the original recommendations needed to be reinforced, strengthened or indeed added to, to reflect evidence considered during the review; some areas where work to implement the action plan was simply ongoing; and other areas where the Group considered the actions had been completed.
6. The Group's recommendations to the Executive are appended. A formal response is awaited.

HEREFORDSHIRE CONNECTS – PROGRESS REPORT

7. Further to the report to Council in July the Committee received a progress report on the Herefordshire Connects Programme. The Committee sought and received assurances on the Programme's progress.

ELECTORAL REGISTRATION SERVICES

8. The Committee has considered progress on implementing the electoral registration services action plan. The Committee has noted progress and has requested a report on the management of by-elections in 2008. A representative of the electoral commission is due to attend the Committee's scheduled meeting in March 2009.

USE OF CONSULTANTS

9. The Committee has considered the use of external consultants. The Director of Resources' review established that in 2007/08 the Council had 75 contracts covering the use of consultants. The total expenditure of £984,814 represented 0.3% of the 2007/08 gross expenditure of £310 million. This was based on the definition: "Consultancy is the purchase of advice to clarify a particular situation or problem with the intention of producing focussed advice on possible options. Consultancy does not cover interim arrangements to fill existing posts or longer term contracted arrangements with the Council's partners."
10. The Committee was advised that this was considered to be a good use of resources given the comparative cost of retaining specialist staff as full time employees when those skills were only required for ad hoc projects. The use of consultants could in some circumstances also be beneficial in transferring risk.
11. The Committee was also advised that comparative data across councils for the use of consultants did not exist but it could be stated that all councils would engage consultants for specific tasks. The reasons for doing so would probably be in line with those that the review noted: a need for specialist advice; lack of in house expertise or capacity; to address the outcome of external assessments or inspections and to provide validation or challenge.

SMALLHOLDINGS ESTATE STRATEGY REVIEW

12. In May 2008 Council was informed that the Committee had received a report on the current policy for the management of the smallholdings estate and discussed it at length, recommending that there should be an overarching review undertaken by the Executive.
13. The Executive has undertaken this review and provided the Committee with an opportunity to comment during the policy review process.
14. The Committee's view was sought on the extent to which the evidence provided in the report supported the rationale for retaining the smallholdings estate in the absence of a corporate priority that required disposal to be considered. Based on the assumption that the estate was to be retained the Committee's view was also sought on a new smallholdings estate strategy covering strategic aims, objectives and outcomes and the key principles for developing and managing the smallholdings estate.
15. The Committee agreed that the evidence provided in the report to it supported the rationale for retaining the smallholdings estate in the absence of a corporate priority that required disposal to be considered. They made specific points about the principle of encouraging career progression, including length of tenancy, provision of starter units and increasing the acreage of the estate if and when appropriate; and support and development for tenants tailored to their individual needs to enhance the prospects of progression.

16. The Committee was informed that Cabinet would consider the Committee's recommendations along with comments from the National Farmers Union and the Tenant Farmers Association which were being sought.

EXTERNAL HEALTHCHECK OF THE SCRUTINY FUNCTION

17. An external healthcheck of the scrutiny function by the Leadership Centre, which is also looking at the Council's governance arrangements as a whole and Member Development, took place in November, based on the Centre for Public Scrutiny's evaluation framework. A report on the scrutiny function and implications for the future scrutiny work programme will be prepared in response to the findings of that evaluation and is expected to be considered by the Committee in March 2009.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

18. 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 19 December 2008	Adult Social Services Annual Assessment and Performance Rating 2007/08 Chief Executive of Herefordshire Housing Ltd Adult Services and Strategic Housing Performance Monitoring Revenue Budget Monitoring 2008/09 Cabinet's Response to the Joint Scrutiny Review of the Transition from	Review of Housing Allocation

	<p>Leaving Care to Adult Life</p> <p>Safeguarding Adults</p> <p>Implementation of Framework</p> <p>Partnership Agreement with Midland Heart for the Provision of Learning Disability Services</p> <p>Progress of Personalisation of Care in Herefordshire</p> <p>Restructuring of Commissioning Functions</p>	
<p>Children's Services</p> <p>18 November 2008</p> <p>8 December 2008</p>	<p>Extended Schools in Herefordshire</p> <p>Early Years in Herefordshire</p> <p>Performance Monitoring</p> <p>Domestic Abuse</p> <p>Revenue and Capital Budgets</p>	<p>Appointment of Champions</p> <p>Special Educational Needs Funding in mainstream schools</p>
<p>Community Services</p> <p>12 December 2008</p>	<p>Revenue Budget</p> <p>Directorates Performance to September 2008</p> <p>Response to Scrutiny</p> <p>Review of the Edgar Street Grid Scheme</p> <p>Hereford City Centre Regeneration Strategy Presentation</p> <p>Flavours of Herefordshire Food Festival</p>	<p>Review of Community Engagement in Herefordshire Community Safety and Drugs Partnership</p> <p>PACT Meetings</p> <p>The Charter for Herefordshire Councils</p> <p>Public Rights of Way</p>
<p>Environment</p> <p>24 November 2008</p>	<p>Revenue and Capital Budget Monitoring</p> <p>Performance Monitoring</p>	<p>Carbon Management Performance</p> <p>Energy Consumption – Street Lighting</p> <p>Service Delivery Review</p> <p>On-street Parking Scrutiny Review</p>
<p>Health</p> <p>5 December 2008</p>	<p>Hereford Hospitals NHS Trust Update</p> <p>West Midlands Ambulance Service NHS Trust update</p> <p>Herefordshire Primary Care Trust – Update</p>	<p>Falls Strategy</p> <p>Provider Services Review</p>

Strategic Monitoring Committee 17 November 2008 10 December 2008	Integrated Corporate Performance Report Budget Monitoring Herefordshire Connects Electoral Registration Services	Smallholdings Estate Strategy Review Information and Communication Technology Services – Scrutiny Review Use of Consultants

19. Issues of particular note include:

- **Adult Social Care and Strategic Housing Scrutiny Committee**

Allocation of Housing - The Committee has reviewed the allocation of housing, making a number of recommendations, as appended. It has requested that the Executive invite the Home Point Partnership to undertake a review of the Allocations Policy and the operation of Home Point with particular attention to the recommendations identified by the Committee. It has requested that the outcomes and recommendations from the Home Point Partnership Review be reported back to the Committee.

- **Children’s Services Scrutiny Committee**

Special Educational Needs (SEN) Funding to schools for pupils in mainstream schools is currently allocated based on four banded levels. Following some concern about a proposed change to the system for allocating Level 1 and 2 Banded Funding the Committee has formed a small Working Group to examine the range of delegated funding options and how the SEN/Banded funding system is meeting the needs of children and schools.

Domestic Abuse - The Committee received a report on progress made since 2006 in addressing the needs of children affected by domestic abuse in accordance with the action plan prepared following the 2005 Joint Area Review (JAR) of Children’s Services. The Committee has noted progress but called for regular update reports.

- **Community Services Scrutiny Committee**

Community engagement in the Herefordshire Community Safety and Drugs Partnership - The Committee has completed a scrutiny review of community engagement in the Herefordshire Community Safety and Drugs Partnership. The recommendations to Cabinet are appended. A formal response is awaited.

PACT (Partners and Communities Together) Meetings - The Committee has also considered a report on the operation of the PACT meetings. The Committee has recommended that a key Senior Officer is needed within the Council and its partner organisations to focus the work of the PACTs and ensure that they report in a timely fashion; that consideration should be given to restructuring the content of the meetings, with greater engagement from Town and Parish Councils; and that consideration should be given to the name of the meetings in order to make it more approachable.

Public Rights of Way (PROW) – Following a seminar arranged at the Committee's request, the Committee has considered various pressures including access to and condition of the PROW Network, Definitive Map Modification Orders and Highways Act public path orders. The Committee was informed, amongst other things, that it is likely to take over 10 years to clear the current backlog of Modification Orders. With new applications being received at a rate of 7 – 8 per year, it is probable that there will continue to be a significant number of applications awaiting determination. The Committee has recommended that the Service undertake an urgent review of the backlog of Definitive Map Modification Orders with a view to eradicating the backlog within three years.

- **Environment Scrutiny Committee**

Carbon Management - The Committee has considered progress on carbon management and in particular progress in reducing emissions to meet the Council's Nottingham Declaration target of a 20% reduction in carbon emissions by 2020 (1.25% per year); the current position in relation to fleet management of Council owned vehicles; responsibilities for reading meters in council buildings; and information in relation to the Local Area Agreement target (NI186) to reduce per capita carbon emissions by 4.9% (13.1% including national measures) by 2010. The Committee amongst other things requested a report on how the Accommodation Strategy can assist with meeting the Council's carbon management targets highlighting that, based on current information, the Committee are currently minded not to support the new Accommodation Strategy unless it is in line with the Council's 1.25% carbon reduction target. The Committee has also requested a report on how transport contracts for school/health/ social care/ public transport, including small fleet operators in the voluntary sector are co-ordinated and requested that when new building projects are planned that Property Services ensure that long term energy efficiency/carbon management issues are addressed.

- **Health Scrutiny Committee**

Herefordshire Provider Services Review – The Committee has noted progress on the Herefordshire Provider Services Review and is to receive a more detailed update. The review was initiated to propose models of care for health and social care services in Herefordshire that would deliver excellent outcomes and user/patient experience; refine the proposed models and identify the workforce activity and financial consequences, to guide investments and service development; and propose an organisational configuration that sustainably supports the delivery of the proposed models of care.

**PJ EDWARDS
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

BACKGROUND PAPERS

- Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 19 November and 10 December 2008

RECOMMENDATIONS OF THE ICT SCRUTINY REVIEW 2008

- a) That the following recommendations which are outstanding from the ICT Review of 2006 be actioned without further delay: (recommendation references are to the original 2006 report)

(a) Responsibility for the line management for all the authority's ICT staff should be placed within the ICT Services Division and implemented with immediate effect.

To be actioned in conjunction with new recommendation (t).

(c) A review of the financing of ICT Services is undertaken examining the way directorates account for ICT spend, base budget for ICT Services, as well as the corporate funding of ICT programmes.

To be actioned in conjunction with new recommendation (x).

(e) The existing ICT procurement policies and procedures, including taking positive action to address non-compliance, are enforced. Further that the appointment of the Strategic Procurement & Efficiency Review manager will progress the need to develop the council-wide procurement policy.

To be actioned in conjunction with new recommendation (n).

(h) The responsibility for providing ICT training and its procurement be centralised under the management of the ICT service. As part thereof, the identification of ICT training needs should be formalised as part of induction and recorded.

To be actioned in conjunction with new recommendations (s) and (u).

(l) A single website for all council services is developed ensuring consistent branding and access to services for all. Further that the website should consider the potential for a single, obvious directory of contacts for all council services.

To be actioned in conjunction with new recommendations (l) and (n).

(m) The options for "growing own talent" through training and the use of a form of "golden handcuffs", possibly by means of recouping the cost of training should the individual leave the authority within a given period, be explored by Human Resources.

To be actioned in conjunction with new recommendations (v) and (w).

- b) That the need for a fit for purpose, sustainable, secure and resilient replacement Data Centre at Rotherwas be addressed as a priority.

- c) The necessary investment required in order to build a new data centre should be leveraged by investigating the possibilities of using the

Community Network to provide increased broadband provision to the Rotherwas area.

- d) Principles of Information Security accreditation ISO27001 should be rolled out across the Council with certification being the eventual aim. Resource should be made available in each Directorate.
- e) All Council owned laptops should be encrypted prior to commissioning.
- f) Only Council approved and supplied memory sticks should be used on Council equipment and this policy to be enforced by the use of remote tracking.
- g) The Executive is urged to ensure that all Directorates/Services are fully aware of their responsibilities and the subsequent consequences of not putting in place appropriate planning in respect of their IT requirements taking into account at all times Disaster Recovery and Business Continuity.
- h) Use of the Community Network by the PCT should be strongly encouraged and supported.
- i) The web site must be improved making it transactional (i.e. the ability to complete and submit forms on-line.) The customer interface should be AA compliant.
- j) Wherever practical and reasonable web-based software applications should be AA compliant. If not practical an action plan to improve accessibility should be agreed.
- k) The Council Intranet should be re-designed to make it easy for officers and members to use and promote good practice through a reliable and timely knowledge base, supporting effective decision-making.
- l) Education and school web sites should be consolidated.
- m) Corporate ICT capacity should be increased, on an 'Invest to Save' basis, to allow for development work e.g. web site, intranet.
- n) The Executive should make it clear across the authority that all ICT services and equipment should be procured either through or in consultation with ICT Services. This includes the development of all web sites, which will be used to deliver Council Information and services so as to ensure compliance to Council and National Policies.
- o) The importance of Information Security and the consequences of non-compliance should be highlighted to all schools.
- p) The link-up to JANET (The Joint Academic Network) is supported and it is urged that phase II of this project be completed as a priority.
- q) It should be communicated to schools that there is an imminent major upgrade to Broadband provision explaining the advantages that this will give them.
- r) That a further review be undertaken of the current web site filtering process in place in schools.

- s) It is strongly recommended that all school employees that connect to the Council network have to attend ICT Induction training as proposed for Council employees in recommendation (u).**
- t) Immediate action be taken to clarify the provision of ICT services to schools and that clear roles and responsibilities are identified between ICT and CYPD.**
- u) All Council personnel and Members should have mandatory IT training at commencement of employment or on taking office. The level of training required should be assessed by use of questionnaire. ICT Training should be a matter of Continuous Professional Development across the authority.**
- v) Human Resources and Job Evaluation should revisit IT salary scales taking into account the relevant market forces as well as the financial consequences for the Council of not being able to recruit into key positions. The adoption of a pay scale for technical ICT staff may be appropriate.**
- w) Consideration should be given to a policy whereby staff are asked to reimburse to the Council a specified percentage of training costs if they decide to leave the Council's employment within a specified period of time from receiving the training.**
- x) The Executive should ensure that the proposal that Corporate ICT Services be funded from base budget from April 2009, be properly reflected and taken account of in budget proposals.**
- y) 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.**
- z) A further report on progress with respect to the Review be made after six months with consideration then being given to the need for any further reports to be made.**

RECOMMENDATIONS FROM THE SCRUTINY REVIEW OF COMMUNITY ENGAGEMENT IN HEREFORDSHIRE COMMUNITY SAFETY AND DRUGS PARTNERSHIP

- Improve relationship with Town and Parish Councils taking into consideration resource implications and likely outcome.
- Town Council Champions created as the anchor between the partnership and newly formed Local Community Safety and Drugs Forums.
- PACT meetings could be a valuable tool, but the review had deep concerns as to how well they are working. A separate review should be undertaken, possibly via Local Area Member Briefings to improve PACT meetings.

Items to be considered:

- “Ownership” – should PACT meetings be owned by Herefordshire Council, Police, Town or Parish Councillors or a combination of all four?
- Improving feedback and using this as an opportunity for communication
- More effective advertising of meetings
- The Drug and Alcohol Forums become the Local Community Safety and Drugs Forums with a lead Community Support Officer, and additional funding sought for the forums to address the wider issue of reducing crime.
- That partnership officers are involved in the parish plan process to ensure community safety is included in the production of effective plans.
- To continue engagement with “hard to reach” groups and investigate linkages with other council, partner and voluntary sector consultation initiatives.
- That the new community pride grants for the county include support for small initiatives that aim to design out crime.
- The importance of feedback is emphasised to all officers and partners both to improve community engagement and to address perception of crime. All opportunities for giving feedback should be exploited e.g. PACT meetings, Parish Councils, Neighbourhood Watch.
- Public engagement is a valuable tool to improve public safety and public services by truly understanding the needs of residents. A separate review should be undertaken to evaluate the quantity and quality of the consultation and public engagement events that are taking place or likely to take place within the whole Council.

OUTCOME OF THE REVIEW OF HOUSING ALLOCATION

The review identified/wished to highlight the following issues/findings from its investigation.

- There is an imbalance in housing supply which leads to increasing pressure in the system for allocating scarce affordable housing.
- Recognises the high levels of overcrowding in the county.
- Recognises the success of the Home Point 'Talking Brochures' concept and encourages wider use of video guides and other visual media within the Authority.
- Recognises the amendments to the Allocations Policy in 2004 have successfully impacted upon the efficiency and service provided to qualifying Aftercare Leavers.
- Supports the need for a dedicated officer to focus on vulnerable customers at Home Point.
- Supports increasing the minimum overall percentage of affordable housing in new developments.
- Supports increasing the minimum percentage of rental accommodation for new affordable housing.
- Supports the concept of a Housing Contact Centre / One Stop Shop approach to meet the wide ranging housing needs in the county.

The review identified the following items which it believed should be considered in the course of devising amendments to the allocations policy and / or the operation of Home Point.

- Consider amending Allocations Policy to enable a percentage of properties to be advertised / allocated with a preference to existing Home Point Partnership tenants within Herefordshire currently under occupying their properties to release homes for larger families.
- Review the difficulties experienced by customers with multiple bedroom eligibility policies within the Partnership. Investigate the feasibility of introducing a Common Policy / or a standard Home Point Bedroom Eligibility Policy to improve customer service.
- Review the Partner contribution model to ensure costs are fairly distributed within Partnership.
- Strengthen the Allocation Policy to ensure adapted properties are let to applicants with a suitable medical need.
- Investigate the impact of the Allocations Policy on applicants wishing to Foster.
- Investigate the impact of the Allocations Policy on ex-service personnel.
- Investigate within new development whether applicants with special needs can be identified and allocated directly to specific adapted properties.
- Investigate the feasibility / need of whether a degree of preference could be introduced for a small percentage of properties to combat worklessness.
- Investigate possible sources of funding for a Home Point officer to concentrate on vulnerable customers.

In regard to the nature of the Home Point Partnership, the review felt that the Home Point Partnership Board was the most appropriate vehicle to consider and develop options for improvement.

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 4 November and 2 December 2008;
and 6 January 2009

Membership:

Councillors: P. Jones CBE (Chairman), J.W. Hope MBE (Vice-Chairman) C.M. Bartrum, D.J Benjamin, M.E. Cooper, P.G.H. Cutter, Mrs. S.P.A. Daniels, J.H.R. Goodwin, PJ McCaull, A. Seldon, D.C. Taylor.

MINISTERIAL LETTER TO LOCAL AUTHORITIES

1. A letter has been sent to Local Licensing Authorities by Gerry Sutcliffe MP, Ministry of Sport, Department of Culture Media and Sport. The letter deals with the Licensing Act 2003 and particularly focuses on reviewing licensed premises, the sale of alcohol to the under-aged, and the introduction of a red/yellow card scheme for licensed premises. The Committee has noted the contents of the letter with a view that it may be used in relation to any reviews of premises which may be called for in the future.

ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN KINGTON

2. The Committee has reviewed the Herefordshire (Alcohol Consumption in Designated Places) Order (No.6) 2007 in respect of Kington, which was introduced in July 2007. The Order designated certain streets and public places in Kington to control the consumption of alcohol. All relevant parties, organisations, licensed premises and individuals have been consulted and that there had been no objections raised about the Order since its introduction. The Town Council remained in support of the Order and had asked for it to be made permanent. West Mercia Constabulary had requested that the Order should remain in force and was also of the view that there was no need for the area it covered to be extended. The Committee has decided that the Order should be made permanent.

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR PENALTY POINT SCHEME

3. The Committee has reviewed the penalty points system in respect of Hackney Carriages, Hackney Carriage & Private Hire Driver Licences and Operators Licences. The scheme was introduced on a trial basis in May 2007 and was extended for a further six-month period in April 2008. The enables Officers to deal with minor breaches of the conditions and byelaws without the need to involve formal prosecution procedures and is a speedier and more cost effective process. The system has been used to good effect in the control of drivers and vehicles and has helped to improve the standard of the latter to the point where it is unusual to see any that do not comply with the licensing conditions. The Committee has agreed that the scheme should be made permanent.

APPLICATION FOR APPROVAL FROM STANFORD COACHWORKS LTD, AS A MANUFACTURER / INSTALLER OF WHEELCHAIR ACCESS FACILITIES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

4. The Committee has approved Stanford Coachworks Ltd as an approved manufacturer of wheelchair access vehicles to be used as licensed vehicles in Herefordshire. The Company complies with the requirements of Quality Assurance ISO 90001 and other certification which confirms that the vehicles it produces or

converts are consistently manufactured to relevant safety standards regarding wheelchair accessibility. Vehicles manufactured by the company are used by companies doing contract work for the Council's Social Services and Children's Services Departments, and by numerous other Councils throughout the Country.

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

5. 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. Incidents involving the conduct of drivers have also been heard. Applications for the renewal or transfer 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, or wished to transfer to a vehicle that does not comply with the conditions and policies.
6. 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 or why they wanted to transfer. The applications were dealt with as follows:
 - (a) one driver had his licence suspended for four weeks because of an incident involving conduct which the Committee considered to be unacceptable;
 - (b) in the case of another driver involved in the same incident, the Committee decided that no action was necessary because it was satisfied that there had been no improper conduct on the part of the driver;
 - (c) Consideration of another incident involving a different driver was deferred to enable him to be present at the meeting;
 - (d) four applications for drivers licenses were granted because the Committee is satisfied that evidence had been given that the applicants are fit and proper persons to be licensed. Consideration of a further application was deferred for the applicant to be present at the meeting;
 - (e) two 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. Consideration of a further application was deferred for the applicant to be present at the meeting; and
 - (f) an application for the transfer of an existing vehicle licence to another vehicle was refused because the vehicle does not comply with the Council's licensing conditions and policy that new hackney carriages must be wheelchair accessible.

**P JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**

COUNCIL

6 FEBRUARY 2009

REPORT OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Meetings Held on 21 November 2008 and 23 January 2009

Membership:

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

1. THE EXTENT AND VALUES OF CURRENT POOLED BUDGETS

The Committee has received and noted a report regarding the extent and values of pooling of budgets under the National Health Service Act 2006 along with current thinking and planning towards further pooling. The report considered the agreements currently in place and areas covered in those agreements.

2. DATA QUALITY - SIX MONTH UPDATE

The Committee has considered a report which gave a positive response on progress against the data quality action plan as required by the Council's data quality policy and that the data quality position was improving. Members were informed that the data quality process was being driven forward by the officers. The Committee noted that the action plan would be fully completed by the next annual review.

3. USE OF CONSULTANTS

The Committee has considered and noted a report on the Council's use of consultants in 2007/08. The Committee noted also that consultants had been appropriately used and that value for money had been achieved.

4. PLANNING OBLIGATIONS AGREEMENTS

The Committee has considered and noted a report which reviewed arrangements for Planning Obligation Agreements. The Committee discussed the Council's policy arrangements, protocols and procedures with regard to the agreements and noted the proposed new planning system to be put in place during 2009 which would give important help in administering the Agreements.

5. UPDATED ANNUAL GOVERNANCE STATEMENT FRAMEWORK 2008/09

The Committee has noted and approved a report which updated the Annual Governance Statement Framework in line with the Code of Governance approved by Council on 31 October 2008.

6. UPDATE ON AUDIT AND CORPORATE GOVERNANCE COMMITTEE RESOLUTIONS AND RECOMMENDATIONS - MAY 2007 TO JUNE 2008

The Committee has noted a report which identified the resolutions and recommendations made by the Audit & Corporate Governance Committee between May 2007 and June 2008 that required further monitoring.

7. SECOND INTERIM AUDIT ASSURANCE REPORT 2008/09

The Committee has considered a report which provided the Committee with an update on progress in making the planned improvements to the internal control environment and progress with the Annual Audit Plan for 2008/09. Subject to one of the items in the Action Plan being re-opened, the report was noted.

8. AUDIT AND CORPORATE GOVERNANCE COMMITTEE PROGRESS REPORT

The Committee has received and welcomed the Audit Commission's progress report covering its areas of work with the council.

9. USE OF RESOURCES REPORT

The Committee has received a progress report from the Audit Commission on this Council's management and use of resources. In noting that the Council's overall performance had improved and was performing well, the Committee requested to receive at its next meeting from the Interim Director of Resources, a report detailing the Audit Commission's recommendations as set out in its report, the progress to date and future actions on those recommendations.

10. REVIEW OF SCHEME OF DELEGATION

The Committee has considered a report and has made recommendations for acceptance of the amendments to the Scheme of Delegation to Council.

11. DRAFT REVISED TERMS OF REFERENCE

The Committee has considered draft revised terms of reference and proposed change of name for the Committee. The Committee resolved that the Chairman and Vice-Chairman of the Committee should meet with the Chief Internal Auditor to discuss the proposed terms of reference with reference to suggestions made and that the amended version be reported to the next Committee meeting.

12. THIRD INTERIM ASSURANCE REPORT 2008/09

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

13. INTERNATIONAL FINANCIAL REPORTING STANDARDS

In receiving and noting a report on the introduction of International Financial Reporting Standards (IFRS) to local authority accounts, the Committee has

resolved to receive periodic reports which will give details of an action plan and progress on the plan in respect of the introduction of the IFRS.

**A.C.R. CHAPPELL
CHAIRMAN
AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

BACKGROUND PAPERS

Agenda papers of the meeting of the Audit and Corporate Governance Committee held on 21 November 2008 and 23 January 2009

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 23 SEPTEMBER 2008

Deputy Chief Constable

1. The Chair reported that Mr David Shaw had been appointed Deputy Chief Constable following the appointment of Mr Ian Arundale as Chief Constable of Dyfed Powys Police. Mr Shaw was previously with West Midlands Police where he had been Assistant Chief Constable since December 2004.

Membership

2. The Police Authority welcomed Herefordshire Councillor Richard Smith as a new member of the Authority. Mr Smith succeeded Mr Keith Grumbley who resigned as a member of the Authority in June 2008.

Green Paper – From the Neighbourhood to the National: Policing our Communities Together

3. The Home Office had published the Green Paper in July 2008 and the Authority had taken the opportunity to consult with over 1000 stakeholders/organisations in respect of its contents.

4. In its response the Police Authority welcomed much in the Green Paper, particularly the -

- a) Commitment to reduce bureaucracy.
- b) Simplified target setting.
- c) Continued emphasis on public satisfaction and confidence and on local police engagement through Police Community Support Officers and local 'neighbourhood' policing teams.

5. However, the Police Authority had a number of concerns and a summary of the response to the Home Office is shown below (full copy available from the Chief Executive's office):

- 1 *"We consider the proposals, both in their broad sweep and in some of the detailed provisions, would give effect to a profound change in the constitutional balance of policing. Any one of the proposed changes could have unforeseen consequences; taken collectively, the outcome could be very different from that intended.*
- 2 *Policing occupies a singularly vital position in our constitutional and social fabric. It has benefited from being independent in its operational conduct and balanced in its response to political and community pressures. We need to be very clear to identify issues the Government wants to address and be sure that the proposed remedies address the perceived deficiencies.*

3 *We understand the issues to be:-*

- *delivering for the public and driving up confidence;*
- *open and robust performance management;*
- *improvements in leadership, systems, recording processes and the reduction of bureaucracy;*
- *appropriate standardisation.*

We support these aims but cannot always support the proposed remedies.

In particular, we do not accept that radical changes to the accountability structures directly address confidence. We wholly support a locally focussed policing pledge. We wholly support the provision of understandable local information and strong public engagement through local policing teams, PACT (Partners and Communities Together) and survey processes. But we question whether there is a significant democratic deficit. Nor do we see the public wanting more complex accountability structures – rather, they want ever-improving policing services.

4 *Direct election to Police Authorities carries very significant risks. It would also be a costly diversion from the continuing improvement in policing which the existing structures already deliver.*

5 *Public confidence can and is being improved by a range of measures, not least neighbourhood policing and customer focus initiatives. These have already made a difference but need further time to bed in. They can be strengthened in their delivery. It does not help to burden them with yet more complex accountability structures. We do not accept that greater accountability equates to increased confidence and satisfaction.*

6 *We support appropriate mechanisms to hold all Local Strategic Partnership (LSP) partners to account but what is proposed focuses too much on the policing element alone. It is important that the Police Authority is seen to be the mechanism to hold the police to account. The attention given to Basic Command Unit ‘accountability’ being established not ‘with’, but ‘within’ local authority structures, could actually serve to weaken the existing comprehensive and holistic approach to policing. Proposals that emphasise the ‘local’ risk ignoring the strategic and the wider protective services issues. They could also impact upon deployment flexibility.*

7 *Crime and Disorder Reduction Partnerships (CDRP) should return to their delivery role and be focussed at officer (delivery) level, leaving partnership priority and resource allocation issues to the member-led LSPs, thus simplifying the local partnership scene and bringing greater clarity.*

8 *Public engagement on local policing issues is best addressed by our PACT processes. An additional local-based mechanism such as the ‘community call for action’ will only reduce clarity.*

9. *We do not agree that the existing processes are failing. Desired improvements can more effectively and more economically be delivered by fine adjustment rather than radical reform.*

10. *We do not consider the constitutional framework proposals will meet with public approval nor deliver any real improvement in public confidence. That is something that will be delivered by better customer focus and service delivery, information sharing and positive media reporting – not by accountability framework reforms”.*

Local Crime Statistics

6. The Government’s crime cutting strategy ‘Cutting Crime: A New Partnership 2008-11’ contains a commitment to improve access to local crime information for the public. Specifically the strategy pledges to make local crime data available on a monthly basis to communities across the country.

7. West Mercia Constabulary ‘went live’ with the first set of data and commentary on its website (www.westmercia.police.uk) on 9 July 2008. The Constabulary is continuing to develop an impactful and sophisticated website, tailored to the needs of the diverse communities of West Mercia. Ultimately the site could include information broken down to ward or neighbourhood level, mapping, links to other partners and a facility to allow citizens to provide feedback by email.

Counter Terrorism Strategy (Contest)

8. The Police Authority has received a progress report on the Constabulary’s strategy and delivery plan in respect of CONTEST, the Government’s counter terrorism strategy.

9. It was agreed that the Chair of the Police Authority should represent the Police Authority on the Constabulary’s Counter Terrorist Group (CONTEST). It was also agreed that the Chair, together with Colonel Tony Ward and Mr Peter Dunford, would represent the Authority on the Constabulary’s Counter Terrorist (PREVENT) Group.

10. As part of the development of the PREVENT strategy an event aimed at building partnerships with key stakeholders, in particular Local Authority Chief Executives etc., would be held in December 2008.

Constabulary Campaigns

11. During the course of a year the Constabulary will be running a series of local publicity campaigns particularly aimed at tackling crime, promoting community safety, improving public satisfaction and confidence. On-going campaigns include:

Safe & Secure – aims to reduce the fear of crime and provide reassurance.

Safe & Secure Vulnerable Vehicle Pack – Recorded crime figures indicate that vehicle crime has fallen overall by around a third (January – May 2008) in the five Local Policing Areas in Worcester where the Vehicle Pack has been trialled. These areas were selected because they had a high rate of vehicle crime. In partnership with the Division, a decision will be made on how to take the initiative forward. Trials also continue in Bromsgrove and Kidderminster.

Safe & Secure Home Checks – free, simple home security advice will be promoted and provided to elderly and vulnerable people. Agreement has now been reached that this trial will take place in Herefordshire. The Division has also started a *Vulnerable Home Pack* scheme - residents will be sent a letter and an advice pack if they have left their home at risk e.g.; open window.

A *Safe & Secure Home Security leaflet* is being developed.

Knock Knock – aims to reduce the potential for distraction burglaries. Following the relaunch in April - a 12 month communications / operations strategy is being put in place – this will include a *nominated neighbour scheme* initiative which will be launched in the autumn.

Seven Deadly Sins –aims to raise awareness of road safety issues, helping to achieve safer roads for all road users. The Seven Deadly sins relate to:

Motorcycle Safety	Illegal Vehicles
Speed	Seatbelt Safety
Drink and Drug Driving	Pedestrian and Cycle Safety
Poor Driving (including Mobile Phone Safety)	

Further details of the Constabulary's campaigns can be found on the Community Safety section of the website www.westmercia.police.uk/home.

Risk Management

12. The Authority has agreed a Risk Register for 2008/09, which summarises the main risks and control measures in place to mitigate against them. The Authority has also reviewed the Constabulary's approach to risk management and is represented on the Force Strategic Risk Management Group by the Chair of the Audit Committee.

Women's Network

13. The Constabulary's Women's Network aims to provide support to women police officers and staff, helping them to meet their full potential and to work with others to progress diversity issues and to champion issues for women working in the organisation.

14. The Women's Network has also successfully promoted a pilot of a self-development and confidence course, 'Springboard', which was attended by 15 police officers and 15 police staff, with positive feedback.

Memorial to PC Ricky Gray

15. A sandstone memorial to PC Ricky Gray, who died in a shooting incident in 2007, has been placed in the Dingle in the Quarry Park, Shrewsbury. Standing three foot tall and carrying the West Mercia Constabulary crest the memorial was unveiled by his wife, Mrs Jenny Lee Gray, and Chief Constable Paul West, following a service in St. Chad's Church in September 2008.

16. In addition, to mark the first anniversary of his death, local police officers and staff took part in the Ricky Gray Memorial Football Match at Shrewsbury Town's football stadium. The event was open to the public and hundreds of local people also attended to pay their respects. More than £8,500 was raised for Mrs Gray's two chosen charities – the Royal National Lifeboat Institution and the Royal Star & Garter Homes for disabled ex-servicemen and women.

Independent Custody Visiting

17. The Independent Custody Visiting Scheme provides an independent check on people held in police custody and the conditions in which they are kept. The visitors are drawn from the local community and during 2007/08 monitored the custody units at Hereford, Kidderminster, Leominster Redditch, Shrewsbury, Telford (Malinsgate) and Worcester by visiting them at least once a week and reporting their findings back to the Police Authority.

18. There were 1089 people in custody at the time of the visits of which 694 detainees could be visited. Out of that number 542 (78%) detainees were visited by Independent Custody Visitors. This compares to last year where 639 agreed to a visit (81%). Reasons why a detainee could not be visited included being in interview, asleep or for safety reasons, where a detainee was particularly violent.

19. No major problems emerged from the visits. Out of the 315 visits made the visitors had no need to record any comments/complaints on 81 occasions. The highest number of comments related to medical issues, drinks, toilet and washing facilities, language issues and requests to make a telephone call. Other comments included issues relating to drains, damaged plaster in cells and clinical waste. Where issues were raised these were either rectified as soon as possible, dealt with in correspondence with the Divisional Police Liaison Officer or discussed at the Panel meetings.

20. In September 2007 a new custody unit was opened at Leominster and the Herefordshire Panel have welcomed the much improved custody provision, which is both spacious and includes an exercise yard. All detainees in Herefordshire have been kept at Leominster since this date whilst the Hereford custody unit is refurbished.

21. There are over 60 Independent Custody Visitors in West Mercia and the Police Authority would welcome applications from people over the age of 18 who live or work in the area who are interested in joining this worthwhile voluntary role (PO Box 487, Shrewsbury, SY2 6WB). Training is provided and new entrants to the Scheme receive the support of experienced Visitors when initially undertaking the role.

22. All visitors are given the opportunity of refresher training and two induction courses were arranged during the year for new Visitors. In addition cultural awareness and diversity training was provided to scheme members and each of the four Area Panels was represented at the Independent Custody Visiting Association's Annual Conference held in Staffordshire in November 2007.

Members Appraisal and Remuneration Scheme

23. As a result of a nationally produced report the Police Authority has updated its own scheme. The issue of appraisal of members would in future involve an independent input from the Chair of the Authority's Standards Committee. A full copy of the Scheme is available from the Authority's website.

Further Information

Any person wishing to seek further information on the subject matter of this report should contact David Brierley or Ian Payne on Shrewsbury (01743) 264690.

Further information on the West Mercia Police Authority can also be found on the Internet at www.westmerciapoliceauthority.gov.uk.

Questions on the functions of the Police Authority

The Authority has nominated the following members to answer questions on the discharge of the functions of the Police Authority at meetings of the relevant councils:

Herefordshire Council	Mr B Hunt
Shropshire County Council	Mr M Kenny
Telford and Wrekin Council	Mr K Sahota
Worcestershire County Council	Mr E Sheldon MBE

List of Background Papers

In the opinion of the proper officer (in this case the Chief Executive of the Police Authority) the following are the background papers relating to the subject matter of this report:

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 23 September 2008.

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 16 DECEMBER 2008

Introduction

1. The Chief Constable and his officers and staff were thanked for their excellent work during a busy Autumn for the Constabulary. At the time of the meeting the Authority was issuing consultation letters to over 1000 stakeholders as part of the process of setting the policing priorities and budget for 2009/10. In addition the Authority received updates on a number of key issues including the introduction of the Policing Pledge, Green Paper and the new 0300 non emergency contact number.

West Mercia Policing Pledge 2009

2. A new Policing Pledge that sets out clear standards of service for the public has been introduced. This was formally launched in West Mercia by the Home Secretary and Chief Constable over the New Year period and took place in Redditch.

3. The Pledge, which is being rolled out by police forces across the country, is a key part of the commitment to keeping communities safe from harm. There are ten elements to the Pledge and these fit into three core themes:

- Community Engagement and Consultation
- Contact Management and Response
- Victim, Witness and Customer Care

4. The Pledge is shown at Appendix 1.

Setting Priorities for the Policing Plan 2009/2010

5. The Police Authority and Chief Constable are in the process of developing the Policing Plan for 2009/2010. A consultation document has been published and circulated to over 1000 partners, business and community representatives.

6. They have been invited to attend one of two consultation evenings being held in the south of the Force area on 13 January 2009 at Hindlip Hall, Worcester and the north of the Force area on 14 January 2009 at the ProStar Stadium, Shrewsbury. The document is also available on the Authority's website (www.westmerciapoliceauthority.gov.uk).

7. The proposed aims and priorities are attached at Appendix 2.

8. The Police Authority will adopt the Joint Policing Plan for 2009-2012 at its meeting on 17 February 2009 and all responses to the consultation document will be taken into consideration.

Green Paper – From the Neighbourhood to the National: Policing our Communities Together

9. The Government released its response to the Green Paper Consultation at the end of November 2008 and this included the intention to press ahead with proposals to directly elect the majority of police authority members. The Police Authority had indicated its opposition to these proposals as had the Association of Police Authorities.

10. In its response to the Green Paper the Police Authority had generally welcomed many of the proposals, whilst recognising that a number of the Government's proposals presented challenges, particularly in the tight financial environment. However, the proposal to introduce directly representatives was of real concern and the Authority agreed to press the case against the politicisation of policing.

Note: Following the Police Authority's meeting the Policing and Crime Bill was published on 18 December 2008 and included sections on Police Reform, Sexual Offences and Sex Establishments, Alcohol Misuse, Proceeds of Crime, Extradition and Aviation Security. The Home Secretary decided not to include the provision for direct elections to Police Authorities within the Bill, but instead believed it was time to 'pause and reflect' on the policy.

Her Majesty's Inspectorate of Constabulary(HMIC)

11. The Authority has received reports on the responses to the recommendations arising from following HMIC Reports:

- Major Crime and Serious and Organised Crime
- Neighbourhood Policing and Citizen Focus
- Leading from the Frontline

12. These would be considered in detail by the Constabulary and relevant Police Authority panels.

Audit Commission

13. The Authority has welcomed the scores for the Police Use of Resources (PURE) 2008 evaluation. The overall score was 4, which was the highest available. The score for Value for Money was for the third year running '4' and West Mercia is the only force in England and Wales to achieve this rating since this formal external process was introduced in 2005. This reflects the additional value for money ethos the Police Authority has established with the Constabulary.

14. The Government has indicated its intention to introduce Police Authority Inspections by the Audit Commission/HMIC from April 2009. However, West Mercia Police Authority undertook a voluntary inspection of Corporate Governance, which was conducted by PriceWaterhouseCoopers in 2006 and has been repeated in 2008.

15. The Authority has received a rating of 4 Excellents and 2 Goods (previously 2 Excellents and 4 Goods). The report is available on the Authority's website. The Chair congratulated all involved in these excellent results.

New Non Emergency Telephone Number 0300 333 3000

16. Following public feedback and complaints about the costs of the 08457 number a new Non Emergency telephone number for West Mercia Constabulary has been introduced. This has been designed to be easier to remember and cheaper to call – 0300 333 3000.

17. Calls to this number cost the same as calls to 01 and 02 prefixed numbers and are included as part of any inclusive minutes or discount packages, in the same way as geographic calls. These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. The ultimate cost of the call will depend on the telephone contract the person is on as these vary from supplier to supplier. However, Ofcom Guidance to the Telephone industry sets the cost of 0300 numbers to the lowest possible level of charge. There is no commercial gain to West Mercia for adopting the new public number. The change has been made in order to make it easier for the public to contact the police and reflects the concerns expressed over the previous number's charging regime.

Workforce Composition

18. The Authority has received an update on Diversity and noted the overall workforce composition by gender and by ethnicity as at 1 April 2008 was:

- 2,061 members of the overall workforce were female (42.4%)
- 82 members of the overall workforce were from a Black Minority Ethnic (BME) community (1.7%)
- 650 of police officers were female (which represents 26.1% and is well ahead of the national average of 21%).

19. The Authority noted the key challenges around progression for women and BME police officers, with common issues being a lack of confidence to put themselves forward and disinclination to move from specialist roles. The Authority has agreed that this should be closely monitored and the removal of barriers examined, through dialogue with the Internal Staff Support Networks.

20. It was noted that there were no BME officers above the role of Inspector and a mentoring scheme would be introduced in 2009, initially focussing on under-represented groups.

Combined Equalities Scheme

21. The Police Authority has published a Combined Equalities Scheme 2008-2011, which was developed in consultation with people and groups both within West Mercia and externally with the community, representative groups and partner organisations. This included the Independent Advisory Groups and the internal Staff Support Network.

22. The Scheme, which is available on the website, sets out how the Police Authority will promote and deliver equality through all the recognised strands of diversity, both within the organisation and externally with the community and partners and recognising the changing face of our communities and what that means in the local context.

Freedom of Information Scheme

23. The Police Authority adopted a new Freedom of Information Scheme with effect from 1 January 2009. The Scheme, which is based on the model approved by the Information Commissioner, sets out how information routinely made publicly available by the Police Authority can be accessed. The information includes details of the structure of the Authority, the role and statutory responsibilities, revenue budget estimates and annual Statement of Accounts, Strategic Plans and Local Policing Objectives, Inspection reports and policies and procedures.

Divisional Commanders - Changes

24. Following Chief Superintendent Guy Rutter's appointment as Head of Professional Standards, Chief Superintendent Andrew Rowsell has been promoted to Divisional Commander for the Shropshire Division.

25. Chief Superintendent Rod Reynolds announced his retirement as Divisional Commander for the South Worcestershire Division and will be succeeded by Chief Superintendent Jane Horwood.

Carbon Trust Standard

26. West Mercia Constabulary has been assessed as meeting the Carbon Trust Standard. This is awarded to organisations that demonstrate commitment to and achievement of carbon emissions reduction. The Chair congratulated the Estates Department on achieving this award.

Signed on behalf of the
West Mercia Police Authority

Paul Deneen JP DL
Chair

Further Information

Any person wishing to seek further information on the subject matter of this report should contact David Brierley or Ian Payne on Shrewsbury (01743) 264690.

Further information on the West Mercia Police Authority can also be found on the Internet at www.westmerciapoliceauthority.gov.uk.

Questions on the functions of the Police Authority

The Authority has nominated the following members to answer questions on the discharge of the functions of the Police Authority at meetings of the relevant councils:

Herefordshire Council
Shropshire County Council
Telford and Wrekin Council
Worcestershire County Council

Mr B Hunt
Mr M Kenny
Mr K Sahota
Mr E Sheldon MBE

List of Background Papers

In the opinion of the proper officer (in this case the Chief Executive of the Police Authority) the following are the background papers relating to the subject matter of this report:

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 16 December 2008.

West Mercia Policing Pledge 2009

“Community Engagement and Consultation

Our pledge is to:

- *Provide you with information on your Local Policing Team, who they are, where they are based, how to contact them and how to work with them.*
- *Provide opportunities for you to meet your Local Policing Team, partners and local people at monthly PACT (Partners and Communities Together) and community events (e.g. meetings, surgeries) to consult with you and agree your priorities.*
- *Provide monthly updates on progress with your agreed priorities, local crime, policing issues.*

This will be done through providing:

- *crime maps*
- *information on specific crimes*
- *what happened to those brought to justice*
- *what action we and our partners are taking to make your area safer*
- *information on how the Constabulary is performing*

Contact Management and Response

Our pledge is to:

- *Ensure your Local Policing Team spend at least 80 per cent of their time visibly working in your area. They will not be taken away from their role more than is necessary and staff turnover will be minimised.*
- *Other police patrols will be in your area at times when you tell us you most need them.*
- *Respond to every message directed to your Local Policing Team within 24 hours and, where necessary, provide a more detailed response as soon as we can.*
- *Aim to answer 999 calls within 10 seconds. Deploy to emergencies immediately, giving you an estimated time of arrival – aiming to get there safely and as quickly as possible.*
- *Generally, this will be within 15 minutes in urban areas and within 20 minutes in rural areas.*
- *Answer all non emergency calls promptly. If attendance is needed, we will send a patrol giving you an estimated time of arrival.*
- *Aim to be with you within 60 minutes if you are particularly vulnerable or upset or calling about an issue which has been agreed with your community to be a critical PACT priority.*
- *If prompt attendance is not required, we will make an appointment to see you within 48 hours at a time that is convenient to you.*
- *If attendance by the Police is not necessary, we will give you advice on who can help and answer your questions.*

Victim, Witness and Customer Care

Our pledge is to:

- *Treat you fairly with dignity and respect.*
- *Ensure fair access to our services when it is reasonable and suitable for you.*
- *Agree with you, if you have been a victim of crime, how often you would like to be kept informed of progress in your case and for how long. You have the right to be kept informed at least every month, if you wish, and for as long as is reasonable.*
- *Acknowledge any dissatisfaction with the service you have received within 24 hours of reporting it to us.*
- *To help us fully resolve the matter, we will discuss with you how your concern will be handled, giving you an opportunity to talk to someone and agree with you what will be done and how quickly.*

We want to do our best for you. If we fail to meet the West Mercia Policing Pledge, we will explain why it has not been possible to deliver the high standards to which we aspire and you deserve.”

**WEST MERCIA POLICE AUTHORITY/WEST MERCIA CONSTABULARY
OUR PROPOSED AIMS AND PRIORITIES 2009-2012**

Intended Outcomes 2009-2012	Our Draft Strategic Aims 2009-2012	Our Draft Priorities for 2009-2010
The public have confidence in us and express satisfaction with our policing service	Strengthen the trust and confidence of all our communities and improve public satisfaction levels	<ul style="list-style-type: none"> • Identify and respond to issues of local concern. • Increase our accessibility to the public through improved communications and the availability of local crime information • Endeavour to deliver our services to the standards and principles contained within the West Mercia Pledge
	Protect vulnerable people	<ul style="list-style-type: none"> • Focus on the management of sex offenders and other offenders who pose a risk to the public and take a positive approach towards dealing with domestic abuse. • Use Multi Agency Public Protection Arrangements (MAPPA) and Multi Agency Risk Assessment Conferences (MARAC) in partnership with others to increase our effectiveness in protecting vulnerable people.
Level of crime and anti-social behaviour remain low	Improve the service offered to victims and witnesses`	<ul style="list-style-type: none"> • Fully comply with the requirements of the national Victims Code and keep people informed on the progress of their case • Redesign our key processes around the needs of customers
	Tackle crime (especially serious crime) and anti-social behaviour	Focus on: <ul style="list-style-type: none"> (a) house burglary (b) robbery (c) serious violence (d) anti-social behaviour
	Ensure sufficient capability and capacity around major, serious and organised crime, and civil contingencies	<ul style="list-style-type: none"> • Identify further opportunities for collaboration and enhance force resilience through inter-operability • Develop our counter-terrorism (CONTEST) strategy • Maintain levels of operational

Our communities feel safe		<p>resilience</p> <ul style="list-style-type: none"> • Providing effective response to civil emergencies and maintaining public order
	Bring offenders to justice	<ul style="list-style-type: none"> • Work with partners in the Local Criminal Justice Board to reduce re-offending • Improve our investigative progresses through the implementation of our RESULT! Programme
	Reduce the harm caused by drugs and alcohol misuse	<ul style="list-style-type: none"> • In partnership with other agencies focus on underage drinking • Focus on alcohol related violence • Disrupt the availability and supply of illegal drugs in our communities
	Reduce road casualties	<ul style="list-style-type: none"> • With partners use targeted enforcement and education campaigns to reduce speeding and anti-social driving
	Use our resources efficiently and effectively	<ul style="list-style-type: none"> • Ensure, through a comprehensive business review process, that the organisation is appropriately resourced and configured • Ensure that appropriately skilled staff are available for key roles • Maximise the potential for IT and technological solutions to support the business • Identify opportunities for reducing the force's environmental impact

COUNCIL

6 FEBRUARY 2009

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY TO THE CONSTITUENT AUTHORITIES****MEETING HELD ON 19 DECEMBER 2008**

1. SERVICE REPORT

A total of 2,228 incidents were attended in Quarter 2 compared with Quarter 2 2007-08 where 2,558 incidents were attended. (This includes fires attended, Special Service incidents and False Alarms). The total number of incidents has reduced by 12.86% when compared with Quarter 2 2007-08. The total number of incidents for Quarter 2 2008-09 is 17.87% lower than the four year average for this quarter at 2,714 incidents.

We continue to perform well in excess of our current (LPSA) targets relating to deliberate primary and secondary fires in South Worcestershire, Redditch and Wyre Forest.

Following a serious fire in Kidderminster on 1 July 2007, and an extensive investigation by the Fire and Rescue Service, the decision was taken to prosecute two defendants under the Regulatory Reform (Fire Safety) Order 2005. The hearing has resulted in pleas of guilty against 14 separate charges, including failure to undertake a suitable and sufficient risk assessment. Sentencing will take place on January 30th where it is also anticipated that the Authority will be awarded its full costs.

Homes were evacuated when a fire engulfed a garage workshop near Leominster town centre. A 200 metre safety cordon was put into operation as crews tackled the blaze and cooled down gas cylinders in the premises to prevent an explosion. Nine appliances attended the incident on Tuesday September 30.

Details of the Performance Statistics, Incident and Injury matters, Interest and Information items that have been reported to the Authority are available on the Service website: www.hwfire.org.uk

2. HEREFORD AND WORCESTER/WARWICKSHIRE JOINT REVIEW

Although a great deal of work had been undertaken to finalise the business case, Officers had not been able to conclude all aspects of the review in order to report to the Authority.

**3. INTEGRATED RISK MANAGEMENT PLAN 2009-12
2009/10 ACTION PLAN- RECOMMENDATIONS FOR AMENDMENTS.**

The Authority considered the revised Integrated Risk Management Plan (IRMP) 2009-12 and the recommendations, following Public Consultation, for amendments to the 2009/10 Action Plan.

The 2009/10 Action Plan proposed six amendments, including the proposal to reduce the Firefighter establishment by 12 posts i.e. one post from each watch at Redditch, Bromsgrove and Kidderminster.

The Action Plan, as presented, was approved by the Authority.

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY TO THE CONSTITUENT AUTHORITIES****MEETING HELD ON 19 DECEMBER 2008**

4. REGIONAL FIRE CONTROL

The national FireControl project, a key element of the Government's Fire and Resilience Programme, is designed to replace the current 46 Fire and Rescue Service Control rooms with 9 networked regional centres across England, managed by 9 Local Authority Control Centre (LACC) Companies. Hereford and Worcester is due to cutover to the West Midlands Regional Centre in Wolverhampton in June 2011.

The Fire Minister made an announcement in November in relation to the FiReControl Project delivery schedule, advising that the start of the roll-out will be delayed by 9 months and that the complete delivery will be 5 months later than detailed in the current schedule.

The Authority noted the delay to this project announced by CLG, and the risks and benefits associated with the project.

**5. THE LOCAL GOVERNMENT ASSOCIATION (LGA) FIRE & RESCUE
AUTHORITY EQUALITY & DIVERSITY CHARTER**

The Authority Members noted the five point Charter for Equality & Diversity for Fire and Rescue Authority members produced by the LGA, in its role in providing political leadership on the issue of Equality and Diversity, and 22 of the Members present demonstrated their support by signing up to the Charter.

**PAUL HAYDEN
CHIEF FIRE OFFICER/CHIEF EXECUTIVE
HEREFORD & WORCESTER FIRE AND RESCUE SERVICE**

FURTHER INFORMATION

Any person wishing to seek further information on this report should contact: Corporate Support on 01905 368367. Further information on the Fire and Rescue Authority and the Fire and Rescue Service can also be found on the Internet at (www.hwfire.org.uk).

BACKGROUND PAPERS

Agenda papers of the meeting of the Fire and Rescue Authority held on 19 December 2008.