

Deputy Chief Executive's Office

A. Faulder (Interim)

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: CA/SAHC

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16 July 2009

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 24 July 2009** at The Shirehall, St Peter's Square, Hereford at 10.30 am at which the business set out in the attached agenda is proposed to be transacted.

Please note that car parking will be available at the Shirehall for elected Members.

Yours sincerely



C. ADAN
ASSISTANT CHIEF EXECUTIVE (INTERIM), LEGAL AND DEMOCRATIC

AGENDA

Council

Date: **Friday 24 July 2009**

Time: **10.30 am**

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

Email: scole@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Sally Cole, Committee Manager Executive on 01432 260249 or e-mail scole@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman
Vice-Chairman

Councillor J Stone
Councillor JB Williams

Councillor PA Andrews
Councillor LO Barnett
Councillor DJ Benjamin
Councillor WLS Bowen
Councillor ACR Chappell
Councillor PGH Cutter
Councillor H Davies
Councillor BA Durkin
Councillor MJ Fishley
Councillor JHR Goodwin
Councillor DW Greenow
Councillor KS Guthrie
Councillor MAF Hubbard
Councillor RC Hunt
Councillor JA Hyde
Councillor JG Jarvis
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor R Mills
Councillor AT Oliver
Councillor RJ Phillips
Councillor PD Price
Councillor A Seldon
Councillor RV Stockton
Councillor DC Taylor
Councillor NL Vaughan
Councillor PJ Watts
Councillor JD Woodward

Councillor WU Attfield
Councillor CM Bartrum
Councillor AJM Blackshaw
Councillor H Bramer
Councillor ME Cooper
Councillor SPA Daniels
Councillor GFM Dawe
Councillor PJ Edwards
Councillor JP French
Councillor AE Gray
Councillor KG Grumbley
Councillor JW Hope MBE
Councillor B Hunt
Councillor TW Hunt
Councillor TM James
Councillor P Jones CBE
Councillor G Lucas
Councillor PJ McCaull
Councillor PM Morgan
Councillor JE Pemberton
Councillor GA Powell
Councillor SJ Robertson
Councillor RH Smith
Councillor AP Taylor
Councillor AM Toon
Councillor WJ Walling
Councillor DB Wilcox

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	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.	
4. MINUTES To approve and sign the Minutes of the Annual meeting held on 22 May and the Extraordinary meeting held on 12 June 2009.	1 - 40
5. CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	41 - 56
7. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions from Councillors.	
8. NOTICES OF MOTION UNDER STANDING ORDERS There have been no Notices of Motion submitted.	
9. A NEW CONSTITUTION FOR HEREFORDSHIRE COUNCIL - TIMETABLE AND PROCESS To receive a report on the process and timetable for a new Constitution for Herefordshire Council. (Report to follow).	
10. PROPOSED CHANGES TO THE DELIVERY OF PLANNING SERVICES IN HEREFORDSHIRE To receive a report on the proposed changes to the delivery of Planning Services in Herefordshire. (Report to Follow).	
11. CABINET To receive the report of Cabinet meetings held on 4 and 25 June 2009.	57 - 60
12. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN 'SAVED' POLICIES That Council's approval be sought to submit a proposal to the Government Office for the West Midlands (GOWM) to retain Unitary Development Plan (UDP) policies after 22 March 2010.	61 - 74
13. PLANNING COMMITTEE To receive the report and to consider any recommendations to Council arising from the meetings held on 15 May and 3 July 2009.	75 - 80
14. STANDARDS COMMITTEE	

	To receive the report and to consider any recommendations to Council arising from the meeting held on 10 July 2009. (Report to follow).	
15.	STRATEGIC MONITORING COMMITTEE	81 - 84
	To receive the report and to consider any recommendations to Council arising from the meeting held on 15 July 2009.	
16.	REGULATORY COMMITTEE	85 - 88
	To receive the report and to consider any recommendations to Council arising from the meetings held on 9 June and 14 July 2009.	
17.	AUDIT AND CORPORATE GOVERNANCE COMMITTEE	89 - 90
	To receive the report and to consider any recommendations to Council arising from the meeting held on 19 June 2009.	
18.	WEST MERCIA POLICE AUTHORITY	91 - 94
	To receive the report of the meeting of the West Mercia Police Authority held on 5 May 2009. Councillor B Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.	
19.	HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY	95 - 106
	To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 18 February and 26 June 2009.	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
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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:

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

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

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

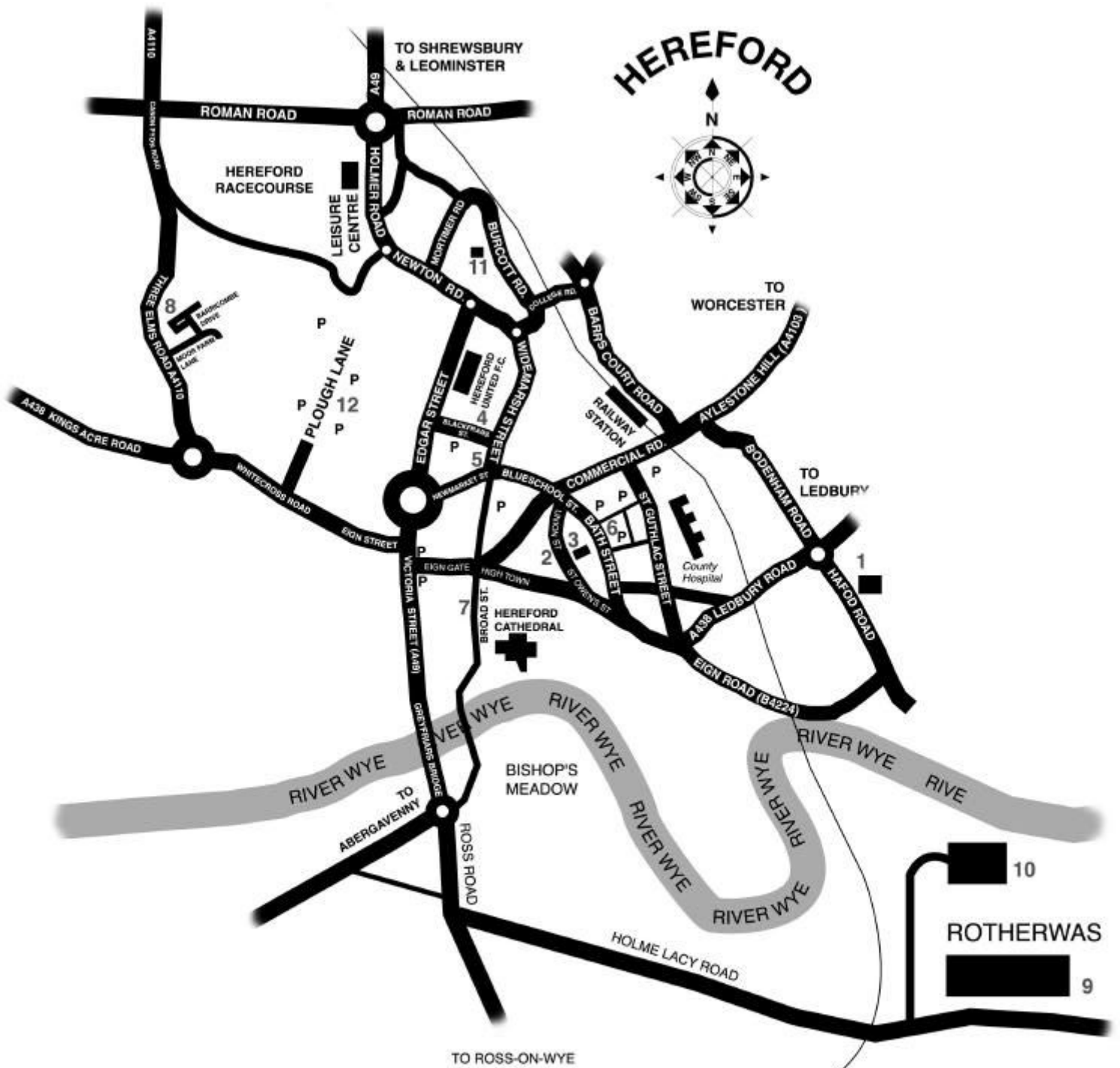
Public Transport Links

The Shirehall is within ten minutes walking distance of both bus stations located in the town centre in Hereford. A map showing the location of the Shirehall is found opposite.

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



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

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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.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 22 May 2009 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, SPA Daniels, 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, Brig P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, PJ McCaull, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, PD Price, A Seldon, RH Smith, RV Stockton, JK Swinburne, AP Taylor, DC Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

1. CHAIRMAN

The Vice Chairman, Councillor JB Williams called for nominations to the office of Chairman. Councillor RH Smith proposed Councillor J Stone and Councillor TM James seconded the nomination.

RESOLVED: That Councillor J Stone, be elected Chairman of the Council until the annual meeting of Council in May 2010.

Councillor Stone signed the Declaration of Acceptance of Office and officiated in the Chair for the remainder of the meeting.

2. PRAYERS

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

The Chairman extended a warm welcome to the county's Lord Lieutenant, Lady Darnley, who was in attendance, as were members of the County's Youth Council and Children's Trust Shadow Board who had earlier presented the Chairman with a petition. During the meeting former Councillor and past Chairman John Edwards was also welcomed.

3. APOLOGIES FOR ABSENCE

Apologies had been received from Councillors DJ Benjamin, B Durkin, DW Greenow, G Powell and SJ Robertson.

4. DECLARATIONS OF INTEREST

Councillors WU Attfield, AM Toon and AE Gray declared personal interests in item 11 as members of Herefordshire Housing.

Councillor RJ Phillips declared a personal interest in relation to item 13, paragraph 8.4 'Response to the Review of Community Engagement in Community Safety and Drugs Partnership'.

5. VICE-CHAIRMAN

The Chairman called for nominations to the office of Vice-Chairman.

Councillor RI Matthews proposed Councillor JB Williams and Councillor ACR Chappell seconded the nomination.

RESOLVED: That Councillor JB Williams be appointed Vice-Chairman of the Council until the annual meeting in May 2010.

Councillor JB Williams signed the Declaration of Acceptance of Office.

6. MINUTES

The minutes of the meeting held on 6 March 2009 were **approved** as an accurate record.

7. APPOINTMENT OF LEADER OF THE COUNCIL

Councillor JP French proposed Councillor RJ Phillips as Leader of the Council and the nomination was seconded by Councillor PJ Watts.

RESOLVED: That Councillor RJ Phillips be appointed Leader of the Council until the annual meeting in May 2010.

Councillors MD Lloyd-Hayes and GFM Dawe requested that their objection to this nomination be formally recorded in the minutes of the meeting.

The Leader thanked members for his re-election and emphasised that as a Herefordian born and bred he regarded public service as an honour and was privileged to be the Council's leader. The importance that public service played in the quality of life of the county's residents was emphasised and it was acknowledged that the strengths of the county lay with its communities and its spectacular landscape, whilst its challenges were based around the need to deliver a wide range of services in a large geographically dispersed county.

The Leader stated that 2008 had been a significant year, not least the impact of the international monetary markets which would continue to have a profound effect on us all for many years, both as an authority in service delivery and to the citizens of the county.

A general election would need to be called within the next year, and it was expected that there would be tougher times ahead for public services whichever political party would be in Government. It was essential that there was honesty with the population of Herefordshire as to the possible impact of such challenges and that they be assured that the Council was working hard to prepare to meet these challenges, which would include Members having to make difficult decisions at times. The Leader looked forward to a challenging yet rewarding year.

Councillor Phillips advised Council that he had appointed Councillor JP French as Deputy Leader of the Council and confirmed the names of his other cabinet members, which would remain as in 2008/09.

8. APPOINTMENT OF OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENT TO COMMITTEES AND OTHER BODIES

The Leader presented the report and referred Members to the appendices which had been circulated immediately prior to the start of the meeting.

The proposed changes to some of the chairmanships were highlighted and a warm tribute was paid to both Councillors JK Swinburne and SJ Robertson who were standing down from chairing scrutiny committees for their leadership in challenging and sensitive areas. Councillor WU Attfield's work and wisdom was also acknowledged as she proposed to stand down from her Vice Chair's position whilst remaining a member on a scrutiny committee. In relation to the Standards Committee, in order to assist with the increasing demands on Members of this Committee, it was proposed to nominate two additional Members, Councillors JE Pemberton and AE Gray, who would be co-opted to fulfil the role as and when required.

In response to a question from Councillor MAF Hubbard who sought clarification of those positions which required the suspension of proportionality rules, the Leader stated that discussions had been held with group leaders at their meeting on 7 May 2009. The Leader advised Council that the Strategic Monitoring Committee was not proportionate as it provided a greater number of seats to parties outside the administration and stated that should there be a need to comply with strict proportionality this situation would change.

Councillor GFM Dawe, Leader of the Alliance Group advised Council that neither he nor the Labour Group Leader had been present at the group leaders meeting mentioned. He therefore considered that there had not been an open discussion and stated that he would vote to reject the recommendations.

Leader of the Liberal Democrat Group, Councillor TM James, reminded Council that the partial suspension of the rules on proportionality had been in place and supported over several administrations and, by gifting a greater proportion of posts to opposition groups, the Council was well regarded. He expressed the view that Council needed to retain consistency of committee membership as far as was possible for the duration of a four-year term. Councillor James also stated that whilst it may have been beneficial had the appendices been circulated a day or two earlier, it was unlikely that earlier circulation would have made a difference to the debate.

Councillor MD Lloyd Hayes stated that she would oppose the recommendations. She was concerned that the Alliance Group was not represented on the Strategic Monitoring Committee and additionally informed Council that she would be seeking membership of a scrutiny committee other than Adult Social Care and Health, on which she had served for nine years.

Councillor AM Toon stated that there was a perception that the Alliance Group was cut out of positions within the authority and requested that an alternative process of arranging appointments to offices be considered.

The Chairman called for a vote on the recommendations, which was not supported nem com and therefore not approved. Councillors GFM Dawe and MD Lloyd Hayes requested that their votes against the recommendations be formally noted in the minutes.

Following the rejection of the recommendations, the Leader stated that he regretted the fact that there had been formal objection to the proposed arrangements, which had sought changes to three offices. It was proposed that the group leaders meet to consider the options and potential consequences, which in broad terms would be a variation of past proposals which would require a partial suspension of the rules of proportionality, or the need to appoint to offices on a the basis of strict proportionality, for ratification at the July 2009 Council meeting.

RESOLVED (unanimously) THAT:

- (a) **Council delegates authority to the Chief Executive, in consultation with the political group leaders to consider and make appointments to all relevant offices and that the appointees be authorised to fulfil their roles until the Council meeting on 24 July 2009;**
- (b) **the Chief Executive be requested to exercise his delegated powers to make, (if required) following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders; and,**
- (c) **at the July Council meeting, the Council be asked to confirm the appointments.**

9. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Council that Councillor GA Powell was currently in hospital and wished her a speedy recovery. He passed on Councillor Powell's thanks for the many messages and cards received from fellow Members.

Pupils from John Masefield High School who had taken part in the local democracy project 'I'm a Councillor Get Me Out of Here' had tea with the Chairman and other Councillors.

Members were advised of the fundraising activities of The Goodwill Group, volunteers from both the Council and PCT, who had since the autumn been raising money for Help the Heroes and who continued to do so even though their £1,000 target has been met. Congratulations were additionally extended to the Chief Executive on his completion of Hereford's half marathon which was in aid of St Michael's Hospice, and to all who took part. The Chairman announced that he would be undertaking a sponsored swim during the year which would be held in all four of the county's leisure pools.

Together with other Members, the Chairman had the opportunity to tour the new facility, ThePoint4, at the Royal National College for the Blind, an excellent sports and complementary therapy centre which would feature as a venue in the 2010 Blind Football World Cup. All Members were encouraged to visit the facilities.

Herefordshire Council would be supporting the Fly the Armed Forces Flag initiative and the flag would be raised and flown from the Shire Hall from Monday 22 June, at an event with representatives of the armed forces present. The flag would remain flying until 27 June. All were welcome to attend the short, but important ceremony on 22 June.

1st the Queen's Dragoon Guards had been granted permission to parade through Hereford City on 14 July to mark their homecoming back from Afghanistan. This parade would also mark Herefordshire's welcome back to the Guards. The regiment would have stands in High Town and would be visiting various schools and colleges.

Councillor SPA Daniels was congratulated on her recent appointment as Mayor of Hereford City.

In closing, the Chairman stated that he looked forward to seeing Members in the Town Hall following the meeting for the annual Chairman's lunch.

10. QUESTIONS FROM MEMBERS OF THE PUBLIC

Copies of all public questions, received by the deadline, with the written answers were distributed prior to the commencement of the meeting. The Chairman advised Council that following the Council's adoption earlier in the meeting of changes to questions from Members of the Public that each Member of the public who had lodged a written question was permitted to ask one supplementary question, should they so wish. Supplementary questions were asked by Mr Clay, Ms Evans, Mr Barton and Mr Phelps. A copy of the public questions and written answers together with the supplementary questions and answers are attached as Appendix 1 to the minutes.

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

Questions from Councillor WLS Bowen to the Cabinet Member Resources.

1.1 Do you agree that Herefordshire Councils' efforts to establish a baseline for energy use and to discover the whereabouts of its various electricity, gas and water meters has been agonisingly and pathetically slow?

1.1.2 Why has it taken so long to achieve this relatively simple, yet vital objective and when will this objective be achieved?

Answer from Councillor H Bramer, Cabinet Member Resources

1.1 No.

1.1.2 This is not a simple task but a complex process involving almost 700 individual meters for electricity, gas and water. The co-operation of the utility companies is required to identify which meter location relates to which invoice received and even then in order to provide a completely accurate baseline, all 700 meters would have to be read at the same time. This cannot be done practically, unless by remote electronic reading. An added complication is that sites using LPG or fuel oil do not have consumption meters.

That said, we are able to provide a reasonably robust baseline of the Council's CO2 emissions, which last year party were approximately 14,500 tonnes from property. This is the Council's baseline position against which we will measure our reduction targets.

We are continuing to improve our ability to provide accurate and up to date information both in respect of the council's own property and through working with key partners such as HALO.

Supplementary question from Councillor WLS Bowen

Eight years was a long time in which to achieve baseline information – might the Council use Halo to achieve a more rapid answer?

Councillor H Bramer, Cabinet Member for Resources responded by acknowledging that eight years was a long time, however this was due to the need for the base lines to be read at the same time. The authority was now working hard to progress this work.

Questions from Councillor WLS Bowen to the Cabinet Member Environment and Strategic Housing

1.2 PPS22 was issued in 2004, allowing Authorities to mandate on site renewable energy production (typically 10%) as a condition of building development. Why doesn't Herefordshire make this demand of all new development?

1.2.1 How soon can this be incorporated into Herefordshire's planning policies?

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

1.2 The advice in PPS22 has been partly superseded by the advice in the Supplement to PPS1 on "Planning and Climate Change" which was published in December 2007. This states, in paragraph 32:-

"...planning authorities should not require local approaches for a building's environmental performance on matters relating to construction techniques, building fabrics, products, fittings or finishes, or for measuring a building's performance unless for reasons of landscape or townscape."

This amounts to saying that the "Merton Rule" of requiring a 10% mandate of renewable energy production for new buildings has fallen out of favour with the government.

Furthermore, the equivalent policy in the Regional Spatial Strategy is going to be challenged at the Examination in Public and may not, therefore, be included in the final version of the RSS when it is approved by the Secretary of State sometime in 2010.

In these circumstances it would be unwise to try to enforce a blanket policy of this nature at this time.

1.2.1 Notwithstanding the above the emerging Core Strategy must have "Climate change" policies and needs to be tailored to Herefordshire's particular circumstances. A background paper on Climate Change Policy has been published on the Council's website and initial consultations are under way (in April and May 2009). It is intended to develop these ideas into policies which are locally distinctive, practicable and do not simply replicate the Building Regulations. Thus, for example, techniques appropriate in rural areas might not be suitable in heavily built up areas, and vice versa. There will be further consultation on this as part of the forthcoming "Place shaping" consultation in August and September.

Supplementary question from Councillor WLS Bowen

The authority merely 'encourages' developers to provide on site renewable energy production, should the authority be more robust with developers as is outlined in PPS22?

Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing;

Whilst agreeing in principle, he stated that guidance from Government remained unsettled and further advice was awaited in supplement to PPS1. Once clarification had been received the authority would progress to mandate developers appropriately and in line with Government guidance.

Question from Councillor WLS Bowen to the Cabinet Member Environment and Strategic Housing

1.3 Do you agree that under recent "well being" regulations Local Authorities have the power to demand much higher standards of energy efficiency in local building regulations than are required nationally?

1.3.1 *Why has no real progress been made to implement these much higher requirements which would lead to buildings that are very energy efficient and much less expensive to heat and cool?*

1.3.2 *Do you agree that Hereford could and should progress much faster than its current sloth like pace?*

1.3.3 *Why has progress been so slow?*

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

1.3 In order to depart from national standards there has to be a secure evidenced based local reason. As noted above, the "Merton" rule is no longer favoured by government as a blanket standard to be applied in all cases. Whilst, under building regulations, all new houses will have to be "carbon-neutral" from 2016 the consultation on the Core Strategy this summer will provide the chance for interested parties to take this further as we develop our policies for the future.

1.3.1 Developers are given every encouragement to develop energy efficient designs on a case by case basis at present, with some carbon neutral schemes already having been approved.

1.3.2 Pending the outcome of the challenge outlined in my answer to Q1.2 the council will continue to encourage best practice wherever possible and practicable.

1.3.3 Herefordshire is not being "slow" in this matter. We are in the process of developing policies in the light of what is practicable and in the light of national and regional policies. In the meantime individual developers are reminded of their duties under the Building Regulations and are encouraged to "go one better" wherever it can be done.

Question from Councillor WLS Bowen to the Cabinet Member Environment and Strategic Housing

1.4 *Do you agree that Herefordshire Council should back firms promoting and developing "green" engineering – and using their products? If so, what are you, as the Cabinet Member and the Director responsible doing about it?*

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

1.4 Yes. Supported by the framework of the Economic Development Strategy for the County one of the five key themes of which is sustainable development; a range of activities are already taking place some examples of which include:

- the Rethink project - encouraging businesses to use renewable energies, and training local companies to install, fit and develop renewables
- The Rural Enterprise Programme (administrated by Herefordshire Council on behalf of AWM for the rural West Midlands) includes funding for companies to develop their environmental technologies in diversifying their land based businesses.
- One of the leading sustainable architects in the country (and a Herefordshire based business) is working with the local authority on producing a master plan scheme of the Model Farm project in Ross on Wye to create sustainable employment land,
- Working with partner organisations, a "meet the buyer" event is being arranged where sustainable businesses can promote their services and products.

Question from Councillor WLS Bowen to the Cabinet Member Economic Development and Community Services

1.5 *How much financial support does Herefordshire Council give to the Three Choirs Festival?*

1.5.1 *Does Herefordshire Council give any support "in kind" to the Three Choirs Festival?*

1.5.2 *Will High Town be made to look its best in time for the Three Choirs Festival? Will the missing letters in the names in the paving be replaced in time?*

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

1.5 The Three Choirs Festival has a Service Level Agreement with Herefordshire Council for £12,000 over 2 years. We are now in Year 2.

1.5.1 The Three Choirs Festival has been asked to participate in the Take pART Campaign. They have attended one meeting but any further involvement has yet to be confirmed. Take pART is an audience development campaign and Herefordshire Council are seeking funding to increase activity and create a concessionary scheme. The Three Choirs Festival has been included in the list of partners (planned promotion during cultural roadshows) involved in the awareness part of the campaign.

1.5.2 The Three Choirs Festival is at the height of the summer and particular attention will be paid to the cleaning of High Town at that time. We are working with the original supplier to ensure all letters are in place for the Three Choirs Festival.

Supplementary question from Councillor WLS Bowen

It was important to ensure that all of Hereford was looking at its best in time for the Three Choirs Festival, which would also include the approaches to the City and the skate park.

Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services provided assurance that relevant officers in the Council were working closely with organisers from the Three Choirs Festival and Visit Herefordshire to deliver a first class event. A joint stand with the perpetual trust was in place at the Hay on Wye festival promoting this prestigious event.

Question from Councillor WLS Bowen to the Leader of the Council

1.6 *Do you agree that giving each Councillor a budget to be used for specific projects in their own Wards would be a very good way to target very local needs? Are you aware that other Councils have done this with great success?*

Answer from Councillor RJ Phillips Leader of the Council

1.6 I am aware that other Councils have adopted this approach. Locally we will be exploring how we can increase the influence of local members on local expenditure within their wards and will look at this proposal alongside other options for achieving this.

Supplementary question from Councillor WLS Bowen

Would not a ward budget be the best way to benefit wards. What other options or approaches are available?

Councillor RJ Phillips, Leader stated that it was important for all members to be aware of the realities of the challenges ahead both in relation to current budget pressures and with future financial situation of local government. Ward delegations would also be a challenge to local members to prioritise and differentiate between ward issues which could lead to a potential concern of inappropriate allocation of funding.

Question from Councillor AT Oliver to the Cabinet Member Environment and Strategic Housing.

As part of the Bloor Homes development of 34 houses at the Old Dairy site in Bullingham Lane, £309,000.00 was provided for Affordable Housing offsite under a Section 106 Agreement.

2.1 *What was the reason for not insisting on having Affordable Housing on site, and why was this £309,000.00 s106 money used to fund the Rose Gardens development in Ledbury Road, and not for social housing south of the river, in the area where the Bloor Homes development took place?*

Answer from Councillor Jarvis Cabinet Member Environment and Strategic Housing

2.1 The decision in 2004 to accept a financial contribution in place of affordable housing was taken having regard to the brownfield status of the site and associated additional costs to be incurred in the clearance of the land.

The contribution towards the Rose Gardens supported the delivery of a strategic priority for the Council, providing much needed affordable homes and independent living for older/vulnerable people for the whole of Hereford.

Supplementary question from Councillor AT Oliver

When the Section 106 monies were considered there was an expectation that this would be earmarked for initiatives South of the Wye. Why were these monies appropriated elsewhere?

Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing informed the Member that the situation concerning Section 106 agreements at the time (2004) stated that monies could be allocated to support areas of strategic priority for the Council, which would include the Rose Gardens development on Ledbury Road. However a different system was now in place that required a 'named allocation' of Section 106 monies to the relevant area. The same situation was unlikely to happen now.

Question from Councillor AT Oliver to the Cabinet Member Highways and Transportation

On the completion of the Rotherwas relief road it was stated by the Highways department that a scoping document would be produced to consult with local residents on improvements to Holme Lacy Road, including an extension of the 30 mile an hour limit, additional pedestrian crossings at St. Clare's Court, and the junction of Winston Road and Hinton Road with Holme Lacy Road, and improved access for cyclists at the railway bridge.

2.2 *Nearly 12 months later nothing has happened. Why? Have any thoughts of improvement to Holme Lacy Road been abandoned?*

Answer from Councillor Wilcox Cabinet Member Highways and Transportation

2.2 The opening of the new Rotherwas Access Road has provided a high quality access to Rotherwas to the benefit of business on the estate. It has also helped

to improve the environment for residents living in the area adjacent to Holme Lacy Road. I recognise the opportunity this now provides to further improve Holme Lacy Road for the benefit of residents. An incremental approach to this improvement is being taken and a 7.5 tonne weight restriction has already been implemented on Holme Lacy Road which prevents vehicles above 7.5 tonnes accessing the Estate via this route and moves this traffic onto the access road. Proposals to extend the 30 mph speed limit on Holme Lacy Road towards the Estate are currently being considered. In addition, a further package of works along Holme Lacy Road is being developed to further improve conditions for pedestrians and cyclists. These proposals are being designed to complement proposals for the Connect2 cycleway project to link Hereford with Rotherwas and Holme Lacy. Consultation regarding these measures is planned to take place later this year.

Supplementary question from Councillor AT Oliver

Could the Cabinet Member consider a new promise to ensure appropriate and wide consultation relating to improvement of the Holme Lacy Road?

Councillor DB Wilcox, Cabinet Member Highways and Transportation stated that a planning application was proceeding in relation to the improvement of the cycle way and that consultation and discussion regarding the thirty mile an hour exclusion zone on Holme Lacy Road was underway. Local Members' views would be sought on the measures proposed and consultation would include local Members, businesses and residents.

Question from Councillor AT Oliver to Cabinet Member Resources

2.3 *At 31 March 2008 and 31 March 2009 what was the value and number of invoices outstanding and unpaid for over 30 days?*

Answer from Councillor Bramer Cabinet Member Resources

2.3 Our current performance is payment within 14.83 days from receipt of invoice from supplier. The Council has agreed a local target of paying invoices within 20 days which we are achieving, and has also signed a pledge to work towards a target of paying invoices within 10 days.

Question from Councillor WU Atfield to the Cabinet Member Economic Development and Community Services

3.1 *Since the retail sector of the Edgar Street Development is not able to go ahead yet, isn't this a good time to begin the building of the social housing planned for this site, together with some small studio workshops, and so provide work for local builders and their employees?*

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

3.1 Whilst the recession has impacted on the phasing of elements within the ESG Masterplan, work is continuing to progress the social housing planned on the ESG site. The ESG Company and the Council are actively working with Sanctuary Housing and the Homes and Communities Agency to bring forward proposals as soon as possible. An essential element in bringing forward the housing development will be the infrastructure required to open up the site for housing, and it is indeed on these areas that the ESG Company is currently concentrating. We are anticipating planning applications in the near future in respect of both the Flood Alleviation Scheme and new road infrastructure which

are crucial parts of the infrastructure required to open up the ESG site for new affordable houses.

Supplementary question from Councillor WU Attfield

Whilst it was acknowledged that both the infrastructure and flood alleviation scheme were required to enable the commencement of the wider ESG development, were there any sites within the ESG area where housing could go ahead without the impact flood alleviation works? If so, these should be progressed as a matter of urgency.

Councillor AJ Blackshaw, Cabinet Member Economic Development and Community Services stated that the flood alleviation scheme was crucial to the sequential development of the ESG and was subject to grant from Advantage West Midlands. The ESG Board and Herefordshire Council were working closely with Sanctuary Housing and Hereford City. Two planning applications were being progressed; one for the infrastructure requirements, the other for the flood alleviation scheme. It was emphasised that affordable housing was crucial to ESG scheme.

Question from Councillor RI Matthews to the Cabinet Member Resources

- 4.1 *I understand that the Council-owned Elmhurst Nursing Home has remained empty for approximately twelve months, and during that time considerable sums of money have been spent on parts of the building, with a view to using for office accommodation. Can Members be told how much has been spent on the building during this time in respect of the alterations, heating, lighting and full-time security. Can you also state whether any part of the building has been used during this period of time, because I understand that the heating bills alone have been considerable?*
- 4.2 *The Cabinet recently decided, against the wishes of a large number of Members and public alike, to permanently close the L.E.A. Pool, and to consider disposing of the site as part of the Council's General Property Strategy. If the site were to be sold, would the money raised be ring-fenced for a replacement pool, or at the very least for generally improved facilities at the Leisure Pool, bearing in mind that in the view of most Teachers and Parents the present arrangements are far from satisfactory?*

Answer from Councillor H Bramer, Cabinet Member Resources

- 4.1 The Council owned Elmhurst property was vacated by SHAW homes on 31 July 2008. Since that date, the Council has incurred costs of £93,678 related to the property, which includes security (as a condition of insurance) and protection of the building over the winter period, to ensure that we adequately protect our property, ready for potential marketing. The building has listed building status and there is therefore a duty to protect the integrity of the building.
- 4.2 No decision has been taken about the site. If it is sold then the monies would form part of the general capital receipts supporting the council's capital programme.

Supplementary question from Councillor RI Matthews.

Having been informed that £100,000 had been spent on an empty Council owned property in 10 months and following receipt of the breakdown of these costs which included construction work to transform the building into office accommodation, what were the issues which had delayed progress? Why was £16,000 gas costs incurred during this time when the central heating should have been turned off and the system drained?

Councillor H Bramer, Cabinet Member Resources stated that he was awaiting a full report of an investigation into this matter and would inform members of the outcomes.

Question from Councillor GFM Dawe to the Cabinet Member Corporate and Customer Services and Human Resources

5.1 *Would the Council agree that Herefordshire Council should follow the lead of Parliament and now publish in detail Councillors' expenses, and make them available for the general public on a quarterly basis.*

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

5.1 The register of Councillors' expenses claims is available for inspection by the public, on request, at Brockington. In addition, on an annual basis the Council publishes the total amount of expenses claimed by Councillors; this is published in the local press and is also available on the council website.

Supplementary question from Councillor GFM Dawe

As a breakdown of members expenses is not currently made available in the press, should consideration be given to providing information on what has been claimed under specific topic headings e.g overnight accommodation, travel expenses etc?

Councillor JP French, Cabinet Member for Corporate and Customer Services and Human Resources stated that local government should be proud of its approach to the publication of members expenses. The Council regularly had members of the public viewing this information as the Council's policy was open, transparent and prudent. It was additionally stated that the Council's level of members allowances was low compared to other local authorities.

Question from Councillor GFM Dawe to the Cabinet Member Resources

In the Cabinet report of 7 May 2009, Agenda Item 6, paragraph it states that the proposed new Council building will take £17m of capital reserves and Prudential Borrowing, with the remainder being met from further Prudential Borrowing and rationalisation.

5.2 *What is meant by rationalisation?*

5.2.1 *What exactly will be rationalised?*

5.2.2 *How much money will come from rationalisation and how much from Prudential Borrowing?*

Answer from Councillor H Bramer, Cabinet Member Resources

5.2 Rationalisation will take the form of ceasing to use buildings currently occupied and often owned by the Council. These buildings are expensive to maintain and, in general, have significant carbon footprints.

5.2.1 As indicated in the previous answer, a number of existing buildings will no longer be used or rented. At this stage, it is possible to estimate that this could total a minimum of 10 sites. However, we will continue to monitor the situation as the project progresses.

5.2.2 The level of money to be released from rationalisation will depend on the number of buildings no longer occupied and this will help fund any required future prudential borrowing to support the overall project.

Supplementary question from Councillor GFM Dawe

Assurance was sought that the cost of the new Council building would not result in a future rise in the community charge.

Councillor H Bramer, Cabinet Member Resources stated that £17million had been allocated to the cost of a new Council building through prudential borrowing and available monies. Further funds would come from the disposal of surplus buildings in the Council's portfolio and possibly through other borrowing. The Cabinet Member stated that he would provide any further details if required personally to Councillor Dawe.

Question from Councillor GFM Dawe to the Cabinet Member Economic Development and Community Services

The new Rotherwas Access Road has been open for over a year. The main justification for building it was that it would increase jobs. Herefordshire Council's own estimate was that it would create precisely 1,030 (Rotherwas Access Road Major Scheme Business Case (RARMSBC), July 2005. Herefordshire Council and Owen Williams consultants, page 5). Councillor. Blackshaw at the Community Services Scrutiny Committee of 17 July 2008 said it would provide even more jobs, he said the Rotherwas Access Road will lead to a 100% increase in jobs at Rotherwas.

5.3 *How many jobs have been created in the last year at Rotherwas? Please break them down broadly into*

- *the type of job, in other words are the jobs merely transfers of Council employees from one office to another, or are they new jobs, created as a result of the new road?*
- *the amount earned per annum by the new employees.*

5.3.1 *How many, in Councillor Blackshaw's opinion, can be accredited to the Rotherwas Access Road?*

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

5.3 The construction of the Rotherwas Access Road is a vital element of the wider regeneration of the Rotherwas Industrial Estate and is reflected as such within the Rotherwas Futures project. A study by GVA Grimley (April 2006) established that there was the potential for 25.5ha (63 acres) of land that could be developed, and calculated that, as a minimum, 1400 net new jobs would be created as a result of the employment land being developed.

Clearly these jobs will be created over a number of years as the land phased for development is released onto the market and development occurs. GVA did not give timetables for the job creation and external factors, such as the recession, clearly have an impact on the timing of land coming forward for development. We have been fortunate in constructing the road when we did, which has meant the road was in place at the beginning of the current economic recession and has had a positive impact in sustaining and preventing job losses on the Rotherwas site, without which companies such as Arctic Circle would not have had the opportunity of winning its new £1m contract with Morrisons.

Supplementary question from Councillor GFM Dawe

As the question posed was not answered, an assumption could be made that 0% of jobs were created – was this situation what should be concluded?

Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services stated that the Rotherwas Industrial Estate was an important long term land bank. The 2006 GVA Grimly report identified the creation of possible 1400 new jobs as a result of the employment land being developed, which would be created over a number of years and would be dependent on market forces and the economic climate. Three of the largest employers on the Rotherwas Industrial Estate had informed the Cabinet Member they had credited the completion of the Rotherwas Access Road with securing jobs on the Estate as without the access road it was possible that those companies would have considered their location.

Question from Councillor GFM Dawe to the Cabinet Environment and Strategic Housing

5.4 *What percentage rise in car parking charges in the Council-owned car parks would be required to pay for the proposed cut in bus subsidy of £80,000, plus the additional £80,000 needed to maintain current bus service levels?*

Answer from Councillor B Wilcox Cabinet Member Environment and Strategic Housing

5.4 Whilst it is true that earlier in the year there was the possibility of an £80K reduction in the bus subsidy, I am happy to confirm that no reduction in the Council subsidy will be required this year though there will of course need to be a review based on the results of the tender exercise currently underway on a number of the bus contracts. It is also worth recording that the total budget for route subsidies is in excess of £900,000 in the current year.

Supplementary question from Councillor GFM Dawe

What increase in car park charges would be required to deliver £80,000 – 20%?

Councillor DB Wilcox, Cabinet Member Highways and Transportation referred to the recent members seminar held on the bus subsidy issues which highlighted the need to retain the £80,000 in the existing budget and confirmed that the council subsidy remained, however continuing challenges would lie ahead with the prioritisation of issues from the Area Based Grant. The issues of the bus subsidy and increase in car parking charges were not considered to be related. There was currently a shortfall of £196,000 in the car parking budget, therefore an increase in car parking charges did not automatically correspond with additional monies for reallocation to different budgets. It is currently proposed that car parking charges were not increased as it was vital to encourage people into the City and towns.

Question from Councillor MD Lloyd-Hayes to the Cabinet Member Economic Development and Community Services

6.1 *Widemarsh Common has been a public open space since its benefactor Miss Chave left it to the public after her death. Can we be reassured that the grounds in front her house remain in public use?*

6.2 *How much has been spent on the ESG to date including salaries?*

6.3 *Are there plans for a food store to be on the ESG and are “ongoing negotiations” taking place at this time?*

Answer from Council AJM Blackshaw, Cabinet Member Economic Development and Community Services

- 6.1 Herefordshire Council has no plans to either develop on or dispose of Widemarsh Common or restrict the public access which is currently enjoyed.
- 6.2 From 2005-06 to 2008-09 the Council has spent £1,003,584.
- 6.3 The Council is currently negotiating a development agreement with its preferred partner Stanhope in respect of the Livestock Market site. It will be Stanhope's job to negotiate potential tenants, and they are already in preliminary negotiations with Waitrose. Any such retail development would be subject to the relevant planning processes.

Supplementary question from Councillor MD Lloyd-Hayes
Does the £17.5 million spend include an appraisal for a GP/Walk in surgery?

Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services stated that he did not have the information to hand and that a formal written answer would be provided.

Supplementary question from Councillor MD Lloyd-Hayes
It was noted that there was no information on the Stanhope website advising of the food store. As the Council owned the land would ward members be involved in the process and consulted?

Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services confirmed that, in line with council policy, local ward members would be involved.

Question from Councillor MD Lloyd-Hayes to the Cabinet Member Resources

- 6.4 *The Council sold the Youth Centre in Tupsley that also served as a community centre leaving the public with nowhere to congregate. The local pub is for sale at a very attractive price and stands on Council owned land, will the Council secure the building in order to serve several thousand people in the local community?*
- 6.5 *We read in the local press that the government is "actively thinking" of financing the Outer Distributor Road to the tune of £60m, does that mean the funding is guaranteed?*

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

- 6.4 The Council is happy to work with any community group anywhere in the county in assisting with the development of a business case and identifications of options for sustainable community owned facilities. It is not our intention at this moment in time to purchase the building

Answer from Councillor R Phillips, Leader of the Council

- 6.5 Funding is being considered by government as part of the regional allocation process.

Supplementary question from Councillor MD Lloyd-Hayes
Why were there no plans for investing in youth amenities within Hereford, as currently a £770,000 youth centre was planned for Leominster? Current data relating to 14-19 year olds identified the following information; Leominster had 400; Hereford City had 4,400

with 800 within the Tupsley Ward which included Whitten Way which was an area of deprivation.

Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services stated that there was no geographical bias for the allocation of funds and resources. The young people were the County's most valuable future and should members have any creative ideas he would be happy to hear them.

12. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman introduced this item by informing Members that as Chairman he had been pleased to attend an event in High Town during Easter arranged by the Youth Council and Children's Trust Shadow Board which publicised the 'No prejudice in HERefordshire' campaign. He also thanked the members of the Youth Council and Children's Trust Shadow Board for being in attendance to hear this important issue being debated at Council.

The Chairman ruled the notice of motion as outlined in the agenda be treated as urgent.

Councillor ACR Chappell, Leader of the Labour Group advised Members that the notice of motion had been supported and signed by all the Group Leaders. The motion was seconded by Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources.

Councillor ACR Chappell stated that this was an important notice of motion for consideration by Council, though in effect it should not be an issue for debate. Members were advised that the purpose of bigotry and racism was to destroy harmonious communities and to spread poison, and this point was illustrated by reference to explicit racist language used by a 7 year old child in a playground, the presumption being that such words had been picked as a result of language used by the child's parents.

Councillor Chappell emphasised that not all individuals held prejudicial views and commended the young people for leading the campaign for No Prejudice in HERefordshire.

In debunking myths, Councillor Chappell emphasised that no one received preferential treatment from social landlords, jobs were given on merit, and only those entitled to receive benefits were provided with such support. It was also highlighted that majority of crime in Herefordshire was committed by Herefordians.

Concerns had been expressed to Councillor Chappell from staff of the Hereford Times following a directive from their parent company Newsquest regarding the placing of an advert in the Hereford Times which called for 'British jobs for British workers'. It was emphasised that the local staff knew their locality well and a letter was read out from a Hereford Times employee who outlined examples of the horrors of prejudice which he had witnessed when younger.

Councillor Chappell stated that Herefordshire had a long history of welcoming those of different cultures, politics, religion and creed, which included the Marion Fathers, Poles (before and after the second world war), Hungarians during the 18th century, Italians prisoners of war and people from Southern Asia. It was with shame that Councillor Chappell informed Members that whilst a building in the South Wye area was being used as a mosque, he had been asked not to disclose its location from fear of reprisals. All people, be they friends, neighbours, work colleagues deserved equal curtesy and respect.

Herefordshire Council was taking a lead in this initiative and Councillor Chappell congratulated the young people and Council staff for the way the campaign has been organised, he additionally commended the Cabinet Member for her support.

Councillor Chappell stated that Members had responsibility to serve all people within their wards, whatever their colour or creed and it was important to emphasise the no prejudice message at all times. It was stated that Herefordshire was strong enough not only to respect differences but also to challenge prejudice by standing up and speaking out against it.

Councillor Chappell recounted a deeply personal story of his time in Chile in the late 1960's when racism was rife and when, during political turmoil many were killed, including a close friend.

The words of Pastor Niemöller, a German pastor were shared with the Council to illustrate the point:

*'They came first for the Communists, And I didn't speak up because I wasn't a Communist;
And then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist;
And then they came for the Jews, And I didn't speak up because I wasn't a Jew;
And then... they came for me... And by that time there was no one left to speak up'*

The Leader thanked Councillor Chappell for his contribution and commended the Youth Council and Children's Trust Shadow Board for leading and raising the campaign and stated that Members needed to ensure that prejudice of all kinds was challenged. He stated that there was at times a negative perception of rural areas and that rural people experienced prejudice on occasion as they were a minority in what was an urban society and culture. It was important to have freedom from fear, and whilst most people took this for granted, some people in Herefordshire originated from countries where democracy as we know it did not exist. Others even within their own society were the victims of prejudice and bullying. It was vital that such issues were challenged and exposed. It was additionally acknowledged that there were at times community tensions in the county between new and established residents.

Councillor RI Matthews, Independent Group Leader informed Council that he was pleased to support the notice of motion and commended the way that such a sensitive, yet important issue had placed in the public arena. He stated that he was proud of the way the county had received and accepted people of differing backgrounds to the area.

Councillor TM James, Leader of the Liberal Democrats advised Members of his support for the notice of motion and stated that whilst it may be considered an obvious issue to champion it was necessary to articulate and promote a no prejudice message and act on it. The work of the Youth Council and Children's Trust Shadow Board was also acknowledged and he called on all elected members to provide their full support to the initiative.

Councillor GFM Dawe, Leader of the Alliance Group supported the notice of motion and endorsed the comments made.

As Cabinet Member Corporate and Customer Services and Human Resources, Councillor JP French formally seconded the motion and stated that it had been important for the young people to launch the No Prejudice in HEREfordshire campaign and commended their work and that of the Diversity and Equality team. Prejudice could not be left for young people to tackle on their own and the issue should be high on the agenda for all, as prejudice was wider than that of colour or religion. Other individuals

and groups were prejudiced against due to disability or due to the fact that they had relocated from outside the county and made Herefordshire their home.

The Cabinet Member stated that in going forward, the No Prejudice campaign would have professional PR support and an action plan. Members were asked to support the campaign wherever possible and for positive messages to be conveyed by them as community leaders at all opportunities e.g. parish council and community meetings. A specific request was made to those Members who were school governors to bring the campaign to schools attention. It was emphasised that it was also a duty upon Members to challenge any inappropriate prejudicial actions or language.

Councillor J Hyde, Cabinet Member Children's Services commended the young people for the recent play performed in High Town on diversity which was very thought provoking. The performance demonstrated the best of the young people and the support provided by Youth and Diversity Teams.

Councillor AM Toon advised Members of her ethnic background and emphasised the importance of ensuring fairness of access to education, politics and the need to embrace diversity. The work of SACRE was applauded and Councillor Toon paid tribute to the Chairman's work in his position as Chairman of SACRE.

The Chairman advised Members that as part of SACRE's work programme over 20 multi faith events had taken place in Homer School, which was also being made available for secondary schools. It was confirmed that the no prejudice campaign was high on SACRE's agenda. Councillors WU Attfield and Brig. P Jones were thanked for their continuing and steadfast support as members of SACRE.

The notice of motion was carried unanimously

13. CABINET

The Leader of the Council, Councillor RJ Phillips, presented the report of the meetings of Cabinet held on 19 March, 2 April and 7 May 2009.

Raising a point under paragraph 4.1 'Local Area Agreement Refresh', Councillor AM Toon requested that the allocation of LAA lead organisations went beyond the PCT and Council to include and identify other partners.

Councillor GMF Dawe, Leader of the Alliance Group raised an objection on the Officer Accommodation Strategy Options Appraisal (paragraph 4.2) and stated that it was not clear where the £17million cost of office accommodation would derive from and asked how much the council tax charges would need to increase to deliver this. He emphasised the need for the Council chamber and associated accommodation to be located in the heart of the city.

Councillor ACR Chappell stated that he was unhappy that, as currently proposed, the Council chamber would not be located within the Plough Lane site, although this provided an opportunity for the civic offices to be located in the centre of Hereford. It was essential that the public had direct access to Council debates and decision making meetings, which would be more accessible in the heart of the city.

Councillor MD Lloyd Hayes advised members that she was informed through the press of the Council's consideration regarding office accommodation and stated that she had not been formally notified that the issue would be discussed at Cabinet and would have wished to have been involved. Councillor Lloyd Hayes expressed the view that the new office accommodation should be located within the Edgar Street Grid and asked whether the proposed joint arrangements between the council, central library, PCT and Police

had been abandoned. An invitation was issued to the Leader by Councillor Lloyd Hayes to attend a public meeting in the Town Hall in which an open and transparent discussion could be had on the issue of office accommodation as it was considered that there had been a shortfall in democratic debate on this issue to date.

In responding to the issues raised regarding the decision at Cabinet relating to the office accommodation strategy options appraisal, the Leader outlined to Members the process which had been undertaken and confirmed that the item had not been called in by scrutiny. As part of the process, Members received notification of the item as part of the Cabinet agenda. The Leader advised Members that the open report on office accommodation considered at Cabinet provided as much information as possible with the exempt report considered in confidential session referring to issues of a sensitive commercial nature, including the details of the purchase price. All Members were reminded that they had a right to attend Cabinet and were invited to remain in the Chamber for confidential discussions. The purchase of the Plough Lane site had been undertaken in line with Council policy and had been highlighted as a key decision on the forward plan, which could have been called in by scrutiny. The Leader advised Council that the Cabinet agreed to additional recommendations which provided greater clarity for the need of business plans for both the Town and Shire Halls to ensure that the authority was making best use of these two iconic civic buildings. Members were advised that it would not be the Leader's intention to attend a public meeting on this issue.

Members were advised by the Leader that there would be difficult times ahead for the public sector in the next eighteen months to two years and it was essential that efficiencies were sought from public service administration and delivered through a shared services initiative incorporating the Council, PCT and the Acute Hospital. By delivering administrative efficiencies, it was hoped that quality of service delivery would be maintained as otherwise consideration would need to be given to potential service cuts, which needed to be avoided where possible.

In response to the question raised regarding Local Area Agreement targets, the Leader clarified that wider partners were tasked with leading on specific targets and there was a collective will amongst the partnership to mitigate against the impact of the economic climate. The Leader expressed the view that he hoped that the Government would at least maintain current levels of Area Based Grant Funding.

Councillor TM James, the Liberal Democrat Group Leader reiterated the view previously expressed that the Cabinet agenda which contained the report on the office accommodation strategy was available to all.

Councillor GMF Dawe stated that in order to deliver the £17million required for the cost of office accommodation, a cut to public services was implied through rationalisation. The Councillor called for the Leader to attend a public meeting on this issue.

The Chairman of Strategic Monitoring Committee, Councillor PJ Edwards, advised Council that SMC had twice received reports on office accommodation strategy during 2008/09 and had submitted to Cabinet a recommendation that five potential sites were appraised, which was agreed and actioned by Cabinet.

Councillor MD Lloyd Hayes commented that the Leader had refused to meet the public and stated that the debate was not held in an open manner.

In response, the Leader reiterated the process by which the decision was reached and emphasised that Cabinet meetings were open to the press and public. The invitation to attend a public meeting would not be accepted due to the insinuation of lack of transparency and openness in the process, which, if of concern to the should be raised formally to the attention of the Council's S151 Officer.

Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing in response to a question raised by Councillor AM Toon on the way key decisions relating to the suspension of some S106 agreements had been made advised that these decisions had been processed via Cabinet Member decisions. He extended an invitation to meet with Councillor AM Toon outside of the meeting.

Responding to a question from Councillor WLS Bowen on the effectiveness of consultation with the general public on the waste collection contract, and whether the authority had taken on board lessons learnt from other authorities, the Cabinet Member Environment and Strategic Housing stated that various methods of engagement had been carried out with the public being informed of the change in waste collection, which included a presentation at every PACT meeting and wide press coverage. Meetings were being arranged with specific organisations e.g Women's Institute and Age Concern. The Cabinet Member emphasised the importance of Councillors' role in promoting the scheme and in ensuring that positive messages were being reinforced within the communities. To support the delivery of the message to school children, a poster competition had been launched within primary and secondary schools in the county for which there would be a monetary prize and the possibility of the artwork being placed on the waste collection vehicles. The Cabinet Member additionally advised Council that the waste collection vehicles would be powered by both electric and diesel, which would provide a saving to the carbon footprint of 30/40% on solely diesel fuelled vehicles.

In response to a statement from Councillor AM Toon that there was no reason why developers could not pay the section 106 contributions following the sale of the houses, Cabinet Member Environment and Strategic Housing stated that action was required during the dire economic crisis, however this situation did not amend the foundation of Section 106. The Cabinet Member stated he would be happy to meet with the Councillor external to the meeting to discuss.

Councillor ACR Chappell, Labour Group Leader requested that following the closure of the LEA pool that consideration be given to the site being used for the benefit of young people in the South Wye area. In responding, the Leader stated that a business case would need to be provided and considered for the future of any site and due process followed.

RESOLVED: That the reports from the meetings of Cabinet held on 19 March, 2 April and 7 May 2009 be received

14. PLANNING COMMITTEE

Councillor TW Hunt presented the report of the meetings of the Planning Committee held on 12 and 20 February, 13 March and 3 April 2009.

Responding to a question raised by Councillor JD Woodward regarding the wind turbines application, the Chairman of the Planning Committee advised that he would provide information outside of the meeting.

RESOLVED: That the report of the meetings of the Planning Committee held on 12 and 20 February, 13 March and 3 April 2009 be received.

15. STANDARDS COMMITTEE

Mr Robert Rogers, Chairman of the Standards Committee presented the report of the meeting of the Standards Committee held on 17 April 2009 and raised to the attention of Members two specific issues. In referring to the pre-election period and guidance for the 2009 European Elections, Mr Rogers emphasised that Members should not confuse

political differences with possible breaches of the code of conduct and provided the following advice, 'think, think again, and sleep on it'.

The Chairman of the Standards Committee requested that Council considered the appointment of an additional external independent member, Mr Jake Bharier, the recruitment of whom had been undertaken following the Commission for Public Appointment good practice. Mr Rogers additionally welcomed the appointments of Councillors J Pemberton and AE Gray who would provide support to the Standards Committee on an as and when required basis, and who would be provided with a detailed induction into their new roles.

In response to a question from Councillor RI Matthews regarding the relatively high number of complaints dealt with by Standards Committees compared with those in other local authorities, the Chairman of the Standards Committee stated that the majority of cases dealt with by the Committee were in respect of one specific local council. It was emphasised that it was the responsibility of the Standards Committee to encourage best practice and much importance was attached to dealing with cases in an open and fair manner.

RESOLVED:

(a) That the report of the meeting of the Standards Committee held on 17 April 2009 be received.

(b) That Mr Jake Bharier be appointed as an Independent Member of the Standards Committee.

16. STRATEGIC MONITORING COMMITTEE

Councillor PJ Edwards presented the report of the meeting of the Strategic Monitoring Committee held on 16 February and 16 March 2009 and thanked the retiring Chairmen and Vice-Chairmen of Scrutiny Committees for their hard work and diligence over their period of office. All Members were reminded that they had an open invitation to attend meetings of the Strategic Monitoring Committee.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 18 February and 16 March 2009 be received.

17. REGULATORY COMMITTEE

Councillor Brig. P Jones CBE presented the report of the meetings of the Regulatory Committee held on 3 February, 16 March, 7 April and 11 May 2009 and stated that seven sub committees had also been held during the reporting period.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 3 February, 16 March, 7 April and 11 May 2009 be received.

18. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor ACR Chappell presented the report of the meeting of the Audit and Corporate Governance Committee held on 20 March 2009.

In response to a question from Councillor RH Smith regarding the International Financial Reporting Standards (IFRS) in which concerns were expressed at the extra cost which must be met and that of further potential implications of the Council's net revenue capacity in this and future years, the Chairman of the Audit and Governance Committee acknowledged that the Council was facing a significant task in ensuring that the

accounts from 2010/2011 complied with the requirements of the IFRS, a statutory charge which affected all Councils. The Chairman of the Audit and Corporate Governance Committee additionally stated that his Committee was receiving regular updates on progress, which would be considered at the next meeting. Members were advised that the Director of Resources was working with the Chartered Institute of Public Finance to arrange tailored training to Councillors on the issue which would be open to all Members to attend.

RESOLVED: That the report of the meeting of the Audit and Corporate Governance Committee held on 20 March 2009 be received.

19. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority held on 17 February 2009 and highlighted that the change in name from the West Midlands Constabulary West Midlands Police would be cost neutral as uniforms, livery, signs etc would be changed within the ongoing maintenance programme. In referring to financial issues, Councillor Hunt advised Members that there would be an average increase of 16p per week on the council tax for Band D properties for the Police Authority and that monies from the Sustainable Service Development Fund would be used to close the funding gap. Councillor Hunt stated that, as with other public sector organisations, the Police Authority would have to deal with future financial pressures and challenges.

Responding to questions raised by Members, Councillor Hunt acknowledged that the rise in council tax equated to 4.94% which had been required to maintain current service provision, which included police staff and Community Support Officers (CSO). Members were advised that CSOs were not permitted to work after 10.00p.m, however possible changes to this situation were being considered. Councillor Hunt advised Members that he had raised his concerns that the Police Authority had not held a special consultation evening in Herefordshire as part of its budget setting process, and advised Members that he had received the assurance of the Chairman of the Police Authority that this situation would not arise again.

Responding to a question on Local Area Partnerships, Councillor Hunt stated that a local issue had arisen as it appeared that the Police Authority had been excluded from some partnership activities thus currently it was not able to carry out its full statutory duties. The Leader advised Members that the Divisional Commander attended Herefordshire Partnership meetings, however Councillor Hunt stated that legislation stated that the Police Authority was the formal consultee and should therefore be fully engaged as a member of the Partnership.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 17 February 2009 be received.

20. DATES OF FUTURE MEETINGS

The dates for Council meetings in the 2009/10 municipal year were agreed as:

Friday, 24 July 2009
Friday, 13 November 2009
Friday, 5 February 2010
Friday, 5 March 2010
Friday, 28 May 2010

The meeting ended at 1.15p.m

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr P McKay, Leominster, Herefordshire.

In reply to my question of 6 March 2009 regarding the signing of unmetalled unclassified roads shown by Ordnance Survey as “other routes with public access” and referred to in Rights of Way Improvement Plan as Quiet Lanes, Council said that the low cost Quiet Lanes signs would not be appropriate and that other signage would require careful consideration.

- 1.1 *Has Council now had time to consider and what conclusion has it come to, and failing that if they could be signed as “other route with public access” to correspond with the Ordnance Survey designation? Such signs could be low cost similar to footpath signs and abbreviated ORPA, as any signage would be an improvement compared with no signs since some of these roads are not readily identifiable as being open for public use.*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 1.1 The signage referred to in my response to your original question dated 6 March 2009, related to those unmetalled, unclassified roads recorded on the List of Streets and not to those roads classified on the Ordnance Survey maps as Other Routes with Public Access or termed as Quiet Lane Network in the Right of Way Improvement Plan. As these roads are classified as highways they would have to follow the requirements of the Department of Transport ‘Traffic Signs Regulations and General Directions’ 2002 and as such this standard of signage would not be appropriate for these more rural lanes. Requests for alternative signage have to be by application for special authorisation to the Department of Transport requiring detailed maps and technical input. As an application would be required for each site this would not be a cost effective solution.

No supplementary question was asked.

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Ms M Burns, Hereford.

- 2.1 *What studies have Herefordshire Council undertaken into traffic movements (all modes) in and around Hereford since the Hereford Transport Review Multi-modal Study (pub. Feb 2003), and will the data from any of these studies be included in the report on transport for the Local Development Framework? If so, which ones?*

Answer from Councillor DB Wilcox Cabinet Member, Highways and Transportation

- 2.1 There has been extensive work and studies undertaken to update the 2003 study, and this work is nearing completion, under the working title of "Multi Modal Model". It is hoped that a final version will be published by the end of June 2009 so that it can inform the consultation exercise which the Council's Forward Planning is going to undertake on the emerging Core Strategy for the Council which is a key part of the Local Development Framework. The consultation is due to start later this year.

No supplementary question was asked.

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr B Clay, Hereford.

- 3.1 *Is the Chief Executive satisfied that the unpublished and unidentified legal opinion that the Cabinet rely on when stating that the Authority has a legal obligation to maintain a cattle market, would be likely to provide a successful defence if subjected to Judicial Review in the High Court?*
- 3.2 *Does the Chief Executive agree that it would be either unlawful or bad practice for the Local Authority to claim that they had a legal obligation to commit to a major capital project if that claim had been challenged and was not supported by independent Counsel's opinion?*
- 3.3 *What were the aggregate salary and related costs of the 20 highest paid officers of the Council in the 2007/8 and 2008/09 financial years?*

Answer from Assistant Chief Executive, Legal and Democratic

- 3.1 Yes. The Council is advised on matters of law by its in-house senior legal officers. Those legal officers may seek the opinion of Counsel from time to time when formulating their advice to the Authority. External advice was sought in this case which informed the advice provided to Cabinet.
- 3.2 I refer to the answer given to the previous question and confirm that the Council has acted prudently by seeking expert legal opinion with regard to the capital expenditure foreseen by the relocation of the cattle market.

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

- 3.3 The gross figures, prior to any contribution towards joint posts, are:

2007/08 - £2,108,427
2008/09 - £2,196,955

Mr Clay asked a supplementary question in relation to public question 3.3 to the Cabinet Member for Corporate and Customer Services and Human Resources:

'Some people feel that due to the collective salary costs of senior managers and through their experience, skill and knowledge it should be possible to identify the £80,000 required for the bus services. This amount could also be achieved by Cabinet freezing the salary of senior posts and diverting the savings of £88,528 to pay for the cut in bus services, or alternatively by a reduction in the number of senior officer posts.

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

The questioner will be aware of the local government market place and the need to ensure that the Council recruits and retains the highest quality of officers to work for the benefit of Herefordshire. The figure presented in the answer to question 3.3 is the gross figure prior to any contribution to joint posts – the arrangements of which are innovative and are now being taken up in other areas. Whilst the bus services

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

subsidy falls within another Cabinet Member's portfolio it is important to have clarity regarding bus subsidy as no cuts have been made by the Council; however it is important to recognise that there are challenges where bids have been received.

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mrs B Evans, Kings Thorn, Hereford.

- 4.1 *Which of the following projects within the Edgar Street Grid are partly or wholly dependent on planning gain from the proposed Retail Quarter.*
- a) *The residential housing.*
 - b) *The public transport hub.*
 - c) *The Herefordshire centre.*
 - d) *University buildings.*

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

- 4.1 None of the projects listed are partly or wholly dependent on planning gain from the proposed Retail Quarter.

Ms Evans asked a supplementary question in relation to public question 4.1 to the Cabinet Member Economic Development and Community Services:
Is there any reason why residential housing and the Herefordshire Centre planned for the ESG areas cannot progress immediately as these would be good assets in the current economic climate?

Answer from Councillor AJM Blackshaw, the Cabinet Member Economic Development and Community Services:
There will be a minimum allocation of 35% affordable housing within the ESG area. The sequence of development needs to commence with the infrastructure and flood alleviation scheme to then enable the commencement of building of housing and associated schemes.

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr J Barton, Hereford.

The arguments on the route of a bypass for Hereford swung from west to east before finally settling on the western route. In 2008 Cabinet announced they would build the western route, however, recent reports announce a re-opening of the east-west debate.

Conservative and Labour Governments have failed to support a bypass with any route; the concept was finally abandoned by Government in the 1990s.

Successive traffic studies have concluded that as more than 90% of traffic is local a bypass is not required, the bypass was subsequently renamed the outer distributor road (ODR).

Neither central Government nor Government agencies appear to have plans for a bypass or an ODR for Hereford.

The current loan figure for the Council is £115m, soon to rise to £130m, roughly equivalent to the entire annual budget.

The estimated cost has grown from £50m in 2005 for a proposed western route, to £130m, of which £60m has been requested from central Government.

The estimate for the Rotherwas access road was £12m to be paid for by developer contributions; the final cost was £20-25m. Developer contributions were not forthcoming; the road was paid for by local taxpayers and presumably added to the loan, the estimate of £130m for the ODR should be viewed in this context.

5.1 *What is the justification for re-opening the debate on an east v west route and from the many traffic reports that have been undertaken, where will the ODR distribute traffic from/to?*

5.1.2 *With no central Government support or funding available, council finances in a poor state and the current economic climate, where will the funds for this road come from if planning permission and developer contributions cannot be relied on?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation.

5.1 Whilst it is true that the Council confirmed its commitment to an outer distributor road in 2008 it is not correct that Cabinet announced that the western route would be supported at that time.

Whilst a number of traffic reports have been completed in the past the situation and the context for has significantly changed. Any new route must be informed by the growth point status that Hereford now has and the Local Development Framework process will confirm both housing allocations and the necessary infrastructure including the outer distributor road required to deliver them.

The Council is currently reviewing its strategic land use plan which will consider the development of the County up to the period 2026. This includes consideration of over 16,000 new dwellings with the potential for 50% of these to be located in and around Hereford City, as agreed unanimously by Council last year. The need for

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

supporting infrastructure is currently being reviewed and this includes a review of the need for an optimal location of an Outer Distributor Road (ODR). The ODR will be assessed in the context of the preferred location for housing and as this hasn't been determined it would be premature to determine the alignment of the road, assuming the review concludes that a road would be necessary. Distribution of the traffic will be dependent on the preferred distribution of housing and other major land uses. The road would need to enable traffic to bypass the City, avoiding the bottle neck caused by the presence of only one river crossing. The distribution of traffic would also be determined by a range of traffic management proposals which will be developed alongside the ODR.

- 5.1.2 Any new road can be funded through a combination of government grants, approved expenditure and development contributions.

Mr Barton asked a supplementary question in relation to public question 5 to the Cabinet Member Highways and Transportation.

'Where is the clear requirement for an outer distributor or by pass road and what was the routing for it'?

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

'The routing of any road needs to be decided upon and synergies connected with locality of housing. No decision has yet been made as to the location (either East of West) of such housing development which would need to be decided upon to inform the routing issues, this would additionally identify the development contributor costs. This issue was being considered as part of the wider Local Development Framework.'

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr D Phelps, Hereford.

- 6.1 *Do the Council have a contract with recruitment company Pertemps to exclusively provide the authority with all temporary and interim staff?*

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

- 6.1 Pertemps is not a key supplier in the field of senior management recruitment and therefore alternative arrangements operate in this area.

On 29 and 30 April and 1 May 2009 the Chief Executive, Deputy Chief Executive and all Directors went to the Priory Hotel, Stretton Sugwas for a three day conference.

- 6.2 *Was this known and approved by the Leader or another Cabinet Member?*
- 6.2.1 *How much total gross salary will be paid to attendees during this event?*
- 6.2.2 *How much will this event cost the council tax payer (inclusive of VAT)?*
- 6.2.3 *Did any of the attendees order or consume alcohol during this event?*
- 6.2.4 *Is there a council policy precluding the consumption of alcohol by officers during the working day?*

Answer from Councillor RJ Phillips, Leader of the Council

6.2 – 6.2.4

There was no 'conference' held on those days. The senior management team used the venue for three days during part of an ongoing programme of training and development – no members of the senior management team stayed overnight. When in-house venues are not available, the council aims to use local businesses, particularly during the current economic climate. The council has a policy precluding the consumption of alcohol during the working day and this policy was fully complied with.

- 6.3 *How much did it cost to furnish, re-decorate, carpet and structurally complete the Chief Executive's new office at Brockington?*
- 6.3.1 *How much did the new board table cost?*
- 6.3.2 *Is there a policy that all council furniture is purchased from West Mercia Supplies?*
- 6.3.3 *Was the board table purchased from West Mercia Supplies and if not, why not?*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Answer from Councillor H Bramer Cabinet Member Resources

6.3 – 6.3.3

The total cost to the council of building works and refurbishment of offices and meeting rooms at Brockington is a matter of public record (Council 17 February 2009). The total cost to the council of office furnishings for the offices of the Chief Executive and his support staff is £4,345. Corporate procurement processes were complied with.

6.4 *Has the new Deputy Chief Executive commissioned a review of the Legal and Democratic Services division of the Council?*

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

6.4 Management reviews in relation to a number of services have been undertaken or are planned as part of the council's ongoing commitment to improvement and value for money.

6.5 *A Herefordshire Councillor is standing for election to the European Parliament and, since she is top of the relevant candidate list, is likely to be elected. Has the Councillor resigned from the Council?*

Answer from CJ Bull, Returning Officer

6.5 This is a matter for the individual Councillor; however there is no legal requirement to resign.

6.6 *Have any Members of the Cabinet been issued with a Herefordshire Council parking contravention enforcement ticket since the last election?*

6.6.1 *If yes, what is the longest period that has elapsed between the issue of the tickets and the payment of the penalty?*

6.6.2 *Have any penalties been withdrawn or waived and are any outstanding?*

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

6.6 – 6.6.2

The detail of parking tickets issued to any individual is covered by the Data Protection Act. The policy on enforcement of tickets is available on the Council's website.

6.7 *Since the last local government election, how many Herefordshire Council officers have left under the terms of the so-called Compromise Agreements?*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

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

- 6.7 2007/08 – 4
2008/09 – 4

The Council's deep partnership with the PCT seeks to achieve cost savings.

- 6.8 *What is the combined total cost of all basic salaries paid to the former Chief Executive and Directors of the Council in the twelve months prior to the appointment of Chris Bull?*
- 6.8.1 *What is the combined total gross cost of all basic salaries paid to the former Chief Executive and Directors of Herefordshire PCT in the twelve months prior to the appointment of Chris Bull?*
- 6.8.2 *In the year ending 31 December 2009, what is the total projected basic gross salary cost (including fees to interim appointees) of the current Chief Executive, Deputy Chief Executive, Assistant Chief Executives and all Directors of the combined organisation?*

Answer from Councillor RJ Phillips, Leader of the Council

6.8 – 6.8.2

The enhanced partnership with NHS Herefordshire focuses on working together to deliver: improved outcomes for local people, excellence in service delivery, quality customers' experience, whilst being efficient and delivering value for money.

The creation of the joint senior management structure across the council and NHS Herefordshire has resulted in the total number of senior management team posts being reduced from 15 to 13. A number of savings have also been achieved through the creation of some joint posts. The joint management structure delivered a net saving of £3,000 per annum, although it should be noted that as further structural changes follow on through the directorates, and resources are directed to support some traditionally under-resourced service areas other costs and savings will be identified.

- 6.9 *Will the Leader confirm that, following the Crookall report, he can reassure us that there will be no repetition of the bullying by senior staff and failure to adhere to council policies identified in the report?*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Answer from Councillor RJ Phillips, Leader of the Council

- 6.9 The Council has a number of well publicised policies and procedures to protect officers. Periodic assurance reviews are undertaken, including feedback from staff through the annual employee opinion survey.
- 6.10 *At a recent conference at the Courtyard Councillor John Jarvis promised that all staff of the Council would be given an opportunity to see the film "Age of Stupid". What percentage of staff have now seen the film and will they be empowered to make relevant changes to council policy in the light of lessons learnt from the film?*

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

- 6.10 The 'Age of Stupid' film has its official release on 22nd May. The right to use the film within the council has been negotiated, and arrangements are in place to ensure that staff are able both to view the film and play an active part in responding to the issues raised.

Mr Phelps asked a supplementary question in relation to public question 6.7 to the Cabinet Member for Corporate and Customer Services and Human Resources.

'What are compromise agreements?'

Councillor JP French, Cabinet Member for Corporate and Customer Services and Human Resources:

'These are where employers and employees arrange an exit strategy'

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr J Cannell, Dilwyn, Hereford

I understand that the Chief Executive, Deputy Chief Executive and all Directors of Herefordshire Council and Herefordshire NHS PCT attended a 72 hour conference at the Priory Hotel, Stretton Sugwas, over the three days April 29 – May 1 inclusive.

- 7.1 *Did the Leader of the Council and the Cabinet approve the conference?*
- 7.1.2 *In terms of salaries alone, how much total gross salary will be paid to those attending the three day event?*
- 7.1.3 *In terms of catering, room hire, accommodation and other facilities, how much did the three day event cost the council taxpayer, inclusive of VAT?*
- 7.1.4 *Do the bills include any provision for alcohol and is there a council policy concerning the consumption of alcohol whilst on council business?*

Answer from Councillor RJ Phillips, Leader of the Council

7.1 There was no 'conference' held on those days. The senior management team used the venue for three days during part of an ongoing programme of training and development – no members of the senior management team stayed overnight. When in-house venues are not available, the council aims to use local businesses, particularly during the current economic climate. The council has a policy precluding the consumption of alcohol during the working day and this policy was fully complied with.

A stated goal of the Council's 'deep partnership' with the PCT has been cost savings. In ascertaining how successful that has been:

- 7.2 *What was the total combined cost of all basic gross salaries paid to the former Chief Executive and Directors of Herefordshire Council in the twelve month period immediately prior to the appointment of Chris Bull?*
- 7.2.1 *What was the total combined cost of all basic gross salaries paid to the former Chief Executive and Directors of Herefordshire PCT in the twelve month period immediately prior to the appointment of Chris Bull?*
- 7.2.2 *In the year ending December 31 2009, what is the total projected basic gross salaries (including fees paid to interim appointees) of the current Chief Executive, the Deputy Chief Executive, the Assistant Chief Executives and all the Directors of the combined organisation?*

Answer from Councillor RJ Phillips, Leader of the Council

The enhanced partnership with NHS Herefordshire focuses on working together to deliver: improved outcomes for local people, excellence in service delivery, quality customers' experience, whilst being efficient and delivering value for money.

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

The creation of the joint senior management structure across the council and NHS Herefordshire has resulted in the total number of senior management team posts being reduced from 15 to 13. A number of savings have also been achieved through the creation of some joint posts. The joint management structure delivered a net saving of £3,000 per annum, although it should be noted that as further structural changes follow on through the directorates, and resources are directed to support some traditionally under-resourced service areas other costs and savings will be identified.

No supplementary question was asked.

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 12 June 2009 at 10.30 am

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

Councillors: PA Andrews, WU Attfield, LO Barnett, AJM Blackshaw, WLS Bowen, H Bramer, ME Cooper, PGH Cutter, H Davies, GFM Dawe, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, RC Hunt, TW Hunt, JA Hyde, TM James, Brig P Jones CBE, G Lucas, RI Matthews, PJ McCaull, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, 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

21. PRAYERS

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

22. APOLOGIES FOR ABSENCE

Apologies were received from Councillors: C Bartrum, DJ Benjamin, ACR Chappell, SPA Daniels, BA Durkin, MAF Hubbard, JG Jarvis, MD Lloyd-Hayes, R Mills, GA Powell, NL Vaughan

23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

24. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that an extraordinary meeting of the Council had been called to exercise the powers reserved to Council at its Annual Meeting in the allocation of seats to political groups for the forthcoming year.

25. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES

The Chairman called on the Chief Executive, Chris Bull to inform Council of the process for considering the item together with any pertinent legal issues which required to be borne in mind by Members.

The Chief Executive advised Members that the detailed report outlined the rules of proportionality and the options for the allocation of seats to political parties. Members were informed of the proposals for their consideration and were provided with an outline of the options relating to; the suspension of proportionality for both Strategic Monitoring Committee and (for clarity) Regulatory Committee (outlined in paragraph 14 of the report) which would need to be agreed nem com; and the option relating to the application of strict proportionality (according to the allocation outlined in paragraph 18 of the report) which would legally prevail should the first option not be agreed nem com.

Members were informed by the Chief Executive that firstly the Council must establish whether it wished to suspend proportionality, which if agreed nem com, would require

Council to consider recommendations (c) and (d); should proportionality not be suspended the Council would consider recommendations (e) and (f) of the report.

Council was informed that the proposed suspension of proportionality would relate to the membership of both Strategic Monitoring Committee and Regulatory Committee.

Following a request, the Chairman informed Council that the recommendations in the report would be considered individually.

Councillor JD Woodward advised Council that she had agreed to present a statement to Council on behalf of Councillor MD Lloyd Hayes, who was not in attendance due to a prior engagement. Councillor JD Woodward emphasised whilst she would articulate the words of the statement, no assumptions or inferences should be made of her personal views. Councillor MD Lloyd Hayes' statement expressed her view that the current administration was dictatorial in its manner which was illustrated by the discriminatory way the Alliance Group was treated due to its lack of Committee positions and in the way allocations were determined. The statement expressed the view that the Alliance Group sought equity with the Labour Group regarding Committee positions. The opportunity for Councillors to serve on different Committees was also addressed in the statement. Further views were expressed regarding back bench Members' involvement in training and development and wider issues pertaining to the review of the constitution. Reference was additionally made to the recent reports relating to MPs allowances and the need to rebalance the national democratic deficit through a radical review.

The Leader, in responding to issues raised, advised Members that the statement was fundamentally flawed as several points related to mistaken assumptions regarding the appointments process which in turn underlined a basic lack of knowledge and understanding of the Council's constitution and constitutional matters. The Leader challenged certain views articulated in the statement and advised Members that the reputation of the Council could be damaged if such remarks were left unchallenged. He sought an apology from Councillor MD Lloyd Hayes on personal remarks made of the Leader within the statement.

Council was advised by the Leader that under the Local Government Act, Group Leaders were a recognised group and the Council had procedures in place for Group Leaders to consider appointments. As such, committee proportionality had been discussed within political groups with any resulting proposed changes considered with Group Leaders.

The Leader expressed his disappointment that Councillor MD Lloyd Hayes was unable to attend and thanked those Members in attendance who had rearranged long standing commitments to be in attendance, not least those Members of the Planning Committee, the meeting of which had to be rescheduled for a later date. It was hoped that the rescheduling of the Planning Committee did not have a detrimental effect on those issues requiring consideration.

The Leader urged Members to agree to suspend proportionality in Strategic Monitoring Committee and Regulatory Committee.

The Cabinet Member Corporate, Customer Service and Human Resources, Councillor JP French, echoed the comments of the Leader. Councillor French provided Council with an explanation of the current situation in respect to the Chairman of the Audit and Corporate Governance Committee being a Labour Councillor. Members were informed that the position of Chairman of the Committee was a Conservative seat, however the post had been traditionally offered to a senior member of the Council (not in the Executive). By offering the position to an opposition Member, this further underlined the transparency of the authority and emphasised the robustness of the process.

Responding to a particular point which arose in the statement, Councillor JP French stated that Members wishing to change their Committee membership should make a request through their group leader who would undertake the appropriate negotiation with fellow group leaders.

Following the explanation regarding the appointment of Chairman of Audit and Corporate Governance, Councillor AM Toon advised Council that she no longer held an objection to the recommendations as clarity had been provided on the issue. However Councillor AM Toon advised Council of the need to be aware of perceptions of inequity in order that they can be clearly addressed the future.

The Liberal Democrat Group Leader, Councillor TM James, agreed with the views expressed by the Leader and emphasised the importance of the Council's reputation. Councillor TM James raised the issue that upon its establishment the Audit and Corporate Governance Committee made provision for an external independent Chairman, however in the absence of a suitable independent individual, the post had been ably filled by senior councillors based on their skills and talents. The Vice Chairman of Audit and Corporate Governance Committee, Councillor RH Smith, paid tribute to the current Chairman of the Committee, Councillor ACR Chappell for his knowledge and ability and emphasised the importance for democracy that the position be gifted to a councillor external to the party in administration. Councillor RH Smith added that by failing to understand the context of the appointment, Councillor MD Lloyd Hayes misrepresented the situation of the appointment of Chairman of the Audit and Corporate Governance Committee.

The Cabinet Member Social Care Adults, Councillor LO Barnett requested that all councillors work together to deliver greater benefits and progress to the county. Councillor LO Barnett stated that it was recognised that Members worked hard within their wards and that she was proud to be associated with the Council.

The Leader advised Council that the appointments process would be reconsidered in time for 2010 and additionally stated further consideration would be given to the provision of an independent Chairman of Audit and Corporate Governance Committee. The Leader referred to the recent media interest regarding Westminster and that the focus on national political issues detracted from local government, not least the resignation of the Communities and Local Government Minister on the eve of local and European elections. The need for local government to focus on the importance of delivering services to people to enhance their quality of life was emphasised by the Leader.

RESOLVED unanimously that:

- (a) the arrangements for proportionality be noted;**

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

- (b) the notice given in paragraph 9 of the need to partially suspend the rules of proportionality in respect of the Strategic Monitoring Committee be noted and a resolution be moved to that effect;**

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

- (c) subject to the vote at recommendation (b) being passed nem con, appointment to membership of Committees (as at Appendix 1) be noted for the term of office which will be due for consideration at the next Annual Meeting of Council;**

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

- (d) subject to the vote at recommendation (b) being passed nem on, appointment of Chairmen & Vice Chairmen of Committees (as at Appendix 2) be approved for the term of office which will be due for consideration at the next Annual Meeting of Council;**

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

Due to Council's approval of recommendations (a) – (d), recommendations (e) and (f) did not require consideration.

The meeting ended at 11.00a.m

CHAIRMAN

MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	QUESTIONS FROM MEMBERS OF THE PUBLIC
REPORT BY:	ASSISTANT CHIEF EXECUTIVE LEGAL AND DEMOCRATIC

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

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

Introduction and 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 Any question which contains defamatory material or the publication of which is likely to be detrimental to the Council's interests, may be rejected.
- 3 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.
- 4 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.
- 5 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.

Further information on the subject of this report is available from
Sally Cole, Committee Manager Executive on (01432) 260249

Questions

- 6 Seven questions have been received by the deadline and are attached at Appendix 1.

PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

Question from Ms M Burns, Hereford

As the Cabinet Member has not answered the question:

What studies have Herefordshire Council undertaken into traffic movements (all modes) in and around Hereford since the Hereford Transport Review Multi-modal Study (pub. Feb 2003), and will the data from any of these studies be included in the report on transport for the Local Development Framework? If so, which ones?

(Answer from Councillor DB Wilcox Cabinet Member, Highways and Transportation: 'There has been extensive work and studies undertaken to update the 2003 study, and this work is nearing completion, under the working title of "Multi Modal Model". It is hoped that a final version will be published by the end of June 2009 so that it can inform the consultation exercise which the Council's Forward Planning is going to undertake on the emerging Core Strategy for the Council which is a key part of the Local Development Framework. The consultation is due to start later this year.)'

Here is clarification:

- 1.1 *Please give the titles, dates, authors, public availability of all studies into traffic movements (all modes) undertaken by the Council since the 2003 Hereford Transport Review. Please indicate which of the listed studies will be taken into consideration in the forthcoming report on transport.*

PUBLIC QUESTIONS TO COUNCIL – 24 July 2009

Question from Mr A Lee, Herefordshire Area Chairman – The Ramblers Association

On 22 January 2009, Herefordshire Council announced its intention to go forward with the proposed contract with Amey Wye Valley for the management and delivery of a range of services including highways, parks, public open spaces and public rights of way. Our concern for all things relating to Public Rights of Way (PROW) in Herefordshire prompted several questions from The Herefordshire Ramblers.

We did receive answers and although not entirely happy with the responses, they were reluctantly accepted, as we were told in a letter from the Council on 19 May 2009 that “..... negotiations with Amey are continuing and it is anticipated these will be concluded shortly to enable the new arrangements to be put in place over the summer this year. Whilst the management and the delivery of these services would transfer to Amey, the responsibility remains with the Council and client and contract management arrangements are being put in place to ensure the services continue to be delivered and are improved where possible.”

We believe these negotiations are still ongoing, with no conclusion in sight. In the meanwhile many PROW issues are effectively held in abeyance pending a final outcome. PROW staff have left and there are vacancies within the PROW department that are not being filled. PROW personnel, part time and temporary staff are performing a valiant fire-fighting role but this is obviously not the way forward or even a solution to hold station.

- 2.1 *What steps is Herefordshire Council taking to ensure that PROW services continue to be delivered whilst negotiations continue?*
- 2.2 *What steps is Herefordshire Council taking to ensure that PROW services improve whilst negotiations continue?*

PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

Question from Mr B Clay, Hereford.

- 3.1 *How many buses enter and leave Hereford City Centre each week day?*
- 3.2 *How many buses currently stop at Hereford Railway Station each week day?*
- 3.3 *What approximate forecast does the Cabinet Member Highways and Transportation have as to the number of buses that would enter and leave the 'Transport Hub' outlined in the ESG Masterplan?*

PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

Question from Ms B Evans, Kings Thorn, Hereford.

- 4.1 *What mode of travel would be recommended to a business person from London visiting Hereford for the day?*
- 4.2 *What mode of travel would be recommended to a Hereford business person visiting London for the day?*

PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

Question from Mr P McKay, Leominster, Hereford.

I have put a number of questions to Council, engaged in the feedback system as encouraged to do, put forward suggestions for Scrutiny, and raised questions at scrutiny meetings re: agenda items, all relating to the value and importance of having complete and correct highway records, yet discovering that it would appear that the possible cost of maintenance of unrecorded ways discourages corrective action, i.e., there is a conflict of interest between your duty to protect the public right of passage v the possible cost of maintaining that passage, with the latter concern appearing to dominate.

- 5.1 *I have suggested in my feedback responses, and by means of question of scrutiny committee re: agenda item, both as yet without reply, that Council raises a report concerning the accuracy of its highway records, along with questionable errors and omissions, in order that the issues raised may be fully understood, discussed and policies concerning them agreed in a proper open and democratic manner, and I now ask the full Council if you will raise such a report?*

PUBLIC QUESTIONS TO COUNCIL – 24 July 2009

Question from Ms P Roberts, Leominster, Hereford.

- 6.1 *Road traffic is clearly a problem in Hereford, so why is the redevelopment of the train station and 'transport hub' only the third and final stage of the ESG link road plan?*

PUBLIC QUESTIONS TO COUNCIL – 24 JULY 2009

Question from Mr M Wilson, Lugwardine, Hereford.

Questions 6.1 to 6.4 refer to questions raised by Mr Wilson at the reconvened meeting of Council on the 17 February 2009.

- 7.1 *When is this Council going to require the Chairman of the Standards Committee to act in an open and transparent manner that allows Members and the public to have confidence in the reports and answers that he places before them?*
- 7.2 *What actions have been taken to ensure it does not happen in the future?*
- 7.3 *Were the decision notices valid?*
- 7.4 *Surely it is time that some scrutiny should be given to the work of these committees and their supporting officers?*

At the Standards Committee quarterly meeting on 10 July agenda item 8 was 'to consider the adoption of the Council's Stage 3 complaints procedure as a means of assisting aggrieved complainants.'

- 7.5 *Why were the first two key points on the agenda never even discussed?*



MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	REPORT OF THE MEETINGS OF CABINET HELD ON 4 AND 25 JUNE 2009
MEMBERSHIP:	Councillors 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.

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

This report submitted to Council covers the proceedings of the meetings held on 4 and 25 June 2009.

Recommendation

THAT: the report be noted.

Key Considerations

1 Decisions Reserved to Council Under Part 4 of the Constitution

1.1.1 Herefordshire Unitary Development Plan 'Saved' Policies: Cabinet agreed to recommend to Council the approval of policies and proposals within the Herefordshire Unitary Development Plan that the Council would wish to be saved (set out in Appendix 1 of the report) and those not to be saved (set out in Appendix 2 of the report) beyond the expiry of the three year saved period. It was further agreed by Cabinet that Council be recommended that the Secretary of State's agreement be sought to issue a direction to this effect. A report on this issue is subject to a separate item on the Council meeting's agenda (at agenda item 11).

2 Notices of Motion

2.1 No motions to Council were considered by Cabinet during the reporting period covered by this report.

3 Key Decisions by Individual Executive Members which were not Included in the Forward Plan

Further information on the subject of this report is available from
Sián Clark, Democratic Services Manager on (01432) 260222

- 3.1 No key decisions were made by individual Executive Members which were not included in the Forward Plan.

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

Report on Decisions Taken

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

**5 CHILDREN'S SERVICES
(Cabinet Member: Councillor JA Hyde)**

5.1 Report on Decisions Taken

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

**6 CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES
(Cabinet Member - Councillor JP French)**

Report on Decisions Taken

6.1 Data Quality Annual Report

- 6.1.1 Cabinet considered and approved a data quality action plan for 2009/10 and noted the progress made against the 2008/09 data quality action plan. Cabinet was advised that the authority was aiming to achieve a good and ultimately excellent performance rating from the auditor (which was currently adequate) and noted that procedures on data quality were continuing to be embedded within the authority. The Cabinet agreed an additional recommendation to the report requiring a review of the implementation of the action plan be undertaken to ensure timely delivery of actions.

6.2.1 Integrated Corporate Performance Report

- 6.2.1 Cabinet received a report on the end-year performance for 2008/09 against the Council's key indicators from the Corporate Plan 2008-11, the Local Area Agreement and the Herefordshire Community Strategy, together with other indicators where available data could be assessed against a Red, Amber, Green (RAG) rating or where a direction of travel judgement could be made. Cabinet noted that whilst further validated information as regards social care for both children and adults had become available from Frameworki, which replaced the forecast outturn of earlier data used for judgements in the circulated report, the overall picture had not been much altered. Members acknowledged that where performance had improved significantly on the previous year's, this would provide a good basis for higher levels of achievement in the future. The report was noted and Cabinet agreed that Directors should ensure that the performance issues arising be addressed within their respective areas.

6.3 Smallholding Policy and Management Principles

- 6.3.1 Cabinet considered and agreed; a Smallholdings Policy Framework and accompanying action plan, the creation of a £25,000 allocation (from existing rental income) to create a match funded enterprise development fund, and for Cabinet to

receive an annual update on progress in delivery against the action plan. The valued contribution to the local economy of the Council's smallholdings estate was acknowledged and it was clarified that the policy recommendations would pertain to the Council's smallholdings estate, with the exception of those managed on behalf of the Buchanan Trust.

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

Report on Decisions Taken

7.1 Higher Education Facility for Herefordshire

- 7.1.1 Cabinet considered and approved the allocation of the Council owned Blackfriars site in Hereford for possible use as a Higher Education Centre and reserved it for that purpose. Cabinet delegated authority to the Director of Regeneration, in consultation with the Director of Resources, to finalise arrangements subject to the development of a robust business plan.

7.2 ESG Retail Quarter Development Agreement

- 7.2.1 Cabinet's approval was sought to proceed to conclude negotiations and enter into the Edgar Street Grid (ESG) Retail Quarter Development Agreement between Herefordshire Council, ESG Herefordshire Ltd, and Stanhope following an initial European procurement process and subsequent detailed financial and programming negotiations. Cabinet approved the substantive terms of the Development Agreement so far negotiated (as described in the report) and further approved for negotiations to be finalised on the basis of those substantive terms and for the finalised Development Agreement to be signed under the authority of the Director of Regeneration.

8 ENVIRONMENT AND STRATEGIC HOUSING (Cabinet Member: Councillor JG Jarvis)

Report on Decisions Taken

- 8.1 Herefordshire Unitary Development Plan 'Saved' Policies – as outlined in paragraph 1.1.

9 HIGHWAYS AND TRANSPORTATION (Cabinet Member - Councillor DB Wilcox)

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

11 RESOURCES (Cabinet Member - Councillor H Bramer)

Report on Decisions Taken

- 11.1 Higher Education Facility for Herefordshire – as outlined in paragraph 7.1
- 11.2 Final Revenue and Capital Outturn 2008/09
 - 11.2.1 Cabinet considered a report on the final revenue and capital outturn for 2008/09 which provided the Council's overall performance for the financial year and which outlined the creation of new reserves in the accounts. Members were advised of the positive overall summary for the Directorate budgets with a net underspend on the revenue account of £42,000 on a net budget of £132 million. Cabinet gave approval to the final outturn 2008/09 and for movements to new reserves as outlined in the report.
- 11.3 Procurement Strategy 2009
 - 11.3.1 Cabinet considered an updated Procurement Strategy which was a departure from the previous year's approach as it reflected the importance of sustainable procurement and of local sourcing of goods and services where possible. Members noted the Strategy's emphasis on sustainability. Cabinet approved the updated Procurement Strategy subject to an additional emphasis within the document of the need for schools to deliver value for money opportunities which would arise from the new procurement strategy.
- 11.4 Review of Asset Management and Property Services
 - 11.4.1 Cabinet received and noted an update report on the review of Asset Management and Property Services (AMPS) and agreed that, pending the outcome of the work on Shared Services that the AMPS Division continued to explore service improvements.

12 SOCIAL CARE ADULTS (Cabinet Member Councillor LO Barnett)

Report on Decisions Taken

- 12.1 Re-commissioning Day Services for Older People
 - 12.1.1 Cabinet considered detailed changes proposed in the provision of day opportunities which would assist in delivering service improvements and greater value for money as outlined in the recommendations of the Scrutiny Review which had been approved in principle by Cabinet on 22 January 2009. Cabinet approved the closure of the in-house day services for local people at Norfolk House and the redeployment of two part-time day centre staff and the transfer the day service provision to Waverly House. The closure of some under utilised mobile day centres for older people and the re-provision of services to appropriate alternative centres, with consequential extensions and variations to a number of existing provider contracts were additionally noted by Cabinet.

**COUNCILLOR RJ PHILLIPS
LEADER OF THE COUNCIL**

Background Papers

Agenda papers for Cabinet meetings held on 4 and 25 June 2009.



MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	HEREFORDSHIRE UNITARY DEVELOPMENT PLAN 'SAVED' POLICIES
PORTFOLIO AREA:	ENVIRONMENT & STRATEGIC HOUSING

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

That following consideration at the meeting on 25 June 2009, Cabinet recommends for Council's approval agreement to submit a proposal to the Government Office for the West Midlands (GOWM) to retain Unitary Development Plan (UDP) policies after 22 March 2010. The legislation requires that the proposed list of policies to be saved must be submitted to the Government Office for the West Midlands six months in advance i.e. by 22 September 2009. Under the provisions of the Planning and Compulsory Purchase Act 2004, UDP policies will cease to apply after this date unless the Secretary of State issues a direction extending their life.

The Decision on which policies to submit to the Secretary of State rests with full Council because the Unitary Development Plan is defined in the Council's Constitution as part of its policy framework.

Recommendations

THAT:

- a) Council approve those policies and proposals within the Herefordshire Unitary Development Plan that the Council wish to be saved as set out in Appendix 1 and those not to be saved as set out in Appendix 2 beyond the expiry of the three-year saved period; and
- b) The Secretary of State's agreement be sought to issue a direction to this effect.

Alternative Options

- 1 The alternative option is not to extend the UDP policies beyond the plan period.

Reasons for Recommendations

- 2 To ensure that relevant UDP policies are saved beyond the existing plan period.

Further information on the subject of this report is available from
Peter Yates, Planning Policy Manager (01432) 261952

Introduction and Background

- 3 Under the new planning arrangements the Council is continuing to establish its Local Development Framework. The UDP forms part of the framework as a development plan until replaced by other plan documents (Core Strategy, Hereford Area Plan, Market Towns and Rural Areas Plan). Given that policies in replacement plan documents will not be formally in place and adopted before the date when UDP policies will automatically expire, then the Council must apply to the Secretary of State to retain any UDP policies. Application must be made by 22 September 2009 (i.e. 6 months before the expiry date).

Key Considerations

- 4 In deciding which policies to save or discard, section 9 of Planning Policy Statement 12 advises that local authorities will need to demonstrate that the policies they wish to be saved reflect the principles of local development frameworks and are consistent with current national policy. It states that the government will take into account the following criteria in considering whether policies should be saved:

- 1) *where appropriate, there is a clear central strategy;*
- 2) *policies have regard to the Community Strategy for the area;*
- 3) *policies are in general conformity with the Regional Spatial Strategy or Spatial Development Strategy;*
- 4) *policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);*
- 5) *there are effective policies for any parts of Herefordshire where significant change in the use or development of land or conservation of the area is envisaged;*
- 6) *policies are necessary and do not merely repeat national or regional policy.*

- 5 Along with the Local Development Plan policies set out within Appendix 1, it is proposed that the Council retains several SPG (Supplementary Planning Guidance/Documents). This process does not enable a review of the contents of the individual SPGs. The SPGs proposed for retention are as follows:

- Planning Obligations – April 2008
- Polytunnels – April 2008
- Edgar Street Grid – November 2007
- Shobdon Development Brief – September 2006
- Former Whitecross High School Development Brief – June 2006
- Tanyard Lane, Ross-on-Wye Development Brief – January 2005
- Frome Valley Haulage, Bishops Frome Development Brief – November 2004
- Reuse and Adaptation of Rural Buildings – July 2004
- Landscape Character Assessment – July 2004
- Design and Development Requirements – July 2004
- Biodiversity – July 2004

- 6 It is also proposed that after September 2009 the Council will continue to rely on the

Proposals Maps and the central strategy explanation in the UDP.

Community Impact

- 7 The community impact of the Unitary Development Plan was effectively assessed as part of the plan-making process including various rounds of public consultation and a public local inquiry. The Unitary Development Plan therefore represents a considerable "investment" in community interests in so far as they are affected by planning matters. Failure to save those planning policies which are still relevant to the County would, therefore, have a negative community impact.

Financial Implications

- 8 None identified.

Legal Implications

- 9 Until comprehensive Local Development Frameworks have been produced, the saving of policies is an inherent component of the transitional arrangements that have been put in place. The transitional arrangements are partly intended to ensure a planning policy vacuum does not occur in the interim.

Risk Management

- 10 If the Council does not apply to the Secretary of State to retain specified UDP policies beyond March 2010, the UDP would effectively expire on that date and no longer form part of the Statutory Development Plan. This would mean that planning applications would have to be determined on the basis of national guidance and policies within the Regional Spatial Strategy (unless material considerations indicated otherwise) and that the Council's Supplementary Planning Documents would no longer form part of the Local Development Framework. Whilst planning applications can be determined in accordance with national policies, the UDP policies that are proposed to be saved are important as they are locally specific to Herefordshire. For example, policy H1 - Hereford and the market towns and policy H4 - Main villages, identifies settlement boundaries where development would be acceptable, without those policies there could be the potential for sporadic development into the open countryside.

Consultees

Local Development Framework Task Group
Herefordshire Council Departments: Development Control Management,
Conservation, Archaeology, Highways & Transportation

Appendices

Appendix 1: Summary table of saved UDP policies

Appendix 2: Summary table of deleted UDP policies

Background Papers

- Planning and Compulsory Purchase Act 2004

- DCLG 'Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan Policies beyond the three year saved period'
- ODPM 'Planning Policy Statement 12: Local Development Frameworks'
- Regional Spatial Strategy for the West Midlands
- Herefordshire Unitary Development Plan 2007
- The Community Strategy for Herefordshire – A Sustainable Future for the County
- Planning Policy Guidance/Statement 1 – 25
- Mineral Planning Guidance/Statement 1 – 15
- Appendix 3 of UDP Saved Policies Report considered by Cabinet on 25 June 2009: Detailed assessment of each policy against the criteria set out in PPS12 against which policies to be saved should be assessed.

APPENDIX 1: SUMMARY TABLE OF UNITARY DEVELOPMENT PLAN PROPOSED SAVED POLICIES

Part I	
S1	Sustainable Development
S2	Development Requirements
S3	Housing
S4	Employment
S5	Town centres and retail
S6	Transport
S7	Natural and historic heritage
S8	Recreation, sport and tourism
S9	Minerals
S10	Waste
S11	Community facilities and services
Part II	
Development Requirements	
DR1	Design
DR2	Land use and activity
DR3	Movement
DR4	Environment
DR5	Planning Obligations
DR7	Flood Risk
DR8	Culverting
DR9	Air Quality
DR10	Contaminated Land
DR11	Soil Quality
DR12	Hazardous Substances
DR13	Noise
DR14	Lighting
Housing	
H1	Hereford and the market towns: settlement boundaries and established residential
H4	Main villages: settlement boundaries
H5	Main villages: housing land allocations
H6	Housing in the smaller settlements
H7	Housing in the countryside outside settlements

H8	Agricultural and forestry dwellings and dwellings associated with rural businesses
H9	Affordable housing
H10	Rural exception housing
H12	Gypsies and other travellers
H13	Sustainable residential design
H14	Re-using previously developed land and buildings
H15	Density
H16	Car parking
H17	Sub-division of existing housing
H18	Alterations and extensions
H19	Open space requirements
Employment	
E1	Rotherwas Industrial Estate
E2	Moreton on Lugg depot, Moreton on Lugg
E3	Other employment land allocations
E5	Safeguarding employment land and buildings
E7	Other employment proposals within and around Hereford and the market towns
E8	Design standards for employment sites
E10	Employment proposals within or adjacent to main villages
E11	Employment in the smaller settlements and open countryside
E12	Farm diversification
E13	Agricultural and forestry development
E14	Conversions of large dwellings to employment uses
E15	Protection of greenfield land
E16	Intensive livestock units
E17	Military development
Town centres and retail	
TCR1	Central shopping and commercial areas
TCR2	Vitality and viability
TCR3	Primary shopping frontages
TCR4	Secondary shopping frontages
TCR5	Uses outside Class A of the Use Classes Order
TCR6	Uses outside Class A of the Use Classes Order
	Non-retail uses (Classes A2 – A5)

TCR7	Amusement centres
TCR9	Large scale retail and leisure development outside central shopping and commercial
TCR10	Office development
TCR11	Loss of existing offices
TCR13	Local and neighbourhood shopping centres
TCR14	Village commercial facilities
TCR16	Garden centres
TCR17	Farm shops
TCR18	Petrol filling stations
TCR19	Hereford livestock market – relocation
TCR20	Eign Gate regeneration area
TCR21	Canal basin and historic core
TCR22	Hereford United Football Club/Merton Meadow
TCR23	Civic Quarter
TCR25	Land for retail warehousing
TCR26	Land at Commercial Road
Transport	
T1	Public transport facilities
T2	Park and ride
T3	Protection and development of the rail network
T4	Rail freight
T5	Safeguarding former railway land
T6	Walking
T7	Cycling
T8	Road hierarchy
T9	Road freight
T10	Safeguarding of road schemes
T11	Parking provision
T12	Existing parking areas
T13	Traffic management schemes
T14	School travel
T15	Air transport facilities
T16	Access for all
Natural and historic heritage	

LA1	Areas of Outstanding Natural Beauty
LA2	Landscape Character and areas resilient to change
LA3	Setting of settlements
LA4	Protection of historic parks and gardens
LA5	Protection of trees, woodlands and hedgerows
LA6	Landscaping schemes
NC1	Biodiversity and development
NC3	Sites of national importance
NC4	Sites of local importance
NC6	Biodiversity Action Plan priority habitats and species
NC7	Compensation for loss of biodiversity
NC8	Habitat creation, restoration and enhancement
NC9	Management of features of the landscape important for fauna and flora
HBA1	Alterations and extensions to listed buildings
HBA2	Demolition of listed buildings
HBA3	Change of use of listed buildings
HBA4	Setting of listed buildings
HBA5	Designation of conservation areas
HBA6	New development within conservation areas
HBA7	Demolition of unlisted buildings within conservation areas
HBA8	Locally important buildings
HBA9	Protection of open areas and green spaces
HBA10	Shopfronts
HBA12	Re-use of rural buildings
HBA13	Re-use of rural buildings for residential purposes
Recreation, sport and tourism	
RST1	Criteria for recreation, sport and tourism development
RST2	Recreation, sport and tourism development within Areas of Outstanding Natural
RST3	Standards for outdoor playing and public open space
RST4	Safeguarding existing recreational open space
RST5	New open space in/adjacent to settlements
RST6	Countryside Access
RST7	Promoted recreational routes
RST8	Waterway corridors and open water areas

RST9	Herefordshire and Gloucestershire Canal
RST10	Major sports facilities
RST12	Visitor accommodation
RST13	Rural and farm tourism development
RST14	Static caravans, chalets, camping and touring caravan sites
Minerals	
M2	Borrow pits
M3	Criteria for new aggregate mineral workings
M4	Non-aggregate building stone and small scale clay production
M5	Safeguarding mineral reserves
M6	Secondary aggregates and recycling
M7	Reclamation of mineral workings
M8	Malvern Hills
M9	Minerals exploration
M10	Oil and gas exploration and development
Waste	
W1	New waste management facilities
W2	Landfill or raising
W3	Waste transportation and handling
W4	Temporary permissions
W5	Waste management licensing
W6	Development in the vicinity of waste management facilities
W7	Landfill gas utilisation
W8	Waste disposal for land improvement
W9	Reclamation, aftercare and afteruse
W10	Time limits for secondary activities
W11	Development – waste implications
Community facilities and services	
CF1	Utility services and infrastructure
CF2	Foul drainage
CF3	Telecommunications
CF4	Renewable energy
CF5	New community facilities
CF6	Retention of existing facilities

CF7

Residential nursing and care homes

APPENDIX 2: SUMMARY TABLE OF UNITARY DEVELOPMENT PLAN SCHEDULE OF PROPOSED DELETED POLICIES

Reason for deleting policy	
Part I	All policies saved
Part II	
Development Requirements	
DR6	Water Resources The policy is repetitive of Appendix A of Planning policy statement 23 and RSS policy QE9 – The Water Environment. In addition, part 2 and 3 of UDP policy DR4 – Environment are considered adequate in determining applications that could impact on water resources.
Housing	
H2	Hereford and the market towns: housing land allocations The allocation for housing in Bullinghope, Hereford will need to be deleted as the site was removed from the UDP by the High Court. It is no longer part of the Plan and should not be referred to in the request to save policies.
H11	Residential caravans The policy is repetitive of PPS1, PPS3 and PPS7 in terms of the locational requirements for permanent residential development. Policies H1, H2, H4, H6 and H8 are adequate to determine applications for residential caravans.
Employment	
E6	Expansion of existing businesses The policy is largely repetitive of paragraph 13 of PPG4 in determining planning applications for employment proposals. The policy is also repetitive of policy E7, E8, E10, E11, E12 and E13.
E9	Home based businesses The policy is repetitive of RSS policy PA14 and paragraphs 32, 33 and 34 of PPG4, which outlines what should be considered in determining whether a use is ancillary to a dwelling and the issues to be taken into account in determining an application for permission. In light of the content of these paragraphs it is considered necessary to delete the policy.
Town centres and retail	
TCR8	Small scale retail development The policy is largely repetitive of paragraph 2.4 of PPS6, which states that wherever possible, growth should be accommodated by more efficient use of land and buildings within existing centres. Policy TCR1 – TCR7, which are proposed to be saved, will enable

TCR15	Hot food take away outlets	consideration of applications for proposals for small-scale retail development within the central shopping and commercial areas of Hereford and the market towns. The issues for consideration in determining applications for hot food take-away outlets namely, effect on residential amenity resulting from traffic generation, highway safety, noise, smell or other amenity considerations are covered in Policies, DR1, DR2, DR3, DR4 and T11. The policy is considered to be repetitive and is therefore recommended for deletion.
Transport		
All policies saved		
Natural and historic heritage		
NC2	Sites of international importance	The policy is repetitive of national policy. Paragraph 6 of PPS9 states that 'The most important sites for biodiversity are those identified through International and European Directives. Local Planning Authorities should identify these sites on proposal maps. Since they enjoy statutory protection specific policies in respect of these sites should not be included in local development documents.
NC5	European and nationally protected species	The policy repeats national policy. Paragraph 15 of PPS9 states that many individual wildlife species receive statutory protection under a range of legislative provisions, and specific policies in respect of the species should not be included in local development documents.
HBA11	Advertising	The policy is repetitive of paragraphs 4.31 to 4.37 of PPG15 with regards to advertisements and the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of an area. The policy is also repetitive of paragraphs 11 to 14 of PPG19 with regards to amenity and paragraphs 15 to 16 of PPG19 with regards to public safety.
Recreation, sport and tourism		
RST11	Golf courses	The policy is largely repetitive of paragraph 22 – Stadia and major developments in PPS17. In addition, proposals for golf courses, driving ranges and extensions to existing golf courses can be adequately determined using UDP policies S8, RST1, RST2 and

		RST10.
Minerals	All policies saved	
Waste	All policies saved	
Community facilities and services		
CF8	School proposals	The policy is not necessary as both schools referred to in the policy have been built.
CF9	Community facilities at Bradbury Estate, Hereford	The policy is not necessary as funding for the community facilities has been secured through a section 106 agreement in relation to the development of the site for housing.



MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	REPORT OF THE PLANNING COMMITTEE MEETINGS HELD ON 15 MAY & 3 JULY 2009
MEMBERSHIP:	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.

CLASSIFICATION: Open.

Wards Affected

County-wide

Purpose

To note the report which is for information.

PLANNING APPLICATIONS

1. The recent meeting proved to be a very busy one for the Committee with some significant and complex applications being considered which have a County-wide impact as well as an impact on local communities. The application for the relocation of the Hereford Livestock Market to a site off Roman Road near Stretton Sugwas is of particular importance because it will help to pave the way for the Edgar Street Grid development in Hereford. The meeting was held at the Shirehall because it would have been difficult to accommodate the large numbers of the public present at Brockington, particularly on what proved to be a very hot day. As well as the livestock market, interest centred on the planning applications regarding (i) alterations to Grange Court Leominster; (iii) facilities for the growing and harvesting of fruit together with accommodation for seasonal workers at Brierley Court Farm near Leominster and (iv) hunt kennels at Brillley Wood, Whitney-on-Wye. The meeting lasted well into the afternoon and the speaking time and number of speakers was increased for the first three applications to reflect the public interest in them. Site inspections were also held prior to the meeting to view the application sites and in the case of Brillley Wood, an operational kennels was also visited to view its impact on the local community.

Further information on the subject of this report is available from
Pete Martens (Committee Manager – Statutory) (01432) 260248

2. The applications were determined as follows:-

- (a) **DCNW2009/0275/F - proposed new school, pre-school, associated works and landscaping on land to the south of Rye Grass Cottage, Staunton-on-Wye – approved as recommended.**
- (b) **DCCW2008/0262/F - proposed construction of replacement livestock market with associated car and lorry parking at land adjacent to Veldifer Cottages, Roman Road, Stretton Sugwas, Hereford – the application will need to be submitted to the Government Office for the West Midlands for approval because it constitutes a departure from the Councils Unitary Development Plan. If it is approved by the GOWM, the applicants will need to submit a satisfactory landscaping scheme for approval by the Officers in consultation with the chairman and Local Ward Members;**
- (c) **DCNC2009/0435/CD & DCNC2009/0436/L - proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent at Grange Court, Pinsley Road, Leominster– deferred for further negotiations – the Committee welcome the principles of the scheme but have grave concerns about the loss of the Victorian stone fireplace and a significant Austrian black pine;**
- (d) **DCNC2009/0168/F - proposed change of use from agricultural to a site for the accommodation of seasonal agricultural workers in mobile homes and demountable portable buildings and sports pitch; DCNC2009/0167/F - application (part retrospective) to erect fixed (non rotating) Spanish polytunnels over arable (soft fruit) crops grown on table tops; and DCNC2009/0166/F - DCNC2009/0166/F - retrospective application to retain private package sewage treatment plant Brierley Court Farm, Brierley, Leominster – deferred following advice from legal Counsel that additional representations need to be first considered by the Officers and reported to the Committee; and**
- (e) **DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye – refused contrary to recommendation. The Committee has concerns about the impact of the proposal on the local community by way of noise, odour and nuisance.**

AREA PLANNING SUB-COMMITTEES

3. 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 meeting held on 8th April and 3rd June, 2009**
 - applications approved as recommended – 10
 - applications deferred for further information – 1
 - applications minded to refuse contrary to recommendation – 1
 - number of public speakers – 1 town council; 4 objectors and 5 supporters
 - appeals - 10 appeals received, 3 dismissed and 1 withdrawn.
- (b) **Central Area Planning Sub-Committee meetings held on 1 April, 29th April,**

27th May and 24th June, 2009

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

(c) Southern Area Planning Sub-Committee meetings held on 15 April, 13 May and 10 June, 2009

- applications approved as recommended - 7
- applications refused as recommended - 2
- applications minded to approve - 0
- applications minded to refuse - 0
- applications withdrawn by applicant - 1
- applications deferred for further information/site inspection – 3
- number of public speakers – 2 parish council, 7 objectors and 3 supporters
- appeals – 6 appeals received.

HEREFORDSHIRE SHOP FRONT DESIGN GUIDE

- 4 The Committee has recommended amendments to the Cabinet Member (Environment and Strategic Housing) regarding the Herefordshire Shop Front design Guide. The guides for Hereford City and South Herefordshire have been amalgamated and enhanced to provide guidance which can now be applied throughout the County. Its aim is to help to preserve the unique features and character of the towns, villages and Conservation Areas, particularly where the shop front is part of a Listed Building. A consultation process has been undertaken with parish and town councils, statutory bodies, and a range of local groups and organisations including amenity societies, business organisations, disability groups and agents. The Committee has also asked the Officers to ensure that wherever possible, steps are taken to ensure that the upper floors of shops are brought into occupation.

CONSERVATION AREA APPRAISAL FOR LEOMINSTER CENTRAL CONSERVATION AREA

5 It has been recommended to the Cabinet Member (Environment and Strategic Housing) that the appraisal for Leominster Central Conservation Area be approved for consultation be undertaken with interested parties. The appraisal for Leominster Town Centre comprises a factual assessment of the special architectural and historic character and appearance of the Conservation Area, together with its setting. The form and content of all the appraisals followed guidance recommended by English Heritage and is endorsed by the Government. The issues identified for the conservation areas fell into three categories:

- features such as non-listed buildings that significantly contribute to the area because of their local architectural or historic interest;
- features which detract from the special interest of the area such as
 - i. historic buildings in poor condition building.
 - ii. inappropriate alterations to historic buildings such as modern windows.
 - iii. modern buildings that do not relate to the character of the area.
 - iv. open gaps where street enclosure is desirable.
 - v. untidy land.
 - vi. street clutter and signage; and
- changes to the conservation area boundaries
 - i. to include areas that are considered to contribute to the special historic or architectural character of the area
 - ii. rationalisation of boundaries so that they relate to defined edges of property curtilages, field boundaries, roads and lanes or other notable features.
- features such as non-listed buildings that significantly contribute to the area because of their local architectural or historic interest; and
- features which detract from the special interest of the area such as
 - i. historic buildings in poor condition building.
 - ii. inappropriate alterations to historic buildings such as modern windows.
 - iii. modern buildings that do not relate to the character of the area.
 - iv. open gaps where street enclosure is desirable.
 - v. untidy land.

- vi. street clutter and signage.

HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: SAVED POLICIES

- 6 The Committee has recommended to Cabinet that the Secretary of State be requested to consider the saving of certain policies of the Herefordshire Unitary Development Plan (UDP) and Supplementary Planning Guidance. Once saved, the policies will remain in place until the Local Development Framework takes effect. Cabinet has in turn made its recommendations to Council which are to be found elsewhere on the Agenda for this Council meeting.

REGIONAL SPACIAL STRATEGY: CONSULTATION ON PHASE THREE OPTIONS

- 7 The West Midlands Regional Assembly has consulted Local Planning Authorities about the Phase Three revision of the Regional Spatial Strategy (RSS). The eight-week "Options" consultation runs from 29 June to 14 August and focuses on the following issues:

1. rural services;
2. Gypsies, Travellers and Travelling Show people;
3. culture sport and tourism;
4. quality of the environment; and
5. Minerals

This is the third and final phase of the revision of the RSS which was first approved by the Secretary of State in 2004. Phase 1 relating solely to the Black Country was approved in 2007 and Phase 2 which sets out revised targets for housing, retailing and employment, was the subject of Examination in Public in April, May and June this year. The report about Phase 2 is not expected until the autumn and final approval will be made in 2010. The Government intendeds to complete the Phase 3 revisions during 2011 and by then the RSS will have been completely revised. Any Development Plan Documents produced by Local Planning Authorities in the West Midlands will have to be compliant with the RSS. The views of the Committee on the consultation will be reported to Cabinet on 30 July 2009 and be taken into account in the Council's response. If Members have any views they would like to be considered, these can be submitted to the Cabinet Member or Planning policy Manager before the Cabinet meeting on 30 July, 2009

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

Background Papers

Agendas for the meetings of the Planning Committee held on 15 May and 3 July 2009.

MEETING:	COUNCIL
DATE:	15 JULY 2009
TITLE OF REPORT:	REPORT OF THE STRATEGIC MONITORING COMMITTEE
MEMBERSHIP:	Councillors: PJ Edwards (Chairman), PA Andrews, WLS Bowen, ME Cooper, AE Gray, KG Grumbley, TM James, RI Matthews, AT Oliver, PM Morgan, AT Oliver and PJ Watts

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the report.

INTEGRATED CORPORATE PERFORMANCE REPORT

- 1 The Committee has considered the end-year performance for 2008-09 against the Council's key indicators from the Corporate Plan 2008-11, the Local Area Agreement and the Herefordshire Community Strategy, and any other indicators where data is available against which a Red/Amber/Green rating or direction of travel judgement can be made. The Committee has requested that in continuing to monitor performance the Children's Services Scrutiny Committee should prioritise some underperforming areas, for example, safeguarding.

FINAL REVENUE AND CAPITAL OUTTURN

- 2 The Committee has welcomed the net revenue underspend of £249,000 for 2008/09 as evidence of good financial management, mindful of the level of projected overspend earlier in the financial year.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

- 3 The work of the Committees is analysed below in accordance with the following 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

Further information on the subject of this report is available from
Tim Brown Committee Manager Scrutiny (01432) 260239

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 22 June 2009	Revenue Budget Outturn and the Budget 2009/10 Integrated Commissioning (Social Care) Performance Outturn Strategic Housing Performance Outturn	
Children's Services 6 July 2009	Presentations by Cabinet Member (Children's Services) and the Cabinet Member (ICT, Education and Achievement) Kinship Carers and Children Cared for by unofficial carers Progress report – domestic abuse Children's Safeguarding Capital Budget Monitoring Revenue Budget Outturn Comprehensive Area Assessment and Performance Digest Swimming at Key Stage 2	Provision for Autistic Spectrum Conditions
Community Services 29 June 2009 13 July 2009	Presentation by the Cabinet Member (Economic Development and Community Services) Revenue Budget Monitoring	Review of the Backlog of Definitive Map Modification Orders Hereford United Football Ground Leases

	Performance Monitoring Call-in of Cabinet decision on the Edgar Street Grid Retail Quarter Development Agreement	
	Holding the Executive to Account	Developing Policy
Environment 8 June 2009	<p>Presentation by the Cabinet Member (Environment and Strategic Housing)</p> <p>Presentation by the Cabinet Member (Highways and Transportation)</p> <p>Reducing Energy Consumption – Street Lighting Update</p> <p>Executive Response to the Scrutiny Review of the Travellers Policy</p> <p>Capital Budget Monitoring</p> <p>Revenue Budget Monitoring</p> <p>Performance Monitoring</p>	<p>Options for increasing energy efficiency in buildings</p> <p>Environmental compliance of social care transport</p>
Strategic Monitoring Committee 15 July 2009	<p>Integrated Corporate Performance Report</p> <p>Final Revenue and Capital Outturn 2008/09.</p> <p>Presentations by the Leader of the Council, Cabinet Member (Resources), Cabinet Member (ICT, Education and Achievement) and report by the Cabinet Member (Corporate and Customer Services and Human Resources)</p> <p>Review of Asset Management and Property Services</p>	

(The Health Scrutiny Committee meeting scheduled for 17 June was cancelled. The Committee is due to meet on 31 July 2009.)

4 Issues of particular note are highlighted below.

- **Community Services Scrutiny Committee**

The Committee called in Cabinet's decision to grant approval to enter into the Edgar Street Grid (ESG) Retail Quarter Development Agreement between Herefordshire Council, ESG Herefordshire Ltd, and Stanhope.

The Committee has endorsed and supported Cabinet's decision; invited Cabinet to consider periodic update briefings for all Members on the project's programme and progress; and has sought Cabinet's assurance that Members will be given the opportunity to question and be satisfied as to the financial and operational viability of the project before irrevocable decisions are taken.

Cabinet Member Presentations

5 The Scrutiny Committees have received, or are due to receive, the annual presentations from Cabinet Members, reviewing past performance, identifying key issues and commenting on future plans.

**PJ EDWARDS
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

Background Papers

Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 15 July 2009



MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	REPORT OF THE REGULATORY COMMITTEE MEETING HELD ON 9 JUNE AND 14 JULY 2009
MEMBERSHIP:	<p>Councillors: P Jones CBE (Chairman), JW Hope MBE (Vice-Chairman) CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels, JHR Goodwin, PJ McCaull, A Seldon.</p> <p>Councillors: RC Hunt and JD Woodward were appointed to the Committee in place of Councillors ME Cooper and DC Taylor at an Extraordinary Council meeting on 12 June 2009</p>

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the report which is for information.

ALCOHOL CONSUMPTION IN PUBLIC PLACES – AMENDMENT DESIGNATION OF PUBLIC PLACES IN HEREFORD

1. The Committee has agreed to amend the Herefordshire (Alcohol Consumption in Designated Places) Order (No.3) 2007 in respect of Hereford City. Following a recent review it had been noted that when the original Order was made in 2007, Broad Street had been omitted. The Order gave the Police (including Community Support Officers) the power to require a person not to drink alcohol in a designated place, and to surrender any alcohol or alcohol containers. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol was an arrestable offence. An extensive consultation process was undertaken prior to the commencement of the Order and no further consultation is felt to be necessary by the Officers for Broad Street to be included.

PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO A SPECIALIST PRIVATE HIRE VEHICLES (FIRE ENGINES) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Further information on the subject of this report is available from
Pete Martens (01432) 260248

2. Consideration has been given to updating the conditions to be attached to Specialist Private Hire Vehicles in respect of de-commissioned Fire Engines. The original conditions for fire engines were agreed by the Committee in July 2006. Since that date changes had been made to the standard licence conditions which were applied to hackney carriage and private hire vehicles. These changes also need to be applied to the fire engines and the Committee decided to add the following conditions:-
 - (a) a vehicle may only be licensed providing that the it has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have take place to that vehicle since the SVA test was passed; and
 - (b) the vehicle must be one which has been classified as a fire engine when first registered by the DVLA and not one which has been converted to a fire engine from another vehicle.

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

3. 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 applicants were late in submitting their applications and were in breach of the Council's licensing conditions, or they wished to transfer a licence to a vehicle that does not comply with those conditions.
4. 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 their licenses. Some of the proprietors have said that they had encountered problems in booking their vehicles to be tested to meet those timescales when renewing a licence. The Licensing Manager is in discussions with the Testing Centre Manager to investigate what improvements can be made.
5. The applications were dealt with as follows:
 - (a) the suspension of a drivers licence by the Director of Environment and Culture was confirmed by the Committee;
 - (b) two applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of the difficulties they had encountered; 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; and
 - (c) applicants for the renewal of vehicle licences were asked to be more timely when renewing to enable sufficient time for their applications to be processed and for their vehicles to be inspected at the Council's testing centre.

**P. JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS Agenda papers from the meetings of the Regulatory Committee held on 9 June and 14 July 2009.



MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	REPORT OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE MEETING HELD ON 19 JUNE 2009
MEMBERSHIP	Councillors: ACR Chappell (Chairman), MJ Fishley, JHR Goodwin, PJ McCaull, R Mills, RH Smith and AM Toon

CLASSIFICATION: Open.

Wards Affected

County-wide

Purpose

To note the report which is for information.

1 REVIEW OF PROCUREMENT

The Committee has considered a report on the Review of Procurement undertaken by the by the Audit Commission. The Audit Commission had been requested to carry out a specific audit on procurement with an emphasis on the work which had been already commenced to review the partnership with AMEY. The Committee noted the report and made various recommendations with a view to further improving procurement performance.

2 STATEMENT OF ACCOUNTS

The Committee has received a report on the 2008/09 Statement of Accounts and, in accordance with the Accounts and Audit Regulations 2003, has approved the Statement of Accounts for 2008/09.

3 DATA QUALITY ANNUAL REPORT

The Committee has considered a report on progress against the data quality action plan 2008/09 and the plan for the next 12 months. In noting the report, the Committee approved the action plan for the 2009/10 and is looking into training requirements for data quality controls and local procedures in directorates on data quality.

4 SECTION 106 PLANNING OBLIGATIONS

The Committee has considered and noted a report which has outlined the action plan that the Planning Obligations Manager will undertake in the next six months in

Further information on the subject of this report is available from
Paul Rogers on (01432) 383408

developing a monitoring system for Section 106 Agreements.

5 2008/09 AUDIT OPINION PLAN

The Committee has received and noted the external Audit Opinion Plan submitted by the Audit Commission...

6 ANNUAL AUDIT FEE 2009/10

The Committee has received a report regarding the work to be undertaken by the Audit Commission in 2009/10 financial year. In noting the report, the Committee approved the Commission's proposed fee for 2009/10.

7 ANNUAL GOVERNANCE STATEMENT

The Committee has received a report in respect of the Annual Governance Statement for 2008/09. Subject to several amendments, the Committee approved the Annual Governance Statement for inclusion in the statement of final accounts for 2008/09.

8 AUDIT SERVICES ASSURANCE REPORT 2008/09

The Committee has received a report which provided the Chief Internal Auditor's final audit assurance report for 2008/09. The report was noted subject to amendments to the monitoring of resolutions and recommendations in appendix 1 to the report and that officers to be reminded of the need for accuracy of information given on the current position on the resolutions and recommendations.

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

BACKGROUND PAPERS Audit and Corporate Governance Committee Agenda 19 June 2009.

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 5 MAY 2009

Significant Crown Court Results Criminal Convictions in the West Mercia Force Area

1. The Authority received a report from the Chief Constable on recent significant court cases across the area and which included successful convictions in relation to:

Herefordshire Division

- Six defendants received sentences totalling 27 years' imprisonment for offences relating to extortion and intimidation of members of the Polish migrant worker community in Herefordshire. In passing sentence, the presiding judge also commented on the good work undertaken by Acting Inspector Martyn Barnes and Detective Constable Emma Whitworth.

South Worcestershire Division

- A 35-year-old Evesham drug dealer who was caught on CCTV handing over heroin to a customer in Quay Street, Worcester, is now serving four years in jail. The dealer was rugby-tackled by an off-duty police officer, who found £56 drug profits in his right sock and 18 wraps of heroin in the left. The dealer pleaded guilty to supply, possession with intent to supply, burglary, theft, fraud and obstructing police. He had 84 previous offences, including three previous dwelling burglaries and has already served eight years for robbery.
- A father who repeatedly raped and sexually assaulted his pre-teenage daughter over a four-year period is now serving eight concurrent prison sentences. The sexual assaults began in 1983 when the victim was seven and developed into rape until the offences came to light in 1987 when she was 11. She did not want her family split up at that age so she did not allow anyone to report the abuse to the police and they were not informed until recently when she was in her early 30s.

North Worcestershire Division

- Muriel Southall and her lover Michael Whitcombe have been jailed for life for the murder of Reginald Southall, whose body was recovered from the River Severn near his home in Stourport.

Mr Southall went missing on the evening of 4th December 2007, after he went for a walk with his wife but she did not report his disappearance until the following day.

A missing person inquiry was launched and Mr Southall's body was subsequently recovered from the River Severn near their home at the Redstone Lane caravan park on 16th December. He was a non-swimmer and the inquiry developed into a murder investigation after a post mortem

revealed that he had suffered significant injuries consistent with being assaulted prior to entering the river.

The police investigation, codenamed Operation Tower, lasted several months and at its height more than 100 detectives and officers were involved in inquiries and searching the riverbanks and countryside within a 12 square mile radius of Stourport. A specialist team of police divers from South Wales was also brought in to trawl the riverbed.

This was an unusual and complex case that was particularly challenging because at the outset there were no witnesses to Mr Southall's disappearance, no forensic scene and, due to the quiet riverside location, no CCTV.

However, traditional detective work combined with modern technology, forensics and expertise enabled West Mercia to slowly piece this case together.

- Former Redditch Borough Council Leader David Cartwright aged 52 was jailed for three years for stealing and defrauding a charity for homeless people in Worcestershire. He admitted to stealing over £24,500 belonging to the charity – Step Out Drop In – between January 2003 and December 2005.

Shropshire Division

- Following the deaths of the Foster family at Osbaston House, Maesbrook, the coroner recorded a verdict of unlawful killing in the case of Jill and Kirstie Foster and ruled that Christopher Foster had killed himself. The two day hearing at Shrewsbury attracted national and international media coverage. A documentary was made regarding the incident and shown on Channel Four.
- A 36 year old man was jailed indeterminately (with a minimum sentence of four years) after admitting raping a young woman as she walked home along the Dana footbridge in Shrewsbury. This was a particularly violent attack in which the victim suffered multiple injuries including two broken ribs. CCTV played a significant role in identifying the offender and the case attracted considerable media attention.
- Two teenagers who shot and killed two Shetland ponies belonging to a nursing home in Whitchurch have been jailed. An 18 year old youth was sentenced to four years youth custody and a 15 year old to two years custody. The case attracted widespread media attention.

Telford and Wrekin

- A 41 year old male from St Georges was sentenced to seven years for a 'vigilante' attack on a convicted sex offender in Telford on 17 June 2008. The offender slashed his victim's neck with a craft knife during the attack. The victim suffered a cut to his nose and a 30cm wound to his back, and needed surgery.
- Two robbers who attacked a man at knifepoint as he waited to buy drugs on a Telford Housing Estate have been jailed.

- A 27 year old male was imprisoned for four years, and a 26 year old male for four and half years. In addition to the charge of robbery, both men admitted two thefts and one also admitted possessing an offensive weapon and assault.

Commendations

2. Eight Chief Constable's Commendations and six Divisional Commendations were presented to officers and staff involved in Operation Kingpin, the investigation into a number of criminal offences committed against residents of "The Glen" Residential Park Home site, Bromsgrove.

3. The investigation illustrated very graphically what can occur if a residential park home site should fall into the hands of an unscrupulous owner, interested only in maximising profit from the site. This is a form of criminality which nets huge profits for those involved and devastates the lives of many vulnerable members of our communities. In February 2009 the seven defendants received a total of sixty four years' imprisonment.

4. In addition to officers and staff receiving commendations, those attending the commendation ceremony included residents from the Park, representatives of both national residential owners' associations and national park site owners' bodies, representatives from the Department of Local Government Communities and trade journalists.

5. On a national basis, West Mercia is continuing to seek to raise awareness and understanding of park home industry crime within the police service, to show how the legislation which governs the industry is used to cloak serious offending and to illustrate the positive outcomes that can be achieved for West Mercia communities where the police conduct a thorough investigation. The Investigation Officer in the case was invited by Vernon Coaker, MP, the Minister of State, to present an update on this investigation at the Home Office.

Planning Process 2010/2011

6. The Police Authority has agreed the planning process for the development of the 2010/2011 Policing Plan. As part of this process a consultation event will be held in November 2009 with Chief Executives and Chairs of the Local Strategic Partnerships of the four top tier authorities in the area.

7. Stakeholder consultation evenings will also be held in Hereford, Shrewsbury, Telford and Worcester during January 2010.

West Mercia Police

8. The Police Authority having received a detailed report from the Chief Constable have approved a change of name from West Mercia Constabulary to West Mercia Police in order to reflect the way the public view the service.

9. In addition a new logo and motto has been launched - 'Serving, Protecting and Making a Difference'. The cost of this is minimal and changes to vehicles, uniforms, equipment, stationery and signage will only take place as and when the

need arises. It is anticipated that this will take at least two years to complete across the West Mercia area.

Police Authority Structure

10. The Police Authority has agreed a new structure to reflect the changing roles and responsibilities, not least with respect to Partnerships, Local Engagement and Accountabilities. The revised structure centres around five key panels:

Citizen Focus and Partnerships	People
Equality and Human Rights	Strategic Policing
Finance	

Stop and Account

11. Following a direct recommendation from Sir Ronnie Flanagan's Review into Policing, the Home Secretary has agreed to a change in the recording of police stops, which will reduce bureaucracy considerably whilst ensuring the powers are used fairly by the police.

12. In future it will no longer be necessary to record the personal details of people who are stopped, but not searched, by the police. To ensure accountability, the officer will still need to let the person stopped know who they are and record the ethnic background of that person.

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:

<i>Herefordshire Council</i>	<i>Mr B Hunt</i>
<i>Shropshire County Council</i>	<i>Mr M Kenny</i>
<i>Telford and Wrekin Council</i>	<i>Mr K Sahota</i>
<i>Worcestershire County Council</i>	<i>Mr E Sheldon, MBE</i>

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 meeting of the West Mercia Police Authority held on 5 May 2009.

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY MEETING HELD ON 18 FEBRUARY 2009.**

1.	<p>BUDGET & PRECEPT AND MEDIUM-TERM FINANCIAL PLAN</p> <p>The Authority approved the Revenue and Capital Budget proposals for the financial year 2009/10 as presented by the Treasurer. This included a proposal to increase the size of the new station to be provided at Pebworth, from one bay to two bays to provide for future resilience and flexibility.</p> <p>The Revenue Budget, Net Budget Requirement and consequential Net Precept requirement of £19,879,446.00, (Band D Council Tax equivalent of £71.57) were approved by the Authority.</p> <p>The meeting also approved The Medium Term Financial Strategy, The Statement of Prudential Code Indicators and The Minimum Revenue Provision (MRP) policy for 2008-09 and 2009-10, as presented by the Treasurer.</p>
2.	<p>UPDATE ON HEREFORD & WORCESTERSHIRE/WARWICKSHIRE JOINT SERVICE REVIEW.</p> <p>The Chief Fire Officer updated the Authority on the Hereford & Worcestershire/ Warwickshire Joint Review, and reported that because of uncertainties which had arisen from the detailed financial analysis, and also regarding the outcomes from the Atherstone- on Stour incident, that it was recommended that the review be put on hold. It was noted that the Authority would consider this and any other options which might arise in the future, and which would be in the interests of their communities.</p> <p>The Authority resolved that the business case process examining the three potential options for the future of Warwickshire and Hereford & Worcester Fire and Rescue Authorities be put on hold for the time being and that this position be kept under periodic review to identify opportunities to finalise the review at some point in the future.</p>
3.	<p>PERFORMANCE ASSESSMENT 2008</p> <p>The Audit Commission published the results of the Fire and Rescue Performance Assessment 2008 on 12 February 2009, and the Commission confirmed that the Authority continued to be one of the best performing Fire Authorities in the country. It was reported that the Authority was ranked 6th out of 48 in terms of Performance Indicator improvement and was classed as performing strongly.</p> <p>The Chairman said that this was recognition of the excellent work of all the Service employees, and the Members congratulated all concerned.</p>

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY MEETING HELD ON 18 FEBRUARY 2009.**

4.	<p>HEREFORD& WORCESTER FIRE & RESCUE SERVICE: CHARTER MARK RESULTS 2008/09</p> <p>The Service successfully retained its CharterMark Standard, which was external recognition for excellence in customer service. It was noted that the Authority held an additional two examples of national best practice.</p> <p>The Chairman stated that this was more good news for the Service, and the Members congratulated all involved.</p>
5.	<p>LOCAL GOVERNMENT ELECTIONS 2009:</p> <p>At the conclusion of the Meeting, the Chairman noted that Council Elections were due to be held in Worcestershire on 4 June 2008, and he wished well to all those Worcestershire Members who would be seeking re-election. It was noted that Cllrs. Mould and Farmer would not be contesting the elections, and the Members thanked them for their services to the Authority.</p>

**PAUL HAYDEN
CHIEF FIRE OFFICER/CHIEF EXECUTIVE
HEREFORD & WORCESTER FIRE AND RESCUE SERVICE
18 MARCH 2009**

FURTHER INFORMATION

Any person wishing to seek further information on this report should contact: Corporate Support on 01905 368331. 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 18 February 2009.

(All relevant Papers and Reports can be found on the service website at Fire and Rescue Authority www.hwfire.org.uk).

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY TO THE CONSTITUENT AUTHORITIES
Meeting Held on 26 June 2009**

1.	<p>Minute's Silence for Cllr. Jeremy Webb</p> <p>The Chairman invited the Authority to join with him in a Minute's silence to remember Mr. Jeremy Webb, who passed away since the last Authority Meeting.</p>
2.	<p>Introductions of New Members:</p> <p>The Chairman congratulated the Worcestershire Councillors who had been re-elected and returned to the Authority, and welcomed the newly appointed Members. He then gave each Member the opportunity to introduce themselves to the Meeting.</p> <p>On behalf of the Authority, the Chairman thanked all those members who had not been returned, and requested that the Authority send them a letter of thanks for their service.</p>
3.	<p>Brigadier Peter Jones CBE was re-elected as Chairman of the Authority.</p>
4.	<p>Cllr. Stephen Clee was re-elected as Vice- Chairman of the Authority.</p>
5.	<p>Ms. Charlotte Adan, the Interim Assistant Chief Executive (Legal & Democratic) at Herefordshire Council, was appointed as Clerk/ Monitoring Officer to the Authority.</p>
6.	<p>The Authority considered the allocation of seats on Committees to political groups and reviewed the appointments to other bodies.</p> <p>The following appointments were made as Chairmen of Committees:</p> <p>Appointments Committee: Brigadier P Jones CBE</p> <p>Audit Committee: Mr D Prodger MBE</p> <p>Budget Committee: Mr A I Hardman</p> <p>Best Value, Policy and Performance Committee: Mrs M L Drinkwater</p> <p>Urgent Decisions: Mr S J Clee</p>
7.	<p>The 2008/09 Annual Report of the Standards Committee</p> <p>The Authority received the 2008/09 Annual Report of the Standards Committee, and noted the concerns regarding training for Authority Members.</p>

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY TO THE CONSTITUENT AUTHORITIES
Meeting Held on 26 June 2009**

8.	<p>Service Report:</p> <p>The Chief Fire Officer reported on recent key developments and activities together with performance information for the period 1 January 2009 to 31 March 2009. The number of Health and Safety incidents/injuries had fallen sharply in comparison to the same quarter of 2008/09 and had halved in relation to the preceding quarter.</p> <p>Members were updated on the plans that the Service had in place to deal with the current pandemic alert regarding Swine Flu. The planning arrangements were being led through the Local Resilience Forums, which comprised of representatives from the Service and other partners. Members were assured that the Service would strive to maintain optimum front line service delivery and, in the event of major staff shortages, priority would be given to safeguarding front line service to the public.</p> <p>The Authority praised the Service for a job “remarkably well done” when dealing with the recent fire at the Skymark premises in Leominster. The Chairman commended the way the Service took command, and the sensible decisions made by the Officers involved.</p>
9.	<p>Financial Results 2008/09</p> <p>The Treasurer presented the financial results for 2008/09. In summary, he reported a strong financial performance, with General Reserves in excess of Central Government requirements.</p> <p>The Authority noted the Financial results for 2008/09</p>
10.	<p>Flooding Update</p> <p>The Chief Fire Officer informed the Authority that the Service had learned important lessons and gained invaluable experience from the flooding events of the past decade. The Service had now developed a Water Rescue Strategy which drew on this experience and had regard to the national response to flooding events.</p> <p>The Authority resolved:</p> <ul style="list-style-type: none"> i) To establish a cadre of Water Incident Managers and improved management and oversight for all specialist water/ flood capabilities;

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE
AUTHORITY TO THE CONSTITUENT AUTHORITIES
Meeting Held on 26 June 2009**

	<p>ii) To consult stakeholders through the IRMP process on whether to establish a minimum or optimum “first responder” capability and</p> <p>iii) To task the Chief Fire Officer with seeking external funding support for existing and “first responder” capabilities that are made available to the National Asset Register, being compiled by the Government’s Flood Rescue National Enhancement Programme (FRNE).</p>
11.	<p>Integrated Risk Management Plan – Draft 2010/2011 Action Plan Consultation</p> <p>The Chief Fire Officer gave Members the background to Integrated Risk Management, and presented the various proposals in the draft 2010/2011 Plan for public consultation.</p> <p>The Meeting approved the Draft Action Plan 2010/11 for Public Consultation</p>
12.	<p>Service Plan 2009/10</p> <p>The Authority approved the 2009-10 Service Plan, which details the achievements of the Service in 2008/09 and provides an overview of the Authority’s strategic objectives and priorities for 2009/10.</p>

**PAUL HAYDEN
CHIEF FIRE OFFICER/CHIEF EXECUTIVE
HEREFORD & WORCESTER FIRE AND RESCUE SERVICE
July 2009**

FURTHER INFORMATION

Any person wishing to seek further information on this report should contact: Corporate Support on 01905 368331. 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 26 June 2009.



Hereford & Worcester
Fire and Rescue Authority

2010/11 IRMP

Integrated Risk Management Plan

Consultation



INTRODUCTION

Hereford & Worcester Fire and Rescue Service's Integrated Risk Management Plan (IRMP) for 2009/12 sets out a broad set of strategic objectives to realign our resources to the areas of greatest risk within our community. We consider these risks and identify initiatives to reduce risk and improve community safety. As part of the IRMP process, Fire and Rescue Services are required to produce annual actions plans which set out each year's priorities as part of this plan. This consultation is your opportunity to comment on and influence our proposals.

Our proposals for 2010/11 are:

RECOMMENDATIONS 1 & 2 - Crewing Arrangements

The IRMP team have carried out a review of incidents attended by our crews over the last three years to identify periods of peak activity and any opportunities to review our Shift Systems and Crewing Arrangements to deliver efficiencies without affecting our emergency response. Our analysis has identified two areas for review.

The Service has 3 day crewed stations at Malvern, Droitwich and Evesham. These stations are currently crewed from 8am to 6pm. A previous IRMP introduced revised arrangements at our day crewed stations. The effectiveness of these changes is now due for review.

1 During 2010/11 we will review our revised management arrangements at our day crewed stations.

Targeted response vehicles (TRVs) are smaller appliances that can be crewed by between 2 and 4 riders. They can be used to deal with minor fires, freeing up main appliances. Analysis of the number of secondary fires that we attend indicates that there is scope for further investigation.

2 During 2010/11 we will consider the options for the use of Targeted Response Vehicles across the Service.



RECOMMENDATIONS 3 & 4 - Risk Profiles

Our crews have carried out an initial review of their station areas to identify heritage sites and sites with the potential to pollute, either from their activities or from water run off from firefighting. It is our recommendation that during 2010/11 we continue this work.

3 During 2010/11 we will further develop local risk profiles to include an assessment of high level salvage risks associated with Heritage Sites.

4 During 2010/11 we will further develop local risk profiles to include an assessment of potential risk to the environment.

RECOMMENDATION 5

The Service is committed to reviewing interoperability arrangements with colleagues in neighbouring Fire and Rescue Services. We are working towards common operational procedures to reduce risk and make the most efficient and effective use of our combined resources in border areas. The Service has made significant progress in this area, in particular with the West Midlands region. We recognise that there is additional work to be done with our other neighbours.

5 During 2010/11 we will further develop interoperability arrangements with Gloucestershire, South Wales and Mid and West Wales

RECOMMENDATION 6

Following the 2007 flooding event, the Service carried out a significant debriefing process. Following this, and consideration of the Pitt review and the Government's response to this review, we have developed our Flood/Water Rescue Strategy. This has identified a number of improvements necessary to strengthen our response and ensure the safety of our crews. Taking account of local flood/water risks and strategic cover requirements, a need for a number of trained "first responder" teams equipped with dry suits and other equipment was identified.

Two options have been identified to deliver this. Option 1 is to provide a minimum standard of cover and selected personnel at the following stations would receive training:

• **Kidderminster** • **Tenbury** • **Upton-on-Severn** • **Ross-on-Wye**

This level of additional cover would incur an ongoing revenue cost of £21K p.a. that would have to be found from back office efficiencies.

Option 2 we implement an optimal level of cover that would provide extra flexibility and resilience across the two counties, the following stations would also be equipped to first responder standards:

• **Pershore** • **Bromyard** • **Leintwardine**

This would add £15K p.a. to the revenue cost, taking the total back office efficiencies required for an optimal level of cover to £36K p.a.

6 Should we introduce option 1 minimum level of flood/water first responders, requiring back office efficiencies of £21k p.a. or option 2 provide an optimum level of cover requiring back office efficiencies of £36k pa?

RECOMMENDATION 7

The Authority has already adopted water and rope rescue as an integral part of our core business. Following the completion of the government funded Urban Search and Rescue (USAR) project we are now in a position to consolidate support for all elements of technical rescue within the service. This will provide greater consistency and interoperability across our specialist disciplines. By better utilising the skills and capacity of our USAR team to support this goal the Authority has an opportunity to achieve this at no additional cost.

7 During 2010/11 we will establish a central hub based around the USAR team to co-ordinate and manage the specialist Technical Rescue functions within the Service.

Questionnaire

YOUR OPPORTUNITY TO INFORM

Your views on our plans are important to us. Please could you return this questionnaire to:

Sam Jones - Media and Communications Manager
Hereford and Worcester Fire and Rescue Authority, Service Headquarters,
2 Kings Court, Charles Hastings Way, Worcester, WR5 1JR. Tel: 0845 12 24454

For your convenience you can also download a Word version of this questionnaire response form and e-mail the completed form to sjones1@hwfire.org.uk

The download button for the Word version is situated next to the 2010/11 IRMP Consultation document on the Publications page.

RECOMMENDATION 1: During 2010/11 we will review our revised management arrangements at our day crewed stations

STRONGLY AGREE 5 4 3 2 1 **STRONGLY DISAGREE**

RECOMMENDATION 2: During 2010/11 we will consider the options for the use of Targeted Response Vehicles across the Service

STRONGLY AGREE 5 4 3 2 1 **STRONGLY DISAGREE**

PLEASE GIVE REASONS FOR YOUR CHOICES AND ANY ADDITIONAL SUGGESTIONS OR COMMENTS?:

RECOMMENDATION 3: During 2010/11 we will further develop local risk profiles to include an assessment of high level salvage risks associated with Heritage Sites

STRONGLY AGREE 5 4 3 2 1 **STRONGLY DISAGREE**

RECOMMENDATION 4: During 2010/11 we will further develop local risk profiles to include an assessment of potential risk to the environment

STRONGLY AGREE 5 4 3 2 1 **STRONGLY DISAGREE**

PLEASE GIVE REASONS FOR YOUR CHOICES AND ANY ADDITIONAL SUGGESTIONS OR COMMENTS?:

RECOMMENDATION 5: During 2010/11 we will further develop interoperability arrangements with Gloucestershire, South Wales and Mid and West Wales

STRONGLY AGREE 5 4 3 2 1 STRONGLY DISAGREE

PLEASE GIVE REASONS FOR YOUR CHOICES AND ANY ADDITIONAL SUGGESTIONS OR COMMENTS?:

RECOMMENDATION 6: Should we introduce option 1 minimum level of flood/water first responders, requiring back office efficiencies of £21k p.a. or option 2 provide an optimum level of cover requiring back office efficiencies of £36k pa?

Option 1: STRONGLY AGREE 5 4 3 2 1 STRONGLY DISAGREE

Option 2: STRONGLY AGREE 5 4 3 2 1 STRONGLY DISAGREE

PLEASE GIVE REASONS FOR YOUR CHOICES AND ANY ADDITIONAL SUGGESTIONS OR COMMENTS?:

RECOMMENDATION 7: During 2010/11 we will establish a central hub based around the USAR team to co-ordinate and manage the Technical Rescue functions within the Service.

STRONGLY AGREE 5 4 3 2 1 STRONGLY DISAGREE

PLEASE GIVE REASONS FOR YOUR CHOICES AND ANY ADDITIONAL SUGGESTIONS OR COMMENTS?:

ANY OTHER COMMENTS?:

This document is also available in accessible formats

If you would like this information in an alternative language or format such as large print or audio please contact us on 0845 12 24454 or e-mail: info@hwfire.org.uk

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MANDARIN CHINESE

如果您希望以其它语言或大字体或音频等其它格式收到本信息, 请与我们联系, 电话: 0845 12 24454; 或发电邮至: info@hwfire.org.uk

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Jeśli chcieliby Państwo uzyskać niniejsze informacje w alternatywnym języku lub formacie takim jak duży druk lub wersja audio, prosimy o kontakt pod numerem: 0845 12 24454 lub e-mail: info@hwfire.org.uk

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TURKISH

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Hereford & Worcester Fire and Rescue Authority
Hereford & Worcester Fire and Rescue Service
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