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# Community Services Scrutiny Committee

Date: **Wednesday, 11th March, 2009**

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Time: **9.30 a.m.**

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Place: **The Council Chamber, Brockington, 35  
Hafod Road, Hereford**

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

*For any further information please contact:*

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**Herefordshire Council**



# AGENDA

## for the Meeting of the Community Services Scrutiny Committee

To: Councillor TM James (Chairman)  
Councillor PM Morgan (Vice-Chairman)

Councillors DJ Benjamin, GFM Dawe, BA Durkin, DW Greenow, KS Guthrie, MAF Hubbard, B Hunt, RH Smith and RV Stockton

Co-opted Members Mrs J Evans (National Farmers Union), Mr PH Hands (Visit Herefordshire) and Mr G. Woodman (Hereford and Worcester Chamber of Commerce)

### Pages

#### 1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

#### 2. NAMED SUBSTITUTES

To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.

#### 3. DECLARATIONS OF INTEREST

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

#### GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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

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

<b>4. MINUTES</b>	1 - 10
To approve and sign the Minutes of the meeting held on 12 December 2008.	
<b>5. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY</b>	
To consider suggestions from members of the public on issues the Committee could scrutinise in the future.	
<b>6. CALL IN OF THE CABINET DECISION ON THE RELOCATION OF THE HEREFORD OPEN RETAIL MARKET</b>	11 - 20
To consider the Cabinet Decision to relocate the Hereford Open Retail Market from the Livestock Market to the St Peter's Street/High Town interface and Commercial Street as from 8 April 2009 that has been called in by three Members of the Committee: Councillors DJ Benjamin, GFM Dawe and MAF Hubbard.	

## **PUBLIC INFORMATION**

### **HEREFORDSHIRE COUNCIL'S SCRUTINY COMMITTEES**

The Council has established Scrutiny Committees for Adult Social Care and Strategic Housing, Childrens' Services, Community Services, Environment, and Health. A Strategic Monitoring Committee scrutinises corporate matters and co-ordinates the work of these Committees.

The purpose of the Committees is to ensure the accountability and transparency of the Council's decision making process.

The principal roles of Scrutiny Committees are to

- Help in developing Council policy
- Probe, investigate, test the options and ask the difficult questions before and after decisions are taken
- Look in more detail at areas of concern which may have been raised by the Cabinet itself, by other Councillors or by members of the public
- "call in" decisions - this is a statutory power which gives Scrutiny Committees the right to place a decision on hold pending further scrutiny.
- Review performance of the Council
- Conduct Best Value reviews
- Undertake external scrutiny work engaging partners and the public

Formal meetings of the Committees are held in public and information on your rights to attend meetings and access to information are set out overleaf

## **PUBLIC INFORMATION**

### **Public Involvement at Scrutiny Committee Meetings**

You can contact Councillors and Officers at any time about Scrutiny Committee matters and issues which you would like the Scrutiny Committees to investigate.

There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

#### **1. Identifying Areas for Scrutiny**

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

Please note that the Committees can only scrutinise items which fall within their specific remit (see below). If a matter is raised which falls within the remit of another Scrutiny Committee then it will be noted and passed on to the relevant Chairman for their consideration.

#### **2. Questions from Members of the Public for Consideration at Scrutiny Committee Meetings and Participation at Meetings**

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(Please note that the Scrutiny Committees are not able to discuss questions relating to personal or confidential issues.)

## **Remits of Herefordshire Council's Scrutiny Committees**

### **Adult Social Care and Strategic Housing**

*Statutory functions for adult social services including:  
Learning Disabilities  
Strategic Housing  
Supporting People  
Public Health*

### **Children's Services**

*Provision of services relating to the well-being of children including education, health and social care.*

### **Community Services Scrutiny Committee**

*Libraries  
Cultural Services including heritage and tourism  
Leisure Services  
Parks and Countryside  
Community Safety  
Economic Development  
Youth Services*

### **Health**

*Planning, provision and operation of health services affecting the area  
Health Improvement  
Services provided by the NHS*

### **Environment**

*Environmental Issues  
Highways and Transportation*

### **Strategic Monitoring Committee**

*Corporate Strategy and Finance  
Resources  
Corporate and Customer Services  
**Human Resources***

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- 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.
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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Community Services Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 12 December 2008 at 10.00 a.m.**

<b>Present:</b>	<b>Councillor Councillor</b>	<b>TM James (Chairman) PM Morgan (Vice Chairman)</b>
	<b>Councillors</b>	<b>GFM Dawe, BA Durkin, KS Guthrie, B Hunt, RH Smith and RV Stockton</b>
	<b>Co-opted Members</b>	<b>Mr PH Hands</b>

**In attendance: Councillors WLS Bowen and PJ Edwards**

**73. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors DW Greenow and MAF Hubbard.

**74. NAMED SUBSTITUTES**

There were no named substitutes.

**75. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor TM James	9 – Hereford City Centre Regeneration Strategy	Personal – City Partnership Board Member
Councillor RH Smith	10 – Scrutiny Review of Community Engagement in Herefordshire Community & Safety Drugs Partnership	Personal – Member, Village Neighbourhood Watch
	12 – PACT Meetings	Personal – as Council appointed Board Member, West Mercia Police Authority.

**76. MINUTES**

In reply to a Member’s concern that, as Councillors were not named in the Minutes, there was a lack of accountability in the Minutes, the Director of Regeneration said that it would be appropriate to check the formal corporate policy on this matter. A report would be provided to the next meeting.

**RESOLVED: That the Minutes for the meeting held on 17 October 2008, be approved as a correct record and signed by the Chairman.**

**77. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

There were no suggestions from the public on issues for future scrutiny.

**78. REVENUE BUDGET 2008/09**

The Committee considered the Community Services Revenue outturn 2007/08.

The Environment & Culture Accountant reported that there had been an increase of £28,270 in the budget, which had resulted from the re-alignment of Head of Service budgets following the reorganisation of Directorates.

She went on to say that the Leisure budget was expected to overspend by £200k in relation to the HALO Job evaluation payment issue. The Council had a legal requirement to meet in full the financial impact of increases in pay of transferred posts affected by the single status agreement. It was noted that the principle that this cost should be funded centrally had been agreed at Cabinet, and it would not appear on these accounts in the future.

**RESOLVED: That the report be noted.**

**79. ENVIRONMENT & CULTURE AND REGENERATION DIRECTORATES: PERFORMANCE FOR THE SIX-MONTH PERIOD TO SEPTEMBER 2008**

The Committee considered the report on the performance indicator position and other performance management information for the Economic and Community Services Division within the Regeneration Directorate and Cultural Services functions within the Environment and Culture Directorate.

The Improvement Manager reported that the format of the report had been changed following discussions with Members. All new performance measures indicated in the report had been flagged green, as activity was currently taking place that would establish a baseline for the coming year.

He went on to say that only one indicator was now judged Red, 127b: robberies.

The Cabinet Member (Economic Development and Community Services) pointed out that the perception of crime in the County was higher than the actual rate of crime. There was, for example, less than one burglary a day in the County. It was possible that, as the recession bit, there could be an increase in crime and petty crime.

In reply to a concern expressed by a Member regarding the reporting of household burglaries, the Improvement Manager said that the Council reported against all indicators in the National Indicator set. The Head of Economic and Community Services added that the crime data recorded by the West Mercia Police was recorded and reported to the Police Authority. The Herefordshire Community and Safety Drugs Partnership considered all reports that were forthcoming from the Police Authority, and agreed a publicity schedule as a result. An example of this was the 'Not in Herefordshire' campaign, designed to raise awareness about petty crime.

**RESOLVED:**

**That: (a) the report on performance be noted,  
and;**

**(b) areas of concern and exception should continue to be monitored.**

**80. RESPONSE TO COMMUNITY SERVICES SCRUTINY REVIEW OF THE EDGAR STREET GRID SCHEME**

The Committee considered the response to the Community Services Scrutiny Review of the Edgar Street Grid (ESG) Scheme.

All of the recommendations in the report had been accepted by the Cabinet Member

(Economic Development and Community Services) as a reasonable assessment of concerns arising from the project. The Cabinet Member reported on the recommendations and highlighted the following areas:

- that Recommendation 2, regarding consultation, had been accepted in order to ensure the best results for the people of Herefordshire and compliance with planning regulations. The planning process would be the focus for the ongoing process of consultation by ESG Ltd, who would also seek to use alternative and innovative methods of consultation on individual elements of the project.
- that Recommendation 5, seeking better linkage to the Courtyard from the ESG site was supported. A report would be provided back to the Committee once proposals had been formed.
- An Action Plan on progress against the Recommendations would be brought back to the Committee every six months.

**RESOLVED: That the report and action plan should be accepted in response to the Review of the ESG scheme.**

#### **81. EDGAR STREET GRID BUSINESS RELOCATION SUPPORT**

The Committee noted a report on support that had been given to businesses to relocate from within the Edgar Street Grid (ESG) redevelopment area.

The Economic Development Manager reported that there were approximately seventy businesses that would need to relocate within the ESG area. Those that would be first affected were within the Livestock Market, and thirty five businesses would have to relocate by 2010. The Council had attempted to positively engage with every business, with mixed success. Two businesses had already successfully relocated from within the ESG area, with assistance from ESG and the Council. All businesses had been advised that they should engage with their own property and legal advisors to enable them to make an informed decision over relocation.

He went on to say that the Council had commissioned a Relocation Study by commercial property consultants Drivers Jonas. This study focused on the demand for employment land and premises that would be generated by the ESG proposals, and determined the level of supply of this land and property that was currently available within Hereford. In order to facilitate the early stages of the development a monthly internal project group had been established in order to improve communication with businesses, with representation from ESG, Advantage West Midlands (AWM) and the Council's Economic Development and Property Services. This had led to the delivery of a more consistent message and greater coordination for businesses with their contact with ESG and the Council. The Council was not in a position to tell businesses where they could relocate to, but it could provide them with as much information as possible as to the options available.

In reply to a question from a Member, the Economic Development Manager went on to say that the retail and leisure section of the project was expected to provide approximately a thousand jobs in the area.

**RESOLVED: That the report be noted.**

#### **82. EDGAR STREET GRID PROJECT - OPTIONS FOR THE HEREFORD UNITED FOOTBALL GROUND**

The Committee noted that the report on the options for the Hereford United Football Ground would be deferred to the next meeting of the Committee.

**83. THE HEREFORD CITY CENTRE REGENERATION STRATEGY PRESENTATION**

(Councillor TM James declared a personal interest)

The Committee received a presentation from the Head of Economic and Community Services on the Hereford City Centre Regeneration Strategy. The Cabinet Member (Economic Development and Community Services) reported that the Strategy had been adopted by both Hereford City and Herefordshire Councils. It had been produced in collaboration with Hereford City Partnership. The Strategy embraced the idea of an extended City boundary, and would add to the cultural/heritage/tourism offer of the City.

He went on to say that CACI Ltd, national leaders in the field of market research, had been retained by Stanhope in order to provide a report on market trends for the City and the County. The size of the non-food retail market was £1bn, of which 27% was captured by the City, which only had 7% of premium retail offer. The City was losing market share to Cheltenham and Ludlow, not least because 35% of affluent achievers and affluent greys in the County did not shop within it. It would be a major task to promote the City, and this would be undertaken to culminate in 2013, when the retail sector of the ESG was due to open.

In the ensuing discussion, the following points were made:

- That if efforts were made to ensure that shoppers travelled between the new and old retail areas, then the expected increase in footfall should benefit both the large premium stores on the ESG sites, as well as the smaller independent retailers in High Town. Widemarsh Street and the Butter Market would be the first targets for regeneration.
- The Head of Economic and Community Services said that under the agreement with Stanhope, there would be restrictions over which shops could relocate from the historic core to the extended area.
- A Member said that he supported the document as a Strategic Plan, and commented that one of the main challenges would be to unify the two centres without downgrading High Town.
- That if the ESG was successfully delivered, the City would claw back £67m a year in retail spend, but if the project did not go ahead, then it would continue to lose £7m a year to other centres.
- The Head of Economic and Community Services pointed out that this was not just a retail scheme, but included additional housing, public services and improved infrastructure.

**RESOLVED: That the presentation be noted.**

**84. SCRUTINY REVIEW OF COMMUNITY ENGAGEMENT IN HEREFORDSHIRE COMMUNITY SAFETY AND DRUGS PARTNERSHIP**

The Committee received the Scrutiny Review of Community Engagement in the Herefordshire Community Safety and Drugs Partnership.

The Vice Chairman reported that the Review had been aimed at the involvement of the community in the Partnership, rather than the nature of the Partnership itself. The recommendations were outlined in section six of the report, and she highlighted several areas:

- There was a need to improve the engagement with 'hard to reach' groups whilst

investigating the possibility of linkages with other council and voluntary sector consultation initiatives.

- There was limited evidence of parish councils involvement with the Partnership apart from when there was a specific issue, and there was a mixed picture of town councils participation.
- The level of activity by the drugs and alcohol forums varied in areas and reflected the commitment of the group's members. It is also difficult to measure the specific success of the activity though a number of positive schemes were taking place.
- There were concerns as to how the PACT meetings were working.

The Head of Economic and Community Services reported that addressing crime was most effective when different organisations are together because of pooling resources and interventions - this was the purpose of the partnership.

A Member welcomed the report, and said that he believed that the key issue was that of the involvement of the town and parish councils. The mechanisms for communication were in place, but it was unclear as to whether or not they were being used.

He went on to say that the County Association of Neighbourhood Watch did not engage adequately with the individual Watches in the County. He added that the Partnership had no profile at the PACTs, and that this situation should be rectified.

The Head of Economic and Community Services said that Officers were more aware of the situation regarding parish and town councils as a result of this review. There was an opportunity to become involved in the Parish Plan process in order to ensure that the outputs were effective, and to provide greater engagement. The Council was also looking into ways of improving the profile of the Herefordshire Community Safety and Drugs Partnership in order to make it more meaningful for local people; not least of which would be to consider a new name for the Partnership.

**RESOLVED: That the Recommendations were agreed and forwarded to the Cabinet Member for Economic Development and Community Services (or other relevant Cabinet Member) for response.**

## **85. FLAVOURS OF HEREFORDSHIRE FOOD FESTIVAL**

The Committee received a report on the Flavours of Herefordshire Food Festival, held from 25-26 October. The Cultural Services Manager reported that there had been 120 producers at the last Festival, of which 99 were from Herefordshire. There were a number of new producers who had exhibited this year and, as celebrities, the Hairy Bikers had been an excellent draw for new visitors.

She went on to say that since March 2008 the Festival had been fully funded by Visit Herefordshire, Herefordshire Council, sponsorship from businesses, Advantage West Midlands and from income from gate takings. The total cost of staging the Festival was £84k. This included the payment of a Festival co-ordinator, all infrastructure cost and marketing and promotional costs. The income from cash sponsorship for the 2008 Festival amounted to £10,060 and in-kind sponsorship of £13,300. The in-kind sponsorship was for marketing, the demonstration kitchen and infrastructure. The income from ticket sales was £25,500 and £6,055 from stall holders. A grant of £30k had been received from Advantage West Midlands which left a shortfall of £12,385 which had been covered by the Visit Herefordshire

marketing budget. The full financial impact of the Festival for the businesses had yet to be measured as many used the Festival as a showcase to sell on line and through their own retail outlets. The current estimated income from sales was £420k from the weekend, a 55% increase on sales from the previous year.

In reply to a question from a Member, the Cultural Services Manager said that whilst the Festival was smaller than the Abergavenny Food festival, it was on par with the Ludlow festival. The Abergavenny Festival had recently suffered the loss of its main sponsor, Waitrose, but it continued to be actively supported by the Welsh Assembly. A Member added that there was an opportunity for the Festival to spread to High Town, and a presence there, linked to the main site by a shuttle bus, would be beneficial.

The Cultural Services Manager went on to say that the Flavours of Herefordshire had ambitions to double the number of visitors to the Festival. An analysis of the visitors had shown an increase in the numbers from the South East of England.

**RESOLVED: That the report be noted.**

## 86. PACT MEETINGS

(Councillor RH Smith declared a personal interest)

The Committee received a report on the PACT Meetings. The Senior Community Involvement Officer reported that this was the eighth round of meetings, and that the PACTs were evolving from the Community Forums which they had replaced. Attendance at meetings by members of the public varied, but they were just one element in a programme of community involvement initiatives. The communication issues that had been raised by Members at a seminar in May 2008 were being addressed, and greater emphasis would be put on parish newsletters in the future. In the ensuing discussion, the following issues were raised:

- That the name of the PACT meetings was a bar to attendance by members of the public.
- That the predominance of Police Officers at the meetings was an issue, as it meant that the Council involvement was reduced.
- That the PACT meetings were unsatisfactory in their present format as they had arisen as an amalgamation of two streams of work: that of the Local Area Forum and of the Police/Community Consultative Group.
- The distance that had to be travelled to meetings in rural areas: the Golden Valley Pact was held in Peterchurch, which could involve a drive of up to thirty miles for some residents. The PACTs needed to be held closer to areas from which they were inviting representation.
- That the Action Sheets arising from the meetings were not satisfactory, as there was a lag between meetings that meant that it was difficult to get information to those who were requesting it.
- That senior Council Officers had been invited to PACT meetings, together with local representatives such as Parish Council members and teachers, but that this had had varying degrees of success.

The PACT Organiser replied to the concerns, and said that alternative venues were being considered in the Golden Valley and other rural areas. Limited resources did tend to reduce the amount of choice for venues for the meetings. She went on to say that the Action Sheets were a continuing issue, and that ways of facilitating the



process were being considered. Most issues that were raised at the PACT meetings were for the Highways Section, and usually all that could be reported was that the expressed concern would be included as part of the programme of works. She added that the Action Sheets would now be forwarded to Ward Members and Parish Councils. It was noted that the PACT acronym was a legacy from the days when the Police ran the meetings, and it was a compromise that the Council had to make as part of its involvement in the process.

**RESOLVED: that**

- a) a key Senior Officer was needed within the Council and its partner organisations to focus the work of the PACTs and ensure that they reported in a timely fashion.**
  - b) consideration should be given to restructuring the content of the meetings, with greater engagement from Town and Parish Councils.**
- and;**
- c) that consideration should be given to the name of the meeting in order to make it more approachable**

**87. REPORT ON THE CHARTER FOR HEREFORDSHIRE COUNCILS**

The Committee received a report on the Charter for Herefordshire Councils.

The Parish Liaison and Rural Services Officer reported that the Rural White Paper, 'Our Countryside: The Future. A Fair Deal for Rural England', published in November 2000, set out a number of measures to give local people the opportunity to become more involved in the development of their communities. The White Paper proposed a number of initiatives designed to enhance the role of parish and town councils; a central proposal was the introduction of the Charter for all councils in the area. The Charter that had been implemented by Herefordshire Council in 2002 was now due for renewal and updating, a process which would be finished by the end of 2008. The main amendments to be considered would be the requirements of the Local Government and Public Involvement in Health Act 2007 for the introduction of the "power of well-being" for parish councils and the introduction of a protocol for devolving functions and services to parish councils.

In the ensuing discussion, the following points were raised:

- A Member cautioned against enlarging the scope of local issues managed by the parish councils, as this could be detrimental to a given parish. The Lengths-man scheme, whilst beneficial on the whole, was an example of the potential problems that could arise. A local scheme had been introduced into a parish which had ended up with a transfer for costs to parish council precept, and a reduction in service. The council had subsequently withdrawn from the scheme. The Parish Liaison and Rural Services Officer said that this was regrettable as generally the scheme was very well received and benefitted over 60 communities.
- That not all parish councils were members of the Herefordshire Association of Local Councils (HALC). The Parish Liaison and Rural Services Officer replied that 85% of parish councils were members of HALC, representing 97% of the total parish council precept of £2.39m in the current year. Herefordshire Council recommended that all parish councils should join HALC as there were many advantages for the parishes. For instance, they gained national representation through the organisation which had meant that, as a result of lobbying from the National Association of Local Councils, the Sustainable

Communities Act had been altered to include parish councils.

**RESOLVED: That the Report be noted.**

**88. PUBLIC RIGHTS OF WAY**

The Committee received a report on Public Rights of Way in the County in order to consider the pressures that were faced by the Public Rights Of Way Section relating to access and condition of the Network, Definitive Map Modification Orders and Highways Act public path orders.

The Interim Parks, Countryside and Leisure Development Manager reported that following a review of national indicators, BVPI 178, which was the only performance indicator available to measure the condition of the rights of way network, had been withdrawn. The methodology of the indicator had been flawed, and consideration was now being given to a Herefordshire specific survey tool, appropriate to the Local Area Agreement.

It was noted that there had been a reduction in complaints relating to cropping and ploughing over footpaths from 716 in 2002-03 to 372 in 2007-08. In addition, the Rights of Way Improvement Plan programme had enhanced access using Local Transport Plan Funding. Specific initiatives included 'The Ross Buggy Route' and "Miles Without Stiles". The latter was being rolled out across the County, with its own logo and supporting literature.

The Interim Parks, Countryside and Leisure Development Manager went on to say that the Council currently had a backlog of ninety seven modification order applications for rights of way modifications awaiting determination under the Wildlife and Country Act 1981. Currently, two officers were able to complete eight determinations per year. Formal objections to some of these would lead to Public Inquiries. It would take approximately ten years to clear the backlog, and with new applications, there would continue to be a significant number awaiting determination. This was a common situation across the country, and compared favourably with other counties.

He went on to say that the engagement of local communities in the management of the rights of way network is a key area of development. The Parish Paths Partnership (PPP) scheme covered a third of the rights of way, and encouraged parishes to take ownership of their rights of way. The Herefordshire trail was inspected and partly maintained by volunteers from the Ramblers Association, and other paths within the county are looked after by the probation service and volunteer groups.

In the ensuing discussion, the following points were made:

- That the PPP scheme was a success, and provided an opportunity to use local private contractors to install the gates, which would be funded by the parish council concerned
- Concern was expressed over the backlog of modification order applications to the Definitive Map. A Member said that he could not condone the failure of the Council to fulfil its legal obligations in this area.

**RESOLVED that:**

- a) The Parks, Countryside and Leisure Development Service undertake an urgent review of the backlog of Definitive Map modification Orders, with a view to eradicating the backlog within three years**

**and;**

- b) That a progress report should be provided to the Committee at its next meeting.

**89. WORK PROGRAMME**

The Committee noted the Work Programme.

**RESOLVED: That the work programme be approved and reported to the Strategic Monitoring Committee.**

The meeting ended at 12.25 p.m.

**CHAIRMAN**



## **CALL-IN OF CABINET DECISION ON THE HEREFORD OPEN RETAIL MARKET**

**Report By: Director of Environment**

### **Wards Affected**

Central Ward.

### **Purpose**

1. To consider the Cabinet decision to approve the relocation of the Open Retail Market from the Livestock Market in Hereford to the St Peter's Street/High Town interface and Commercial Street as from 8 April 2009 that has been called in by three Members of the Committee: Councillors DJ Benjamin, GFM Dawe and MAF Hubbard.

### **Reason For Call-In**

2. In accordance with Standing Order 7.3.1 and the Scrutiny Committee Rules set out at Appendix 2 of the Constitution, the Cabinet's decision on 19th February 2009 on this issue has been called in for consideration by this Committee.
3. The stated reasons for the call-in are:
  - Concerns about the way the results of the consultation exercise have been interpreted;
  - The absence of a written Quality Stalls policy and Stall Allocation policy;
  - That the report does not consider the effects of the current economic downturn;
  - That the report does not detail how the new street market will dovetail with the regeneration of the Butter Market which is considered to be Herefordshire Council's key project for city centre regeneration;
  - The lack of detail about how this market will contribute to Herefordshire Council's developing Food Strategy;
  - Concerns over unfair competition for the retailers that are currently operating in High Town. This market will not be charged any Business Rates and there is no detail as to how stalls will be charged for the use of the Council's electricity supply. Without these elements factored in the competition seems unfair;
  - Lack of detailed consideration as to how this will affect the retailers in the proposed location and the traders in the Butter Market;
  - Lack of clarity as to whether this is truly the relocation of the existing retail market from the Livestock Market site or the creation of a completely new market.

4. The draft decision notice (Ref No: 2009.CAB.009), together with the report to Cabinet on 19th February are appended to the report as Appendix 1.
5. An extract from the draft Minutes of Cabinet held on 19th February will be forwarded for further information as Appendix 2.
6. It is for the Committee to decide whether it wishes to accept the decision of Cabinet or to refer the decision back to Cabinet for further consideration and if so what recommendations to Cabinet it wishes to make.

**BACKGROUND PAPERS**

- None

**HEREFORD OPEN RETAIL MARKET**  
**PORTFOLIO RESPONSIBILITY: ECONOMIC DEVELOPMENT**  
**AND COMMUNITY SERVICES**

**CABINET****19 FEBRUARY 2009****Wards Affected**

Central

**Purpose**

To consider the result of the consultations undertaken on the proposed relocation of the Hereford Open Retail Market into the St Peter's Street/High Town interface and Commercial Street each Saturday and Wednesday, and to seek Cabinet approval of the recommendations for the implementation of the market.

**Key Decision**

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards.

It was included in the Forward Plan.

**Recommendations****THAT:**

- a) **subject to approval of the capital programme bid, the relocation of Hereford Open Retail Market to the St Peter's Street/High Town interface and Commercial Street as from 8 April 2009 (or as soon afterwards as operational arrangements allow) be approved; and**
- b) **the proposed formulation of a policy governing allocation of the stalls be noted.**

**Reasons**

To ensure that the long-term sustainability and economic viability of an Open Retail Market in Hereford is guaranteed.

To provide additional support, vibrancy and interest in the City, attracting visitors to the City centre.

To facilitate business development through a policy of allocation that will not only encourage business start up through a number of available 'incubator' stalls but also focus on and encourage locally produced goods and produce.

To relocate because of the inevitable loss of the current site due to the ESG Herefordshire Ltd development.

**Considerations**

- 1 The present site cannot sustain the Open Retail Market given reduced public footfall compounded by the decline of the Livestock Market and the change in livestock sales. A report conducted by New Market Solutions, entitled Hereford City Markets – 'A New Direction'

Further information on the subject of this report is available from  
 Jeff Owen, Markets Manager on (01432) 260558

identified that both the location and style of the current Open Retail Market were barriers to its mid or long term future, conducted an options appraisal on potential alternative sites, and recommended that the St Peter's Street/High Town interface and Commercial street location be considered in detail as potential priority locations.

- 2 Between 18 October and 13 December 2008 a formal consultation process was carried out with the market traders, in accordance with the Hereford Markets Act 2003, and also with the public, relevant businesses and others. Of the 206 responses from the public, 86% were in favour of the relocation site. Of the 128 Businesses & Organisations, 57% of respondents were in favour of the relocation site. 20 business/organisation consultees raised concerns, summarised at Appendix 1 together with the response to those concerns.
- 3 The recommended location for the Open Retail Market will enable a modern, attractive, regular market that enhances the viability of the city centre to support the viability and vitality of the city centre attracting visitors to the town and county. The style, type, presentation and operation of the relocated Open Retail Market will be of high quality. New format trader licences will support the required servicing and quality requirements, and a policy governing the allocation of stalls will be formulated for approval by the Cabinet Member before the relocation commences.

## Legal Implications

- 4 The requirement to follow the statutory consultation process identified within the Hereford Markets Act 2003 Para 4 (3) has been fulfilled. All relevant Planning issues have been resolved.

## Financial Implications

- 5 The annual revenue income budget set for the current Open Retail Market site is £57k though there is likely to be a shortfall of £21k in the current financial year due to the lack of viability of the site. It is projected that the relocation to the new site will generate income in the region of £62.5k p.a. Revenue expenditure at both sites is similar.
- 6 A Capital Bid of £58.5k for stalls and storage vehicle is included in the draft capital programme for consideration by Cabinet and Council.

## Risk Management

- 7 Failure to identify a suitable alternative site for the Open Retail Market will impact on the sustainability of the city centre by reducing the retail offer within the city centre.

## Alternative Options

- 8 Alternative options were investigated within the New Markets Solutions report entitled 'Hereford City Markets – A New Direction'.

## Consultation

Consultation has been undertaken with

- *Herefordshire Council*: Trading Standards; Property Services; Economic Development; Tourism; Finance; Highways and Transportation; Central Ward Member; CCTV.
- *Outside Organisations*: Edgar Street Grid Ltd; Hereford City Partnership; Hereford City Council; Buttermarket Independent Traders Association; Headquarters of the National Market Traders Federation; Hereford Branch of National Market Traders Federation; Hereford Farmers Markets Group; National Association of British Markets Authority; West Mercia Constabulary.
- *Individuals*: Open Retail Market Traders; Retailers in Commercial Street/St Peter's Street; Residents in Commercial Street; the public.



## **Appendices**

Appendix 1: Summary of concerns raised by business/organisation consultees and response to those concerns.

## **Background Papers**

Hereford City Markets – ‘A New Direction’: Report by New Market Solutions



Hereford Open Market – Consultation on relocation

Results/Analysis of replies received from Business/Residents/Organisations

Name	Areas of concern	Against move	Council remedial action, where appropriate
1.	1. Obscuring view of cameras	No	Stalls are not of 'high roof structure'.
2.	1. Competition from 'similar' stock of trader and shop if stall placed too adjacent to shop	No	Location of traders will be considered and where appropriate, regulated.
3.	1. Hindrance on Saturday – prefer Sunday	No	Not a viable market trading day
4.	1. Stalls right outside. Suggest place these stalls further down Commercial Street.	No	Positioned at rear of Old House. No perceived obstruction or detrimental photogenic problem to front. Commercial Street too narrow from half way down.
5.	1. Obscuring visibility to shop front. 2. Competition	Yes	Minimum of 2.3 metres between stall and shops. Stalls to be open on all sides.
6.	1. Requested market to go into Maylords	Yes	N/A. DRE imply a market in Maylords would be beneficial.
7.	1. Impact on Buttermarket. 2. Obstructing existing shops. 3. No added value to the City Centre. 4. Lack of quality stalls. 5. Traffic control. 6. Conflict with other City Centre Markets. 7. Would prefer local traders	Yes	(1) Minimum of 2.3 metres between stall and shops. Stalls to be open on all sides. (2) quality stock control by Council (3) Current Risk Assessment for present High Town markets to be reviewed. (4) No conflict (5) Local traders will be encouraged.
8.	1. Loading/unloading times not sufficient. 2. Traders to leave stock whilst parking/fetching vehicle back.	No	(1) To be monitored to establish if longer time needed. (2) Cover from fellow traders as at present
9.	1. Obscuring visibility to shop front. 2. Stock delivery problems on both days. 3. Image of low quality market not befitting.	Yes	(1) Minimum of 2.3 metres between stall and shops. Stalls to be open on all sides. (2) quality stock control by Council
10.	1. Longer times for traders to unload/load 2. Rental level too high. 3. Duplication of stalls 4. Method of selecting traders	No	(1) To be monitored to establish if longer time needed. (2) Rent level based on research with other Councils (3) Duplication of stock to be considered.

Appendix 1.

			(4) Based on Council criteria
11.	1. Access to passageways. 2. Content/quality of market.	No	N/A. Met consultee on site - resolved both issues.
12.	1. Quality products on stalls	No	Quality stock control by Council
13.	1. Traffic/Pedestrian conflict 2. 2.3 metres constriction not enough 3. Lack of waste disposal 4. Require Planning permission? 5. 2 month probation period of traders too long.	Yes	(1) Current Risk Assessment for present High Town markets to be reviewed. (2) No problems with Ross, Kington and Leominster that have no waste disposal facilities. (3) Planning issue resolved. (4) Probation period works elsewhere.
14.	1. Clear distance between Farmers Market and Retail Market (when clash once a month) to maintain identity of Farmers Market. 2. Traffic control 3. Do not want open market to sell local produce.	No	(1) will be segregated (2) Current Risk Assessment for present High Town markets to be reviewed. (3) Cannot remove competition.
15.	1. Lack of quality products on stalls. 2. Obstructing existing shops 3. Against stalls near Old House 4. Move market to nearer Chadds 5. Revisit proposal in 5 years 6. Market will diminish appeal to tenants. 7. What legislation permits move of market 8. Traffic/pedestrian conflict 9. May compromise space used by HCP 10. Already too many markets in City Centre 11. Relocate after BM refurbishment. 12. Prefer local produce and goods	Yes	(1) quality stock control by Council (2) Minimum of 2.3 metres between stall and shops. Stalls to be open on all sides. (3) Positioned at rear of Old House. No perceived obstruction or detrimental photogenic problem to front. (4) Road too narrow towards ring road (5) Current market dying due to bad site. (6) Could strengthen appeal (7) Hereford Market Act 2003 (8) Current Risk Assessment for present High Town markets to be reviewed. (9) Only one day previous, in 2005. (10) Proposed Market is different type of market that currently operate in City Centre. (11) City Centre needs vitality now. (12) Local traders and stock will be encouraged

**Appendix 1.**

16.	1. Health & Safety – Pedestrians/traffic 2. Health & Safety – Erection of stalls 3. Questions viability of pedestrian zone	No	(1) & (2) Current Risk Assessment for present High Town markets to be reviewed
17.	1. Competition to shops 2. Would mean too many City Centre Markets 3. Obstruct shop frontage 4. Revisit proposal in 5 years 5. No local produce	Yes	(3) Minimum of 2.3 metres between stall and shops. Stalls to be open on all sides.
18.	1. Her stall hidden by Market Vehicles as they pack up 2. Market stalls to hide her stall from public	No	Email also states looking forward to Victorian Market on 18 <sup>th</sup> Dec, which is to be placed in same position as proposed OM move.
19.	1. Customer access to shops. 2. Obscuring visibility to shop front. 3. No waste disposal	Yes	(1) stalls placed so that access to shops not affected (2) Minimum of 2.3 metres between stall and shops. Stalls to be open on all sides. (3) No problems with Ross, Kington and Leominster that have no waste disposal facilities.
20.	1. Lack of quality products on stalls 2. Bad state of paving in Com. St.	Yes	(1) quality stock control by Council

**Breakdown of figures**

Businesses contacted in Commercial Street	32	Number responded	8	For 3 (37.5%)	Against 5 (62.5%)
Businesses contacted in St Peters Street	8	Number responded	0		
Residents contacted	13	Number responded	0		
Other Organisations/Businesses contacted	22	Number responded	12	For 8 (67%)	Against 4 (33%)
Street Traders contacted	4	Number responded	1	For 1 (100%)	
Buttermarket Traders contacted	29	Number responded	0		
Current Retail Market Traders	20	Number responded	0		
Total contacted	128	Total responded	21	For 12 (57%)	Against 9 (43%)

**Appendix 1.**

There were 107 addresses who did not respond and therefore it can be interpreted that they had no issues with the proposal. If the 107 is taken into account then the For is 119 (93%) Against 9 (7%)

The following 3 'inputs' received were not incorporated within the above returns/figures

**Correspondence from tenants of DRE (Maylords)  
Not directly approached by the Council as part of consultation as considered not to be directly affected.**

Name	Areas of concern	Against move
1.	1. Kill off trade in Hereford (due to competition) 2. No Waste disposal – litter 3. 4pm closing of market might kill trade afterwards.	Yes

**Correspondence from Businesses not contacted by the Council as part of the consultation  
Not directly approached by the Council as part of consultation as considered not to be directly affected.**

Name	Areas of concern	Against move
1.	1. Obstructing visibility of shop fronts	Yes
2.	2. Lack of quality stock items on stalls 1. Market will diminish appeal to tenants	Yes

## WRITTEN STATEMENT OF A KEY DECISION CABINET

<b>ITEM:</b>	<b>HEREFORD OPEN RETAIL MARKET</b>
Members Present:	Councillors: RJ Phillips (Leader), LO Barnett, AJM Blackshaw, JP French (Deputy Leader), JA Hyde, JG Jarvis, PD Price, DB Wilcox.
Date of Decision:	19 February 2009
Exempt:	No
Confidential	No
This is a key decision because	
It is significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards	
The item was included in the Forward Plan.	
IF NO	
A notice was served in accordance with section 15 of the Local Authorities (Executive Arrangements) (Access to Information) Regulation 2000	
Urgency/Special Urgency: (As defined in Constitution)	No
Purpose:	To consider the result of the consultations undertaken on the proposed relocation of the Hereford Open Retail Market into the St Peter's Street/High Town interface and Commercial Street each Saturday and Wednesday, and to seek Cabinet approval of the recommendations for the implementation of the market.
<b>Decision:</b>	<p><b>THAT:</b></p> <ul style="list-style-type: none"> <li>a) subject to approval of the capital programme bid, the relocation of Hereford Open Retail Market to the St Peter's Street/High Town interface and Commercial Street as from 8 April 2009 (or as soon afterwards as operational arrangements allow) be approved;</li> <li>b) the proposed formulation of a policy governing allocation of the stalls be noted; and</li> <li>c) during the first year of operation a Retail Impact Assessment is undertaken and that a formal evaluation of the effectiveness of the new arrangement is considered by the Cabinet Member at the end of that period.</li> </ul>

<p>Reasons for the Decision:</p>	<p>To ensure that the long-term sustainability and economic viability of an Open Retail Market in Hereford is guaranteed.</p> <p>To provide additional support, vibrancy and interest in the City, attracting visitors to the City centre.</p> <p>To facilitate business development through a policy of allocation that will not only encourage business start up through a number of available 'incubator' stalls but also focus on and encourage locally produced goods and produce.</p> <p>To relocate because of the inevitable loss of the current site due to the ESG Herefordshire Ltd development.</p>
<p>Options Considered:</p>	<p>Alternative options were investigated within the New Markets Solutions report entitled 'Hereford City Markets – A New Direction'</p>
<p>Declaration of Interest:</p>	
<p>Date the key decision is due to take effect:</p>	<p>26 February 2009</p>

<p><b>COUNCILLOR RJ PHILLIPS:</b> <b>LEADER OF THE COUNCIL</b></p>	<p>.....</p>	<p>Date: 19 February 2009</p>
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