

**MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford on Friday 28 May 2010 at 10.30 am**

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

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

**In attendance:** Councillors

**1. CHAIRMAN**

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

**RESOLVED:** That Councillor J Stone, be elected Chairman of the Council until the annual meeting of Council in May 2011.

Councillor J Stone read out and signed the Declaration of Acceptance of Office.

**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 other guests and members of St Martin's School Council. The Council was informed that the Very Reverend Michael Tavinor had agreed to serve as the Chairman's chaplain for the forthcoming year.

**3. APOLOGIES FOR ABSENCE**

Apologies had been received from Councillors DJ Benjamin, SPA Daniels, H Davies, AE Gray and MD Lloyd-Hayes.

**4. DECLARATIONS OF INTEREST**

There were none.

**5. VICE CHAIRMAN**

The Chairman called for nominations to the office of Vice-Chairman. The nomination of Councillor JB Williams was proposed and seconded.

**RESOLVED: That Councillor JB Williams be appointed Vice-Chairman of the Council until the annual meeting in May 2011.**

Councillor JB Williams read out and signed the Declaration of Acceptance of Office.

## **6. MINUTES**

The Chairman stated that Members had received correspondence following the last Council Meeting regarding a response to a question from Councillor ACR Chappell to the Chairman of Regulatory Committee. The response whilst wholly correct in relation to the first part of the question had inadvertently not included the answer to the second part of the question. A full response was sent to all Members clarifying the current position; which would be appended to the Minutes of this Meeting.

Subject to this amendment, the Minutes of the Council Meeting held on 5 March 2010 were approved as a correct record.

## **7. APPOINTMENT OF THE LEADER OF THE COUNCIL**

The nomination of Councillor RJ Phillips as Leader of the Council was proposed and seconded.

**RESOLVED: That Councillor RJ Phillips be appointed Leader of the Council until the annual meeting in May 2011.**

Councillor GFM Dawe requested that his objection to this nomination be formally recorded.

The Leader wished for his thanks to be recorded to all who had supported him during his seven years as Leader of the Council.

Council was advised that the Leader had appointed Councillor JP French as Deputy Leader of the Council and confirmed the names of his other cabinet members, which were unchanged from 2009/10.

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

Members considered a report on appointments to offices reserved to Council.

A list of those offices to which the Council had powers to appoint, together with nominations had been circulated to political group meetings from 9.00a.m on the morning of the Council Meeting.

The Chairman informed Members that the Council may be asked to confirm or agree alternative arrangements for appointment to committees and other bodies pursuant to Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990.

**Council Resolved (nemcon) to**

- (a) **Confirm the number of seats on each committee**
- (b) **note the arrangements for proportionality;**
- (c) **note the notice given in paragraph 9 of the need to partially suspend the rules of proportionality in respect of the Overview and Scrutiny Committee and a resolution be moved to that effect;**
- (d) **allocate the seats to political groups accordingly**
- (e) **appoint the Chairmen & Vice Chairmen of Committees as set out in Appendix 2 (as circulated prior to the start of the meeting)**
- (f) **the existing arrangements for co-option to the scrutiny committees continue in operation for 2010/11.**
- (g) **agree the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution.**

## **9. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman in his announcements:

- Welcomed members of St Martin's School Council to the Annual Council meeting.
- Warmly greeted Councillors PL Bettington and AW Johnson as the new Ward Members for Ledbury and Hope End respectively. Councillor Bettington had succeeded Kay Swinburne who now represents Wales in the European Parliament and Councillor Johnson succeeded Rees Mills who had retired.
- Welcomed Dean Taylor who had recently joined the Council as Deputy Chief Executive.
- Congratulated Councillor AM Toon on her appointment as The Right Worshipful the Mayor of Hereford and Councillor RC Hunt on his appointment as Mayor of Leominster.
- Acknowledged the long service of Councillors DC Taylor and LO Barnett both who had diligently served their communities and the county for over 30 years.
- Emphasised Herefordshire Council's long-standing commitment to the promotion of equality and diversity and informed Members that the "No Prejudice in HEREfordshire" campaign had resulted in the diversity team being nominated for the LGC awards. The campaign received cross party support and continued to challenge prejudice in Herefordshire.
- Congratulated Alan Clarke, Gang Leader for Amey with over 35 years experience of working on the roads, as he had been shortlisted as Frontline Employee of the Year in this year's National Transport Awards which would take place in July.
- Paid tribute to the soldiers from the 3<sup>rd</sup> Battalion The Rifles who marched through Hereford on 1 May after completing a six month tour in Helmand Province in Afghanistan; sadly over 20 of its members were killed during the tour and many seriously injured.

The Chairman informed Council that he had been presented with a petition of 654 signatures on the GP Walk in centre at ASDA from Councillor GA Powell; this petition was in turn presented to the Chief Executive.

## **10. QUESTIONS FROM MEMBERS OF THE PUBLIC**

Copies of all public questions received by the deadline, with written answers, were distributed prior to the commencement of the meeting. A supplementary question was asked by Mr Cocks. A copy of the public questions and written answers together with the supplementary question and answer are attached to the minutes as Appendix 2.

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

**Question from Councillor A Seldon to the Cabinet Member Economic Development and Community Services**

1 *At the end of 2008 a review was commissioned into the management of Bromyard Downs. Consultations took place into early 2009 and a report was initially muted for March last Year. To date, no report has been received. The management of Bromyard Downs arouses a great of passion among the residents of the area. When will this report be published?*

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

Answer to Question 1

Cabinet expect to receive a report by early Autumn at the latest; earlier consideration has not proved possible because of proceedings elsewhere and the subsequent need to consider the outcome of those proceedings.

**Supplementary question**

Would it not have been appropriate to inform the consultees of the delay together with the reasons and provide subsequent information on the progress?

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

Assurance was given that there would be communication with the consultees now that the outcomes of the proceedings had been resolved.

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**Question from Councillor A Seldon to the Cabinet Member Environment and Strategic Housing**

2 *Section 215 of the Town and Country Planning Act 1990 gives a Local Planning Authority (LPA) powers to require landowners and property owners to clean up their buildings or land when the condition of that property or land is adversely affecting the amenity of the surrounding area. I have identified at least three areas in the Bromyard Ward where, using the Best Practice Guidance document from the ODPM (January 2005) I feel the use of S215 would be appropriate. Independent advice has also taken the same view. However, I have encountered some reluctance to use these powers.*

A *How many S215 notices have been served by this authority in the past three years?*

B *Have any of these have been the subject of an appeal?*

## **Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

Answer to Question 2

A S215 Notices served  
06/07 - 0  
07/08 - 2  
08/09 - 0  
09/10 - 1

B None were subject of appeal.

Whilst it appears that the formal notice route is used only rarely a large number of the issues raised in this area are resolved through negotiation. There is no reluctance to use the powers.

### **Supplementary question**

Should not the Council review its use of s215 powers to get properties to the relevant standard?

## **Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

It was recognised that the use of s215 powers had been very limited and that it was possible that the use of these powers could be increased in the future. Work would be done to look into the relationships between Herefordshire Council and parish councils on this matter. Councillor Seldon would be updated on progress.

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## **Question from Councillor PJ Watts to the Cabinet Member Resources**

Question 3

*Given that Herefordshire Council have dropped their legal claim after some two years regarding the wall between St Katherine's car park and the Feathers hotel, the Council have now accepted liability.*

- (a) How much has been spent on legal fees by Herefordshire council?*
- (b) How much revenue has been lost from the car parking spaces in front of the wall which have been closed for public use during the last two years?*
- (c) As the wall is in a conservation area will it be refurbished/rebuilt by the Council (like for like) and what will be the cost of the project?*
- (d) Does this not set a precedent for the remaining walls surrounding this car park?*

## **Answer from Councillor H Bramer, Cabinet Member Resources**

Answer to question 3

- a) £9,125 legal costs to date.

- b) It is likely that little income has been lost by these 6 spaces being unavailable out of the 130 within the site, as there are few occasions that the car park is full to capacity.
- c) The wall will be replaced to retain as much of the overall appearance as before, however, some re-design is needed to improve the stability. The estimated cost is £20,000.
- d) Each case is treated on its individual merits and therefore it does not set a precedent.

*No supplementary question was asked*

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### **Question from Councillor ACR Chappell to the Chairman of the Regulatory Committee**

#### Question 4

*In his answer to my question at the last meeting of Council, concerning taxi drivers with spent/unspent convictions in Herefordshire, I was informed by the Chairman of the Regulatory Committee, that any taxi driver with a conviction for sexual assault, or battery/actual bodily harm/grievous bodily harm was automatically suspended the moment notification is received by the Council.*

- A *Why then in April 2010 were there three drivers with unspent convictions for battery, three with unspent convictions for GBH, three with unspent convictions for Assault Occasioning Actual Bodily Harm?*
- B *Can the Chairman explain to Council how his committee came to the conclusion that these drivers were fit to deliver a service to the public?*
- C *A former Hereford taxi driver was reported recently in the local press of being convicted on 27 counts of rape, attempted rape, indecent assault and indecency with a child. Can the Chairman tell me if prior to his arrest, this driver had any spent or unspent convictions?*
- D *What assurances can he give me, and more importantly, the public, that the Regulatory Committee review every application for a taxi driver licence with complete thoroughness?*

### **Answer from the Chairman of the Regulatory Committee**

#### Answer to question 4

- A When a taxi driver application is received it is accompanied by an Enhanced CRB. If the CRB reveals relevant spent or unspent convictions (as defined in the licensing policy) then the application goes before the Regulatory Committee. They make the decision whether or not to grant the licence, based on national guidance & best practice for such circumstances.

For drivers who are already licensed, if information becomes available regarding an investigation into certain crimes (again as defined in the licensing policy) then the driver is immediately suspended. Any drivers who have such relevant convictions are brought before the Committee to have their applications

considered in accordance with the licensing policy, based on national guidance & best practice.

- B The Committee works to Department of Transport and Home Office Guidance as well as current legal best practice. It is advised by its Legal Adviser in respect of these.
- C No; public release of such information relating to an individual would be in breach of legislative requirements.
- D Every application follows a robust process that includes the enhanced CRB check. If relevant spent or unspent convictions are highlighted then that application will go before the Committee as outlined above.

#### **Supplementary question**

The response provided to question C could not be accepted as it was believed that Councillors needed to know if the Regulatory Committee had known at the time that the individual in question had any spent or unspent convictions?

#### **Answer from Councillor JW Hope MBE, Chairman of Regulatory Committee**

A written reply would be provided to the Councillor which may contain information not appropriate for release into the public domain.

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#### **Question from Councillor ACR Chappell to the Leader of the Council**

Question 5

- A *With rumours circulating that as the new Conservative/Liberal Democrat 'Coalition' at Westminster is expecting to create over 200 Life Peers that both the Leader of the Council and the Leader of the Liberal Democrats in Herefordshire will shortly be wearing ermine, is there likely to be a similar coalition in Herefordshire?*
- B *What contingency plans does the Leader of the Council have to ensure that Council/PCT services in Herefordshire are not affected by the 'Coalition's' financial cuts to local services?*

#### **Answer from Councillor RJ Phillips, Leader of the Council**

Answer to question 5

A

I am sure that members will share in the disappointment that Cllr Chappell was not himself elevated when the Labour government created new life peerages to secure their majority in the Lords; whilst I cannot speak for Cllr James, I have received no such approach!

Many members will share the view that constitutional reform, as proposed by the coalition government, is to be welcomed. My new political colleagues locally have not made any advances to me.

B

Although the detail of the national public spending cuts is still emerging the need for them is not a surprise, and it would be a poor administration that has not foreseen this and responded accordingly. We have been planning, together with our health partners, to meet the challenges of the future financial climate for many months now. As well as reviewing priorities to ensure we target our collective resources to best effect, we have developed a range of initiatives such as the shared services programme being pursued jointly by the council, NHS Herefordshire and Hereford Hospitals Trust, ensuring that structures and services are in the best position to be able to deliver the efficiencies and savings needed to retain and improve vital front line health and council services for the people of Herefordshire

**Supplementary comment**

Members will be looking carefully to ensure the appropriate level of service provision to the public of Herefordshire.

Answer from Councillor RJ Phillips, Leader of the Council

The extent of the public sector cuts announced by the coalition government were no surprise. In Herefordshire the shared services programme would be key to delivering savings across the three organisations. The coalition government's first priority is to tackle the country's massive debt; therefore the 7.2% in year cut to local government's collective budget seeks to address this problem. Whilst it was acknowledged that the public recognised the scale of the problem it would be essential to have a dialogue to explain the local impact of the tough times ahead.

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**Question from Councillor B Hunt to Cabinet Member Economic Development and Community Services**

Question 6

*Despite Bromyard and Winslow Town Council breaking time limits on last year's consultation period and submitting a different version this month, I ask the Cabinet Member if he will stick to normal procedures by ;*

- A *Continuing to take any reasonable time necessary to amend the Downs constitution*
- B *Wait until the Commons Act 2006 and its implementation bulletins [which fell when the election was announced ] re-emerges and its wording can be examined and incorporated into a revised Downs constitution to avoid expensive and time wasting 'calling back in' possibly within months of a first version being introduced in haste,*

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

Answer to question 6

I will of course adhere to whatever procedures are appropriate in the circumstances, and will progress any review of downs management arrangements in the appropriate timely fashion, taking into account relevant legislative requirements in place at the time.



**Supplementary question**

Would the Cabinet Member underline again that a measured appropriate timetable will be in place to consider the issues?

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

Yes, any review of constitutional and managerial arrangements will be undertaken in a timely manner subject to legislation.

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**Question from Councillor GFM Dawe to the Cabinet Member Environment and Strategic Housing****7. *Regional Spatial Strategy***

*On 5th February 2010 I asked that if the Conservatives win the next election will Herefordshire abandon its 18,000 housing target set by the Regional Assembly. I received the answer from Cllr Jarvis, "No, the County needs to sustain commitment to growth in order to be a 'sustainable and cohesive community'[sic]'".*

*Since the national election I understand that the Regional Spatial Strategy is indeed 'one step away' from being abolished. The new MP for our neighbouring county has said she is determined that Worcestershire will re-think and reduce its allocated RSS housing after consulting with local people. Is Herefordshire Council going to do the same, or is it going to persist with its growth agenda?*

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

Answer to question 7

As Cllr Dawe will recall, at its meeting on 13<sup>th</sup> November, Council overwhelmingly resolved that:

*This Council affirms that the sustainable future for our City and County depends on creating more and better paid jobs, significantly increasing the number of homes, particularly affordable, improving leisure and shopping and procuring the supporting infrastructure. This must include another bridge crossing over the Wye and relief roads for Hereford and Leominster.*

Without wishing to repeat that debate the question of the overall quantum of growth (18,000 houses over the period 2006 to 2026) has been examined in detail at the Examination in Public into the Regional Spatial Strategy last year and, even if the Regional Spatial Strategy is downgraded or dispensed with, the evidence of housing need remains, as does the need for growth to ensure the future economic viability and wellbeing of the county and its residents.

Herefordshire welcomes any return to local control of how such growth is delivered to ensure we meet local need; however any comparison with Worcestershire does not bear scrutiny as their circumstances are distinct from our own.

### **Supplementary question**

If Herefordshire Council's policy persists by expanding housing growth against national policy in the current period – should not this, in the light of the LDF, not be delayed until after the local election so that people can have a chance to vote on this policy?

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

The council met and agreed the housing growth figures. The Regional Spatial Strategy is yet to be abolished. Herefordshire is in desperate need for housing to help create employment and provide a future for the young people within the county.

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

8. *Rotherwas Northern Magazine*

A. *Is it true that the ammunition factory at Rotherwas is to be demolished?*

B. *If so, who was consulted and who advised that one of Hereford's most interesting and culturally valuable sites, with huge tourist development potential, should be pulled down?*

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

Answer to question 8

No; it is the case that some small buildings, pathways and blast walls have recently been demolished at Rotherwas, but more historically significant buildings have been retained.

Cabinet approved the development of Rotherwas as part of the Rotherwas Futures project. Demolitions have been agreed by the County Archaeologist's team and take account of an independent specialist report that identified significant buildings. English Heritage is currently assessing the retained buildings.

Supplementary question

If the national economic situation persists should we not hang onto culturally valuable sites instead of getting rid of them for no purpose?

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

The limited demolition has not been for no purpose but to provide for development business opportunities. A meeting was held on this matter on 30 April 2010 to which the local member was invited, but did not attend.

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## Question from Councillor MAF Hubbard to the Leader of the Council

### Question 9

- A *With the announcement of some of the biggest cuts in national spending in recent memory, with only a promise of more to come, combined with the Conservative manifesto commitment to abolish Regional Development Agencies, there must now be some considerable doubt as to the future funding of the ESG project. What guarantees can the leader give to those businesses on the line of the link road in my Ward who, after five years, still have no news about their futures?*
- B *What steps is the Leader taking to ameliorate against the inevitable planning blight that this project is now bringing to the city?*

## Answer from Councillor RJ Phillips, Leader of the Council

### Answer to question 9

- A Neither of the coalition government parties included in their manifesto a commitment to the wholesale removal of Regional Development Agencies; however the coalition's commitment to removal of those quango's that do not demonstrate value for money or local accountability is welcomed. We await the report of the National Audit Office, due in the coming week, on the performance and value for money supplied by individual RDA's and in particular how that relates to AWM.

Those businesses directly affected by the city's link road plans are being helped, through dedicated officer support, to relocate to other sites, including new space at Three Elms business park. Discussions with businesses in phase 1 of the link road will continue and we will focus on the best new location to support the long-term plans of all businesses situated in the link road area.

- B We read that Peacocks are planning to open a new store in the former Woolworths site in Hereford. The fast-growing toyshop chain *The Entertainer* will be moving into the Chadds department store. Carphone Warehouse has also invested in bright new premises in the city. I was delighted to read about Ruth Pearson, who has just opened her own maternity and baby boutique in Widemarsh Street. She believes Hereford has a great future as a shopping destination once the city's redevelopment project is complete.

Soon there will be announcements from national brand leaders about their plans for a presence in Hereford.

Certainly we have been through one of the worst recessions for several decades. This has hit high streets the breadth of Britain and many towns in our region have been hit far harder than Hereford in terms of the ratio of empty to occupied shops – and they do not have the benefit of an exciting redevelopment project in their city centres which will bring in extra visitors and shoppers.

There is increasing interest from retailers in opening up shop in Hereford. We need to keep sending out the right signals about our city, signals that inspire retailers to invest with us. Now is the time to talk up Hereford, not talk Hereford down.

## Supplementary question

There are rumours that Phases 2 and 3 are not currently funded. Small independent local businesses in Phase 2 or 3 could have been waiting a decade for these phases to be completed. Can any assurances be given about the immanency of these phases?

**Answer from Councillor RJ Phillips, Leader of the Council**

A dedicated officer has been appointed to provide communication and liaise with businesses directly; this support will continue. It is recognised that different size businesses have varied needs. The Livestock Market will continue. Communication was an important element of the process in order that the business and public were made aware of changes.

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**Question from Councillor WLS Bowen to the Cabinet Member Resources**

Question 10

*Are you aware that some Councils now publish information on all posts that carry a salary of over £50,000 per annum? Do you agree that, in the interest of openness and clarity, that Herefordshire Council should do the same?*

**Answer from Councillor H Bramer, Cabinet Member Resources**

Answer to question 10

The Accounts and Audit Regulations have been amended to introduce a new legal requirement to increase transparency and accountability in Local Government for reporting remuneration of senior employees. The new provision came into force on 31 March 2010 requiring local authorities to include remuneration information of senior employees in the notes to the 2009/10 statement of accounts, which will be published on our website when finalised. We will, of course be complying with the regulations.

**Supplementary Question**

When?

**Answer from Councillor H Bramer, Cabinet Member Resources**

During the financial year.

**Question from Councillor WLS Bowen to the Cabinet Member Corporate and Customer Services and Human Resources**

Question 11

*Is it correct that Herefordshire will become part of the region that receives a solely digital TV signal in April, 2011? If so, what steps are being taken to advise, warn, assist and inform the citizens of Herefordshire and organisations working in Herefordshire as to the consequences of the changeover and any steps that can be taken to cope with this major change?*

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

Answer to question 11

I understand that Digital UK, the body responsible for the switch over and which has responsibility, as well as funding, for the promotion of it have

announced that Herefordshire will, as part of the Central TV region, switch over to digital TV in 2011, at which point the whole region will get Freeview. Digital UK will be writing to everyone in the county and the region before the signal switches to digital to keep householders posted. The Ridge Hill transmitter, which serves Herefordshire, north Gloucestershire and south Shropshire, begins switchover 6 April 2011 and completes 20 April 2011. The communications unit will, of course, be happy to assist Digital UK to promote the switchover through Herefordshire Matters, which is delivered to every household

No supplementary question asked.

**Question from Councillor AT Oliver to the Cabinet Member Corporate and Customer Services and Human Resources**

Question 12

A *What was the total cost of salaries paid by the Council in the year to 31 March 2010 and what was the total number of employees at that date (non school and schools)? Please break down the information between each of the Council's Directorates.*

B *How many employees were paid:*

- (1) £150,000 and over per annum
- (2) £100,000 to £150,000
- (3) £75,000 to £100,000
- (4) £15,000 and under

Question 13

*What is the total cost in legal fees to the Council, since 1 May 2007, of defending legal cases brought against the Council, and how many cases does this cover?*

Question 14

*Does the Council pay a separate fee to the Chief Executive for acting as Returning Officer? If not, could the Council confirm the remuneration arrangements for this role?*

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

Answer to Question 12 A

Total payroll costs are detailed below. Councillor Oliver will wish to note that a number of posts are either jointly or wholly funded by partnership arrangements or through securing of external funding and therefore the actual costs to the Council will be lower than shown.

DirectorateDesc	School	Payroll costs 2009-10		Total
			Non	
ADULT SOCIAL CARE	£0.00	£8,543,887.06		£8,543,887.06
CHIEF EXECUTIVE	£0.00	£377,627.22		£377,627.22
CHILDREN & YOUNG PEOPLE	£78,675,761.46	£15,556,870.36		£94,232,631.82

CX-DEPUTY CHIEF EXEC	£0.00	£7,220,492.44	£7,220,492.44
DCE-ASST CHIEF EXEC-HR	£0.00	£1,483,523.02	£1,483,523.02
DCE-ASST CHIEF EXEC-LEGAL	£0.00	£2,039,238.67	£2,039,238.67
ENVIRONMENT & CULTURE	£0.00	£8,635,605.54	£8,635,605.54
INTERGRATED COMMISSIONING	£0.00	£772,603.69	£772,603.69
REGENERATION	£0.00	£8,425,762.38	£8,425,762.38
RESOURCES	£0.00	£6,752,660.72	£6,752,660.72

£78,675,761.46	£59,808,271.10	£138,484,032.56
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**Employee (including part time) nos @ 31.3.10**

DirectorateDesc	School	Non	Total
ADULT SOCIAL CARE	0	400	400
CHIEF EXECUTIVE	0	6	6
CHILDREN & YOUNG PEOPLE	3,965	745	4,710
CX-DEPUTY CHIEF EXEC	0	258	258
DCE-ASST CHIEF EXEC-HR	0	67	67
DCE-ASST CHIEF EXEC-LEGAL	0	115	115
ENVIRONMENT & CULTURE	0	330	330
INTERGRATED COMMISSIONING	0	21	21
REGENERATION	0	327	327
RESOURCES	0	267	267
	3,965	2,536	6,501

**Answer to Question 12 B**

I would again refer Councillor Oliver to my answer to question 12A and reiterate that the figures below do not reflect the true cost to the council as some posts will be jointly or wholly funded from other sources. Additionally I would draw attention to the fact that a number of those in the lower salary range will be part time employees and therefore receiving a pro rata salary, or only have been employed for part of the financial year.

**Range**

From	To	School	Non	Total
£150,000	+	0	1	1
£100,000	£150,000	0	4	4
£75,000	£100,000	5	5	10
£0	£15,000	2,975	1,230	4,205
		2,980	1,240	4,220

**Answer to Question 13**

The legal team's work is captured within its time recording system and can be analysed in a number of different ways. For management purposes, that analysis currently focuses on the workloads and productivity of individuals and ensuring that all costs are properly allocated to the relevant department for budget purposes. The time recording information is not currently analysed by case type as requested e.g. defendant litigation. I am exploring with the Assistant Chief Executive – Legal and Democratic, whether analysis by case type can be made available. I am confident that I will be able to provide further information and will do so as soon as possible.

Answer to Question 14

The Council pays no additional fee to the Returning Officer in respect of the general election. The Ministry of Justice is responsible for funding the cost of general elections. Any supplementary questions or further details should be addressed, in writing, to the Returning Officer.

**Question from Councillor AT Oliver to the Cabinet Member Economic Development and Community Services**

Question 15

- A *Following the public consultation over the proposed refurbishment of the Butter Market is there an agreed timetable for the refurbishment to go ahead?*
- B *Does the Council have the resources to complete this project? And can the Cabinet Member reassure the public that the building is safe and is not in need of any urgent structural repairs?*

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

Answer to question 15

- A The Architectural competition is due to be completed by August 2010. The timetable for the refurbishment will be dependent on the nature of the winning design.
- B The council is actively exploring funding opportunities in relation to this project.
- Yes the building is safe and there is nothing in our condition reports to indicate that the public safety may be compromised by the structural condition of the building.

**Supplementary question**

Could the Cabinet Member confirm that he was confident of getting grants for the Butter Market refurbishment?

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

All was currently in hand. At least four different forms of funding opportunities would be explored.

**12. NOTICES OF MOTION UNDER STANDING ORDERS**

There were none.

**13. DUTY TO RESPOND TO PETITIONS**

The Cabinet Member Corporate and Customer Services and Human Resources presented the report which had been considered by the Constitutional Review Working

Group, which had cross party membership. The duty to respond to petitions would come into force on 15 June 2010 and to ensure compliance the Petitions Scheme was required to be adopted by Council.

A request was made by a Member in attendance that the second bulleted point in paragraph 5 of the draft Petitions Scheme be amended to read, '*the name, identifiable address, and signature of any person supporting the petition*'.

A Member in attendance sought clarification on the thresholds for the number of signatures to trigger various actions.

The Cabinet Member Corporate and Customer Services and Human Resources stated that both points raised would be considered by the Constitutional Review Working Group and the outcome communicated with Members.

**RESOLVED that:**

- (a) the Council approves the draft Petitions Scheme and request that that the Constitutional Review Working Group consider points raised in relation to identifiable address and clarification of thresholds.**
- (b) the scheme be reviewed after 12 months**
- (c) the Monitoring Officer be instructed to make any appropriate changes to the constitution to give effect to recommendations (a) and (b) above, and publish the amendment.**

**14. COUNCIL CONSTITUTION**

The Cabinet Member Corporate and Customer Services and Human Resources presented the report on changes to the Council Constitution. Thanks were expressed to all Members involved in work relating to the constitution, together with Mr Robert Rogers who had also provided constructive input into the ongoing development of the constitution.

**RESOLVED that Council :**

- a) Approves the following changes to the Constitution:**
  - i. That the Deputy Chief Executive be designated as statutory Scrutiny Officer**
  - ii. That responses to Health Scrutiny Committee recommendations and those relating to Crime and Disorder Scrutiny are provided by Cabinet within 28 days (Part 4, Section 5 (4.5.13.3))**
  - iii. That a position of Vice Chairman of the Standards Committee is created and delegate this appointment to the Standards Committee**
  - iv. That Standards Committee sub-committees be established through the selection of 3 members of the Committee (including one independent and one parish member (for parish matters) to undertake reviews of decisions of the assessment sub-committee, consideration of investigation reports and hearings**



- v. That the Council receive formal reports from the Standards Committee at all its meetings (as appropriate)
  - vi. That the wording of the Schedule of Articles – Description of Executive arrangements be clarified at Part 2 (2.14.1)
  - vii. That the Council rules and Cabinet rules (Part 4) relating to the requirements of the Leader’s reports are amended to ensure consistency
  - viii. That the function of appointing Representatives to Outside Bodies be made consistent with delegations provided to the Chief Executive
  - ix. The wider distribution of decisions to all Councillors be reflected appropriately in Part 4, Section 5 (4.5.16.7(b))
  - x. That formal reference be made within the constitution to preclude the recording or filming of meetings without the express prior consent of the Chairman and informing all in attendance
- b) Instructs the Monitoring Officer to incorporate the agreed recommendations in the Council’s Constitution and make consequential amendments; and
- c) Notes the work undertaken by the Constitutional Review Working Group which continues to assist with such further constitutional review work as it determines.

## **15. ANNUAL REPORT FROM THE LEADER OF THE COUNCIL**

The Leader of the Council, Councillor RJ Phillips presented his annual report and made the following points:

- He would work with Herefordshire’s Members of Parliament to the benefit of the public e.g to seek improvement to Herefordshire settlement grant which was currently badly funded.
- All were aware of the national financial position which would have an impact on both in-year and future revenue budgets.
- As the outcome of the Census in April 2011 would be used by the government to fund public expenditure, it was vital that Herefordshire’s population be properly reflected.
- The potential swine flu pandemic demanded much time, resources and energy of senior officers, and whilst the pandemic did not occur it was recognised that the work undertaken was essential and that lessons had been learnt. However it was also acknowledged that a focus on the pandemic prevented the time and resources being spent on other matters.
- The 2010/11 budget for road expenditure had been increased by 10% to £18million. The infrastructure of Herefordshire’s roads was very important and main roads needed to be maintained to a high standard, however it was acknowledged that the challenge would be in relation to minor roads.
- Clear documentary evidence of service improvements across many areas had been collated during the year which included improvements in the quality of

services delivered with health partners and the number of recipients of those services.

- Herefordshire Partnership remained important as it was vital to pool resources and collaborate appropriately to ensure best use of public monies. Whilst formula funding was in place, any moves to decrease the Area Based Grant would be challenged.
- A further challenge included the growing maturing population.
- Continued cross sector working would be vital to delivering services and spend in the county; the work to date with the PCT has been innovative and surprise was expressed that the civil service had not been more interested in the outcomes of this partnership.
- Concern was expressed regarding the statistics for earnings, the challenge being how communities could be supported to improve future opportunities and to stabilise and improve upon current earnings. Other contributing factors would include the need for the private sector to be encouraged to deliver both more and higher paid jobs, improved infrastructure (including broadband), greater number of affordable housing, as well as specific issues regarding the infrastructure around Herefordshire City and Leominster. It was stated robustly that the Council could not oversee a further drop in earnings.
- The West Midlands Leaders' Board had published a statement of intent which outlined areas of priority and joint working. As 32 of the 33 local authority leaders were from either the Conservative or Liberal Democrat group it was essential that such relationships were used to support the West Midlands objectives.
- Sub regional partnerships had also been formed; Herefordshire Council would have no issues in forming partnerships and alliances which would benefit the county. The importance of a strong relationship with Wales was also acknowledged and the need to protect the viability of services by ensuring their availability to cross border communities.
- Supporting Herefordshire's vulnerable citizens of all ages was of key importance. Child Protection Plans had risen by 149% in the two years to November 2009.
- The F40 group of local authorities would continue to lobby for more money to support education and to secure fairer funding from government.
- The Hearts of Herefordshire pilot initiative had been held in four areas and had facilitated positive changes in communities. The initiative sought to build on the strength of local communities and included a cross sector of partners including town and parish councils.
- The wheelie bin collection had led to a dramatic increase in the amount of recycled goods. It was confirmed that the weekly black bag collection would continue.
- The Shaping Our Place and Local Development Framework consultation had been successful. The housing growth target of delivering 18,000 properties over 15 years would equate to a smaller rate of growth than had been delivered over the previous 15 years. It was acknowledged that the debate regarding where the growth would take place needed to be held. It was however stated that there was a need to recognise that there was a growing demand for; affordable housing, appropriate business developments, robust infrastructure etc. An additional bridge crossing and better road infrastructure would be required for the city, as otherwise the current restrictions would freeze levels of growth and housing; the consequences of these not being built would need to be fully understood and acknowledged.
- The Ross flood alleviation scheme was supported and delivered in time.
- Herefordshire became the first in the UK to provide IT systems and support across the Council, PCT, hospital trust and other bodies and organisations.
- The challenge in the year ahead would be to achieve more, for more people with fewer resources. The cross sector working achieved to date had been

advantageous and would need to continue to deliver positive outcomes together with other activities.

- Thanks were expressed to all Members, including Overview and Scrutiny Members for their contributions to help inform policy development, and specifically to the Cabinet and wider group for their dedicated work.

Responding to questions from Members in attendance the Leader stated that:

- Maintaining the road infrastructure in the county was key to ensuring the important tourism economy, however whilst motorists contributed significantly to taxes there was no correlation with the subsequent reallocation of public finance from HM Treasury. There would be little to gain by lobbying the Department of Transport for additional finance due to the prominence of HM Treasury.
- Businesses, at times, regarded local government in a negative light due to issues of bureaucracy and regulatory matters. There was a need to demonstrate that the Council was also an enabler; the LDF was clear about the need to support and strengthen businesses, both new and established.
- He acknowledged the supportive comments which commended the work of dedicated school staff despite the low funding; the work of the F40 was also commended. Following the change of government further details were awaited on issues relating to standards in education and delivery of funding. Such issues would continue to be a challenge in the immediate period and it was important to keep a watching brief on standards in schools.
- An invitation had been sent to the Leader of the Welsh Assembly for a meeting with both Leaders of Herefordshire Council and Shropshire Council. A key message to be emphasised to the Welsh government was that both Herefordshire and Shropshire could help in satisfying needs of Welsh communities and should be considered when developing policies for the Welsh Assembly in relation to health, transport links, retail, education and other matters. It was a regret that congestion on the A49 had detrimentally affected the transport links encouraged by the Welsh Assembly.

The Cabinet Member Corporate and Customer Services and Human Resources, in responding to a question relating to smallholdings stated that Council had agreed to invest £1.5million in the smallholdings portfolio over a three year period. Whilst there had been some disposal of assets, this had been as outlined in the smallholdings review. A progress report on the smallholdings review would be considered by Cabinet and Overview and Scrutiny Committee in September 2010. It was important to ensure that the smallholding properties complied with the decent homes standards. The only land which would be disposed of would be by the provision of a garden for any property sold, as stated in the review. The Cabinet Member was pleased to inform Council of the buoyant tenants' forum.

The Cabinet Member Adult Social Care, Health and Wellbeing stated that whilst the issues around the national debt needed to be resolved, the most vulnerable in society must be protected. In responding to questions the Cabinet Member;

- Requested that any concerns about service inefficiencies be directed to the Chief Executive for action, though the Cabinet Member took exception to a comment which stated that the service provided was not adequate and commended the hard work of front line workers. Any faults with the service which could be demonstrated would be dealt with.
- Requested Members who had concerns about individual cases (examples provided at the meeting included mental health provision and the lack of a seamless provision between Children's Services and Adult Social Care, and costs of respite care) to approach the Cabinet Member to provide details on these cases to ensure that the matters were investigated.
- Together with the Cabinet Member for Children's Services shared concerns regarding the mental health issues of young people and across all communities.

The provision of mental health services in rural areas was by definition more resource intensive than those managed in urban areas, however it was recognised that this issue was of great importance both now and in the future.

The Cabinet Member Children's Services advised Council that drugs, alcohol and mental health had a high level of correlation. The Children's Trust Shadow Board in considering its priority areas would initially be focussing on issues around alcohol.

The Leader additionally stated that:

- As the provision of services would be rolled out via locality teams, this approach should support closer working between service teams. Members were advised that funding of social care was a national problem and that a big debate needed to be held around the approach to its funding.
- A public health seminar for Members will be held in June to which all Members were encouraged to attend
- The building of the Rotherwas Road had protected local jobs. The business park development had maintained jobs, whilst some firms had increased the number of employees. Businesses which exported goods appreciated the infrastructure provided by the road and commended its potential. The Rotherwas Road was important for the local economy and assisted the manufacturing industry, which should be ignored at our peril.

**RESOLVED: That the Leader's annual report be received.**

#### **16. ANNUAL REPORT OF THE PLANNING COMMITTEE**

Councillor TW Hunt presented the annual report of the Planning Committee.

Councillor MAF Hubbard asked the following question to Councillor TW Hunt and requested it be formally attributed 'Given the quasi-judicial role of planning Committee, does the Chairman of planning think it appropriate that he continue as Chair of this Committee in the light of the recent Standards Boards ruling against him?'

The Chairman invited Councillor TW Hunt to respond, which he declined.

**RESOLVED: That the annual report of the Planning Committee be received.**

#### **17. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Mr Robert Rogers presented the annual report to Council of the Standards Committee.

In responding to questions from Members in attendance, Mr Rogers; stated that the Standards Committee processes were rigorous and exacting and that improvements continued to be made; paid tribute to all those involved and for giving their time so generously to support the work of the Committee; advised Council of the advantage local Committees had in being aware of local circumstances and approaching issues in an open, fair and proportionate matter, thus being able to address any complaints of a vexatious or frivolous nature appropriately.

The Chairman additionally expressed his thanks to all who served on the Standards Committee.

**RESOLVED: That the annual report to Council of the Standards Committee be received.**

#### **18. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

Councillor PJ Edwards James presented the annual report to Council of the Overview and Scrutiny Committee.

**RESOLVED: That the annual report of the Overview and Scrutiny Committee be received.**

**19. ANNUAL REPORT OF THE REGULATORY COMMITTEE**

Councillor JW Hope MBE presented the report of the meeting of the Regulatory Committee which covered the period December 2009 to May 2010.

**RESOLVED: That the report of the Regulatory Committee covering the period December 2009 to May 2010 be received.**

**20. ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE**

Councillor ACR Chappell presented the annual report to Council of the Audit and Governance Committee.

The Committee had additionally considered an audit report on property services, which was ongoing.

Responding to comments around the review of the procurement rules, the Cabinet Member Corporate and Customer Services and Human Resources stated that this would be considered at a future meeting of the Constitutional Review Working Group.

**RESOLVED: That the annual report of the Audit and Governance Committee be received.**

**21. WEST MERCIA POLICE AUTHORITY**

Councillor B Hunt presented the report of the West Mercia Police Authority held on 16 February 2010.

Councillor B Hunt in responding to comments regarding:

- the use of specialist terms of phrases stated that together with Councillor RH Smith, they disapproved of certain terms used and encouraged the use of clear understandable and plain English.
- educating drivers to reduce road casualties stated that together with enforcement, certain initiatives were in place, although it was acknowledged that educating drivers was an ongoing issue for the force and authority.
- The coalition Government's policy of making police directly accountable to locally elected representatives, responded that it would be difficult to envisage how the structure would work,

The Leader in acknowledging the five year collaboration Strategy on operational and strategic issues expressed the view that there was a need at a local level to hold true to the principles of Total Place to ensure that the public pound was used in the most effective way. Councillor B Hunt acknowledged the need for the public sector to work closer together.

**RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 16 February 2010 be received.**

**22. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY**

Councillor Brig. P Jones presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority held on 3 March 2010.

Responding to a question from a Member in attendance regarding combined control centres, Councillor Brig. P Jones stated that there were a number of control centres in England, however these may not now be considered to be essential. Work was continuing on this matter.

**RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority held on 3 March 2010 be received.**

### **23. DATES OF FUTURE COUNCIL MEETINGS**

The dates of future Council meetings for 2010/11 were agreed as:

16 July 2010  
19 November 2010  
4 February 2011  
4 March 2011  
29 April (Last Council meeting prior to May elections)  
27 May 2011 (Annual)

All meetings would be held at 10.30 at the Shirehall, Hereford unless otherwise advised.

The meeting ended at 12.30 pm

**CHAIRMAN**