

Deputy Chief Executive's Office

Annie Faulder

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: AMcL/SAHC

Please ask for: Mrs S Cole

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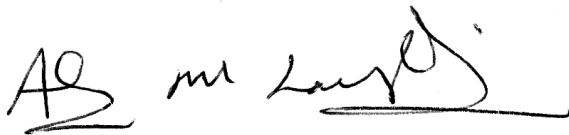
14 May 2009

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 22 May 2009** at The Shirehall, St Peter's Square, Hereford. at 10.30 am at which the business set out in the attached agenda is proposed to be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. McLaughlin', written over a horizontal line.

A. McLAUGHLIN
ASSISTANT CHIEF EXECUTIVE, LEGAL AND DEMOCRATIC

AGENDA

COUNCIL

Date: **Friday 22 May 2009**

Time: **10.30 am**

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

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

For any further information please contact:

Sally Cole, Committee Manager Executive

Tel: 01432 260249

Email: scole@herefordshire.gov.uk

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

Agenda for the Meeting of the COUNCIL

Membership

Chairman
Vice-Chairman

Councillor J Stone
Councillor JB Williams

Councillor PA Andrews
Councillor WU Attfield
Councillor LO Barnett
Councillor CM Bartrum
Councillor DJ Benjamin
Councillor AJM Blackshaw
Councillor WLS Bowen
Councillor H Bramer
Councillor ACR Chappell
Councillor ME Cooper
Councillor PGH Cutter
Councillor SPA Daniels
Councillor H Davies
Councillor GFM Dawe
Councillor BA Durkin
Councillor PJ Edwards
Councillor MJ Fishley
Councillor JP French
Councillor JHR Goodwin
Councillor AE Gray
Councillor DW Greenow
Councillor KG Grumbley
Councillor KS Guthrie
Councillor JW Hope MBE
Councillor MAF Hubbard
Councillor B Hunt
Councillor RC Hunt
Councillor TW Hunt

Councillor JA Hyde
Councillor TM James
Councillor JG Jarvis
Councillor P Jones CBE
Councillor MD Lloyd-Hayes
Councillor G Lucas
Councillor RI Matthews
Councillor PJ McCaull
Councillor R Mills
Councillor PM Morgan
Councillor AT Oliver
Councillor JE Pemberton
Councillor RJ Phillips
Councillor GA Powell
Councillor PD Price
Councillor SJ Robertson
Councillor A Seldon
Councillor RH Smith
Councillor RV Stockton
Councillor JK Swinburne
Councillor AP Taylor
Councillor DC Taylor
Councillor AM Toon
Councillor NL Vaughan
Councillor WJ Walling
Councillor PJ Watts
Councillor DB Wilcox
Councillor JD Woodward

AGENDA

Pages

1. CHAIRMAN

To elect the Chairman of the Council.

2. PRAYERS

3. APOLOGIES FOR ABSENCE

To receive apologies for absence.

4. 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.

5. VICE-CHAIRMAN

To appoint the Vice-Chairman of the Council

6. MINUTES

To approve and sign the Minutes of the meeting held on 6 March 2009.

7. APPOINTMENT OF LEADER OF THE COUNCIL

To appoint the Leader of the Council.

8. **APPOINTMENT OF OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENT TO COMMITTEES AND OTHER BODIES** 7 - 10

To exercise those powers reserved to Council at its Annual Meeting:

- (a) To make appointments to the positions of Chairmen and Vice-Chairmanships to committees and other offices.
- (b) To establish the allocation of seats to political groups based on proportionality as defined by the Local Government and Housing Act 1989 giving effect also to Section 15(5)b of the Act which provides that where the majority of seats on an authority are held by one political group, that group shall have a majority on all bodies to which appointments are made.
- (c) To make arrangements for such appointments to committees and other bodies as may be necessary.

Please note that the Council may be asked under this item to approve alternative arrangements to strict political proportionality for appointments to Committees and other bodies in accordance with Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990.

9. **CHAIRMAN'S ANNOUNCEMENTS**

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

10. **QUESTIONS FROM MEMBERS OF THE PUBLIC** 11 - 26

To receive questions from members of the public.

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

To receive any written questions from Councillors.

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

To consider any Notices of Motion.

Group Leaders Councillors: RJ Phillips (Conservative), RI Matthews (Independents), TM James (Liberal Democrats), ACR Chappell (Labour), and GFM Dawe (Alliance) submitted the following notice of motion as a matter of urgency.

"That this Council applauds the 'No Prejudice in Herefordshire' campaign and calls for all practical steps to be taken to promote its message as widely as possible.

The Council believes that the great majority of Herefordshire people wish to live in peaceful and harmonious communities. We deplore all attempts to foster bigotry and prejudice within the county and condemn those who seek to exploit human tragedies for political ends.

As democratically elected representatives from various diverse political traditions, we believe that it will be a terrible prospect if those pursuing politics based on racial and ethnic hatred were to gain any foothold in the region.

We recommend that our communications and diversity staff promote this motion across our county."

The Chairman will rule whether the motion is urgent.

13. CABINET	To receive the report and to consider any recommendations to Council arising from the meetings held on 19 March, 2 April and 7 May 2009.	27 - 30
14. PLANNING COMMITTEE	To receive the report and to consider any recommendations to Council arising from the meetings held on 12 and 20 February, 13 March and 3 April 2009.	31 - 34
15. STANDARDS COMMITTEE	To receive the report and to consider any recommendations to Council arising from the meeting held on 17 April 2009.	35 - 36
16. STRATEGIC MONITORING COMMITTEE	To receive the report and to consider any recommendations to Council arising from the meetings held on 16 February and 16 March 2009.	37 - 44
17. REGULATORY COMMITTEE	To receive the report and to consider any recommendations to Council arising from the meetings held on 3 February, 16 March, 7 April and 11 May 2009.	45 - 46
18. AUDIT AND CORPORATE GOVERNANCE COMMITTEE	To receive the report and to consider any recommendations to Council arising from the meeting held on 20 March 2009.	47 - 48
19. WEST MERCIA POLICE AUTHORITY	To receive the report of the meeting of the West Mercia Police Authority held on 17 February 2009. Councillor B Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.	49 - 52
20. DATES OF FUTURE MEETINGS	<p>Dates for Council meetings in the year 2009/10 are as follows:</p> <p>24 July 2009 13 November 2009 05 February 2010 05 March 2010 28 May 2010 (Annual)</p> <p>All meetings will be commence at 10.30 am and will be held at the Shirehall, Hereford unless otherwise advised.</p>	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- A member of the public may, at a meeting of the full Council, ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties or which affects the County as long as a copy of that question is deposited with the County Secretary and Solicitor more than seven clear working days before the meeting i.e. by close of business on a Tuesday in the week preceding a Friday meeting.

Please Note:

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

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

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

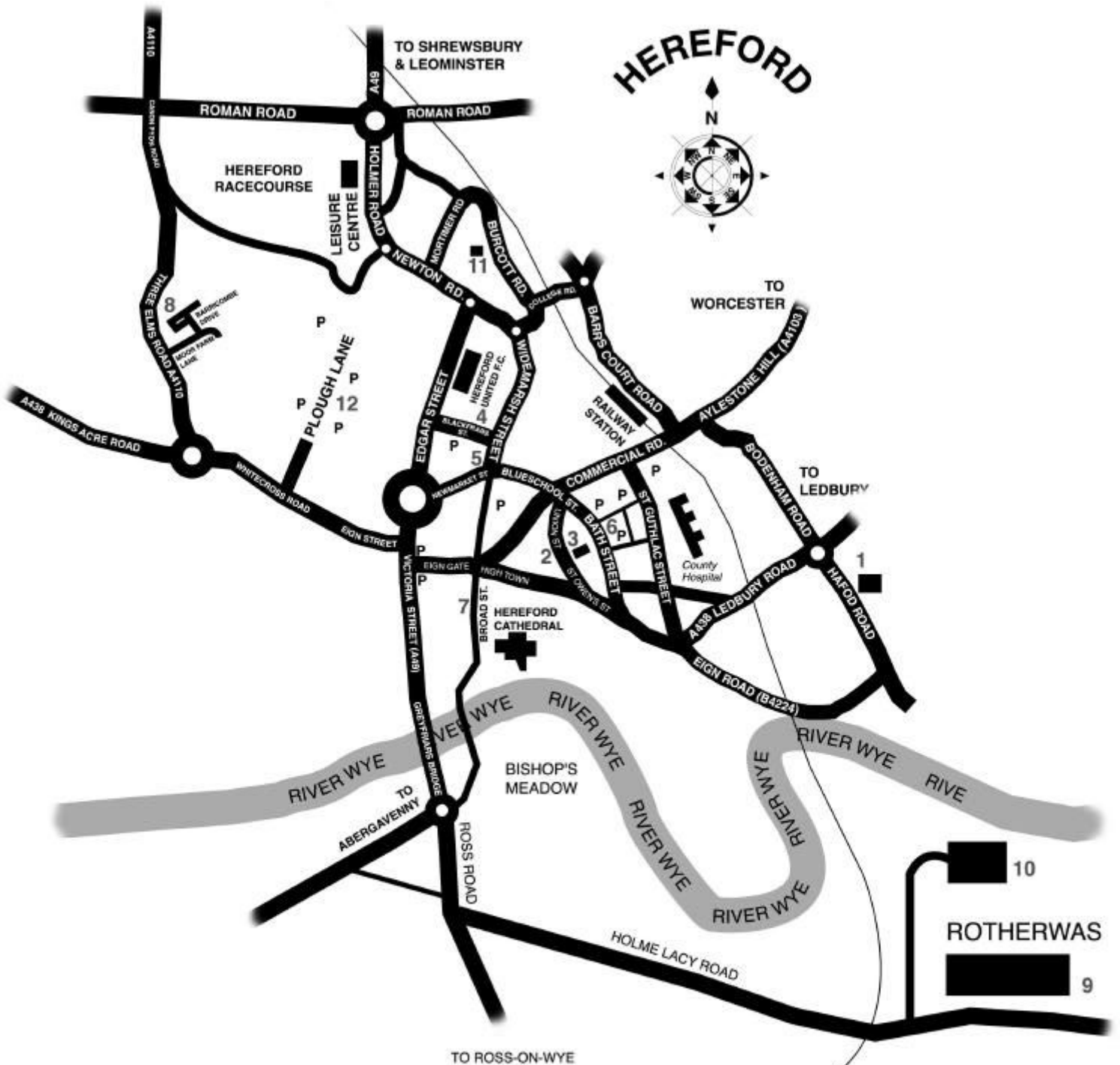
Public Transport Links

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

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



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HEREFORD



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

FIRE AND EMERGENCY EVACUATION PROCEDURE

IN CASE OF FIRE (no matter how small)

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

ON HEARING THE ALARM

Leave the building by the nearest exit and proceed to assembly area on:

GAOL STREET CAR PARK

Section Heads will call the roll at the place of assembly.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of COUNCIL held at The Shirehall, St Peter's Square, Hereford on Friday 6 March 2009 at 10.30 am

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

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

39. PRAYERS

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

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: H Bramer, DJ Benjamin, SPA Daniels and H Davies.

41. DECLARATIONS OF INTEREST

Councillor ACR Chappell declared a personal interest in Agenda 6, 3.1 as a governor at the Hereford Academy.

42. MINUTES

RESOLVED: That the minutes of the meeting held on 17 February 2009 be approved as a correct record subject to the following amendments to Minute 28 - Formal Questions From Councillors to the Cabinet Members and Chairmen under Standing Orders and Minute 29 – Notices of Motion under Standing Orders.

Minute 28 - Councillor RI Matthews' supplementary question to read:

“The Member expressed disappointment in the answer provided as he stated that the suspension of Section 106 requirements for commercial development on Council industrial estates only, did not provide a level playing field for the construction industry generally. Section 106 requirements are having a detrimental effect on local small builders and builders' merchants alike, causing a number to either close down or put off large numbers of staff. It was requested that the Cabinet Member also consider removing these requirements from small housing developments, as was recommended by forward-planning officers some months ago.”

Minute 29, which immediately follows the announcement on an adjournment.

“Prior to the adjournment, Councillor PJ Edwards, as Chairman of the Strategic Monitoring Committee, presented the Chairman of Council and the deputy Leader with copies of letters regarding concerns relating to smallholding sales from individual and county bodies representing the agricultural industry. At the commencement of the debate on the Notice of Motion on Smallholdings, Councillors: PJ Edwards, DW Greenow and RJ Phillips left the room.”

43. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Council of the tea party he attended, which was hosted by the Mayor of Hereford City, to welcome visitors from the Bangladesh Ministry of Education along with two head teachers in relation to the Connection Classrooms Programme. He stated this was a new initiative managed by the British Council to foster cultural understanding and relationships between the UK and Bangladesh, Afghanistan and Pakistan. The Herefordshire schools involved were: Llangrove Primary, St Joseph's RC Primary, St Mary's CE Primary at Fownhope and Wigmore.

Council and members of the public were reminded of the Civic Service to be held on 15 March at the Cathedral followed by afternoon tea at the Town Hall.

The Chairman brought to Council's attention the structure of how the discussion and debate would be carried out on the matter of the Revenue Budget and Council Tax for 2009/10.

44. QUESTIONS FROM MEMBERS OF THE PUBLIC

Copies of all public questions, received by the deadline, with the written answers were distributed prior to the commencement of the Council meeting. Following on from the adoption of changes to questions from members of the public each member of the public who has lodged a written question is permitted to ask one supplementary question, should they wish to do so. No supplementary questions were asked.

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

There were no written questions received from Councillors.

The Cabinet Member ICT Education and Achievement referred to the supplementary question at 2.2 of the Minutes of 17 February, asked by Councillor AT Oliver, and advised that he would contact the Councillor direct regarding the answer provided in the Minutes.

46. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

47. CABINET

The Leader of the Council, Councillor RJ Phillips, presented the report of the meeting of Cabinet held on 19 February 2009, which set this year's Financial Strategy and Revenue Budget. He stated that due to the international financial situation the draft Financial Strategy of last year had had to be revised. He added that the speed of the turnaround due to the international financial situation had been

remarkable and that the Council were living in challenging and interesting times. In referring to the Government's three year settlement for local authorities he stated that it gave the authority the opportunity to plan the budget for services and was to be welcomed.

The Leader referred to:

- The Council's targets for efficiency savings which he believed were achievable.
- The need for financial discipline and thanked the Director of Resources for the seminar he had provided for Members explaining the budget in the current financial situation.
- In referring to reductions in interest rates on savings, and the effect this had had on families with family members in residential care, he anticipated that there would be a reduction in care fees obtained for those in residential care; and it was anticipated there would be an increase in the number of those in residential care falling into the category that would be paid for from the Council tax.
- The environmental landfill tax and refuse collection contract, adding that the administration was keen to see weekly collections continue along with kerbside collection of recyclables for 90% of the County.
- National focus on safe guarding children and vulnerable adults along with the Criminal Records Bureau (CRB) checks to be carried out.
- Recognising the impact the economic downturn was having on the number of families being made homeless and how the capital budget had been used to address some of the issues by providing a mortgage rescue scheme to assist families in being able to stay in their own homes.
- The Local Government Association looking nationally to see what could be done to support shops and that Rotherwas Futures, backed by Advantage West Midlands, was encouraging and assisting businesses to move to the area.
- Additional support for smallholdings with funding of £500k per year for the next three years to spend on the smallholdings estate.
- £1m to be taken from reserves to support projects such as the Merchant House at Ledbury and the Market House at Ross-on-Wye and the impact these and other projects would have on the budget.

The Leader advised that he had met with the Education Minister to discuss poorly funded educational services in the County, highlighting the high quality education provided and the extra cost on services due to the county covering a large rural area. He recommended the report to Council and believed the budget was practical and met some of the risks, also recognising the strategy for the next three years needed to be one of caution whilst looking after the vulnerable members of the community. The Cabinet Member Corporate and Customer Services and Acting Cabinet Member for Resources seconded the recommendations outlined in the report.

Councillor RI Matthews stated he appreciated the difficult situation the country was in and the impact this had on residents in the county. He referred to Risk Management and services that were currently supported through specific grants and the impact there could be should those grants no longer be available if there were to be a change in priorities. He also referred to the capital receipts and the additional funding from the smallholdings sale. Councillor Matthews supported the recommendation for a 3.9% increase in Council tax.

Councillor PJ Edwards added that he felt now was the right time to borrow and fund projects, but referred again to the rise in cost to a Band D Council tax rate. He hoped that any future new development of the livestock market would be kept within

£5m.

Councillor TM James reminded Council of his reasons for abstaining on the budget strategy five years previously, which related to the Social Care budget and the Connects Project with the proposed savings of £12m. He felt the 3.9% Council tax rise was not sustainable and could not continue year on year. He felt the Council could be putting itself in the position of making cuts in services next year and therefore, did not support the proposed budget.

Councillor ACR Chappell stated he felt the government had failed to recognise the needs of rural counties. He supported the Council tax rise but reminded Council of the need for the authority to protect the most vulnerable and those either on low wages or unemployed.

Councillor AM Toon spoke on Local Area Agreements and the government funding received, requesting that a report be provided on the amount received and where funds had been allocated. The Councillor referred to the Hereford Academy costs, the efficiency savings all councils were making and the Herefordshire Connects project with regard to its scrutiny. Councillor Toon added that she did not support the budget proposals.

Councillor MD Lloyd-Hayes asked a question on the future lease of the offices at Plough Lane and referred to the number of young people in Hereford City compared to Leominster and the lack of youth services provided for young in the north of the City.

Councillor AT Oliver asked a question on the preferred bidder for the building of the new Hereford Academy, who was also the preferred bidder for the building of the livestock market, and questioned whether it was acceptable to have one company dealing with both projects. He asked what the estimated rental would be for the new stalls for the Hereford Open Market and what the expected revenue would be. It was stated that it was inappropriate to give any details on the open market at present.

Councillor JD Woodward also referred to the provision of a youth centre in Leominster and although supported it, felt that the same needed to be provided in the city and was disappointed that no provision had been made in the budget. Councillor Woodward referred to the homeless and the rent deposit scheme and whether that had ceased.

Councillor JP French, Acting Cabinet Member Resources, paid tribute to the Director of Resources and his management team for their work on the budget. Regarding efficiency savings in relation to the Hereford Connects project, she advised that the figures were correct. In referring to the point made on the merging of the PCT and the Council, she advised that this was incorrect and that it was a deep partnership, adding that efficiency savings would be achieved, but the budget was still challenging.

Councillor DB Wilcox, Cabinet Member Highways and Transportation, referred to subsidies for bus services and advised the Council currently spends £2.3m of which one and a quarter came from external sources with concessionary fares receiving £543k grant, leaving a significant sum for the Council to provide and putting substantial pressure on the budget. The Cabinet Member reminded Council of the forthcoming seminar on the future of bus services on 21 March. With regard to youth services for north of the river Wye the Cabinet Member advised that discussions were taking place with the relevant Cabinet Member and officers.

Councillors: A Seldon and RH Smith both supported the budget proposals.

Councillor SJ Robertson spoke of the impact of the downturn in the national economy on local businesses and whether a reduction in business rates could be made to provide relief for businesses.

In response to a question on homelessness and the possibility of a rise in the number of families homeless, the Cabinet Member Social Care Adults advised Council that as at 24 February there were no families in bed and breakfast accommodation, adding that she supported the budget.

The Leader stated the importance of safe stewardship of the budget in difficult times, adding that future potential capacity had been built into the budget. With regard to the question on business rates he stated there needed to be a national initiative from central government. With reference to the lease on the Plough Lane offices he stated there were continuing talks with the owner and referring to the issue of CRB checks he stated the matter was being investigated. The Leader also paid tribute to staff in the Resources Directorate for their work on the budget proposals.

RESOLVED: That the report from the meeting of Cabinet held on 19 February 2009 be received.

48. COUNCIL TAX RESOLUTION 2009/10

Following the debate on the Council tax the Leader proposed the budget as outlined in the report. Following the vote the budget was approved with 47 votes for and 6 against.

RESOLVED

THAT:

- 1) **In respect of the Council's 2009/10 Budget:**
 - a) **a council tax of £1,175.24 be levied (at Band D);**
 - b) **service areas contain expenditure within "cash limits" i.e. outturn budgets with no further allowance for pay or price inflation beyond that already provided;**
- 2) **in respect of council tax for 2009/10 the following amounts be approved by Council for the year 2009/10 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992;**
 - a) **£325,731,480** **being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;**
 - b) **£185,624,124** **being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;**
 - c) **£140,107,356** **being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the**

Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;

- d) £55,378,780 being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
- e) £1,209.34 being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- f) £2,389,356 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- g) £1,175.24 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester Combined Fire and Rescue Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992; and
- 3) pursuant to the requirements of the Local Government (Functions and Responsibility) (England) Regulations 2000, any decisions on the application of reserves and balances as required from time to time during the financial year be taken by Cabinet.

The meeting ended at 12.00 pm

CHAIRMAN

APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES**Report By: Chief Executive****Wards Affected**

County-wide

Purpose

1. To exercise those powers reserved to Council at its Annual Meeting:
 - (a) To make appointments to the positions of Chairmen and Vice-Chairmanships of committees and other offices.
 - (b) To note the allocation of seats to political groups based on proportionality as defined by the Local Government and Housing Act 1989 giving effect also to Section 15(5) b of the Act which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
 - (c) To make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. The financial implications are dependent on the number of Cabinet Member posts determined by the Leader.

Appointment of Chairmen of Committees and other bodies

3. Appointment of the Leader of the Council will already have been dealt with under item 7 and the Leader will appoint the remaining Cabinet portfolio holders. Subject to the Council's decision at item 7, the Leader of the Conservative Group will table his proposals. The first purpose of this item is, therefore, to make appointments to the other offices. Details of the proposed appointments to Chairmen and Vice Chairmen positions are contained in Appendix 1 which will be available to members at the meeting. Standing Order 4.3.6 allows for those Committees which do not have a Chairman elected at the annual meeting of Council to elect their own Chairmen at the first meeting following the annual meeting. This will apply to the Compensation (Enhanced Payments) Panel and also to the Social Care Appeals Panel, Appointments and Contracts Review Panel and the Employee

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

Appeals Panel whose memberships vary and are drawn from a wider list of Councillors, and to the Standards Committee which includes non-elected members.

4. The Standards Committee of the Council must comprise at least two Councillors and it has been the practice for the Chairman and Vice-Chairman of the Council to serve on this Committee. This is currently Chaired by an independent member, Robert Rogers.

Allocation of Seats to Political Groups and Appointments to Committees

5. The Local Government (Committees and Political Group) Regulations 1990 require the allocation of committee seats to political groups to be in proportion, as far as is reasonably practicable to the size of those groups on the Council and that the Council reviews that allocation each year at the Annual Meeting. The requirement is for representation to be proportional on each committee and across the relevant committees taken as a whole subject to Section 15 (5) b of the Local Government and Housing Act, 1989, which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
6. Under Standing Order 4.4.1.1 Members appointed to Committees retain their seats until the annual meeting after the next ordinary election. It is only necessary therefore to make new appointments to give effect to any changes in proportionality or where Members wish to resign their current appointments. However, account will need to be taken of the need to allocate seats to any Chairman and Vice-Chairman already appointed by Council. As there has been no adjustment to the political proportionality of the authority since the last by-election consideration has been given to the proposed membership of Committees, which will be available as Appendix 2 alongside Appendix 1 at the meeting (which takes account of the proposed appointments to Chairmen and Vice Chairmen position as outlined in Appendix 1). Should further adjustments be required during the year, these adjustments will be dealt with by Group Leaders and the new appointments will be made by the Chief Executive giving effect to the notification given by Group Leaders using his delegated powers. It is also proposed that in accordance with past practice the Chairman of the Southern Area Planning Committee be formally appointed to serve on the Planning Committee.
7. Under executive arrangements the strict calculation of proportionality required by the Local Government and Housing Act 1989 is across all the traditional Committees and the Scrutiny Committees. The strict calculation does not include the seats on Cabinet or the Standards Committee.
8. If Council wishes to allocate seats on a different basis than political proportion, such alternative arrangements can only be made where they are approved by Council without any Member voting against. This is known as a nem con vote by the Council. Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity.

9. The Strategic Monitoring Committee currently comprises the Chairmen and Vice-Chairmen of the Scrutiny Committees and such other councillors as the Council may appoint to it. The operation of the Strategic Monitoring Committee on this basis has depended on Council agreeing to suspend the rules of proportionality in relation to Strategic Monitoring Committee compensating for that suspension of proportionality when calculating proportionality across the Council as a whole.
10. The importance of the suspension of proportionality is that unless proportionality is so suspended then the right to nominate to seats on Strategic Monitoring Committee lies with the respective political Group Leaders and appointments cannot be made by Council.
11. If alternative arrangements are not approved, the Chief Executive, in consultation with the Group Leaders, will have to exercise his delegated powers to make any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments in accordance with the nominations of the political group leaders.

Appointment to Bodies by Reference to Area

12. Membership of the Planning Area Sub-Committees is determined in accordance with Ward membership. There is an exception in the Local Government (Committees and Political Groups) Regulations 1990 which enables appointments to be made to groups composed of all the Councillors for an area without the rules on proportionality being applied.

RECOMMENDATIONS

- THAT (a) the arrangements for proportionality and the notice given in paragraph 9 of the need to partially suspend the rules of proportionality be noted. Council will be invited to move a resolution to that effect which, as advised, will have to be nem con if it is to be effective;**
- (b) Councillors be appointed to the offices contained in the papers (as Apendix 1) which will be for the term of office which will expire at the next Annual Meeting of Council;**
- (c) the Chief Executive be requested to exercise his delegated powers to make, (if required) following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders;**

BACKGROUND PAPERS

None identified.

QUESTIONS FROM MEMBERS OF THE PUBLIC**Report By: Assistant Chief Executive, Legal and Democratic****Wards Affected**

Countywide.

Purpose

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

Background

- 1 Standing Order 4.24 of the Constitution states that: A member of the public may ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties or which affects the County as long as a copy of that question is deposited more than six clear working days before the meeting i.e. by close of business on a Wednesday in the week preceding a Friday meeting.
- 2 Any question which contains defamatory material or the publication of which is likely to be detrimental to the Council's interests, may be rejected.
- 3 A total of 25 minutes shall be set aside for the answering of questions from members of the public save that the Chairman, or Vice-Chairman, if presiding, shall have absolute discretion to vary the period of time by making it shorter or longer as he/she considers appropriate. Any questions unanswered at the expiry of the time limit shall be dealt with by way of written reply to the questioner.
- 4 A member of the public who has lodged a written question (or series of questions) to Council is permitted to ask **one** supplementary question only.
- 5 Supplementary questions will be dealt with in the same order as the questions are presented in the Agenda i.e. the order in which they are received by post or electronically. Once each formal written question (or series of questions from the same person) has been answered, the Chairman may invite the person who submitted the written question to raise one supplementary question only, if they wish to do so.

Questions

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

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr P McKay, Leominster, Herefordshire.

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

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

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Ms M Burns, Hereford.

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

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr B Clay, Hereford.

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

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mrs B Evans, Kings Thorn, Hereford.

4.1 *Which of the following projects within the Edgar Street Grid are partly or wholly dependent on planning gain from the proposed Retail Quarter.*

- a) *The residential housing.*
- b) *The public transport hub.*
- c) *The Herefordshire centre.*
- d) *University buildings.*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr J Barton, Hereford.

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

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

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

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

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

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

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

- 5.1 *What is the justification for re-opening the debate on an east v west route and from the many traffic reports that have been undertaken, where will the ODR distribute traffic from/to?*
- 5.2 *With no central Government support or funding available, council finances in a poor state and the current economic climate, where will the funds for this road come from if planning permission and developer contributions cannot be relied on?*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Questions from Mr D Phelps, Hereford.

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

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

- 6.2 *Was this known and approved by the Leader or another Cabinet Member?*
- 6.2.1 *How much total gross salary will be paid to attendees during this event?*
- 6.2.2 *How much will this event cost the council tax payer (inclusive of VAT)?*
- 6.2.3 *Did any of the attendees order or consume alcohol during this event?*
- 6.2.4 *Is there a council policy precluding the consumption of alcohol by officers during the working day?*
- 6.3 *How much did it cost to furnish, re-decorate, carpet and structurally complete the Chief Executive's new office at Brockington?*
- 6.3.1 *How much did the new board table cost?*
- 6.3.2 *Is there a policy that all council furniture is purchased from West Mercia Supplies?*
- 6.3.3 *Was the board table purchased from West Mercia Supplies and if not, why not?*
- 6.4 *Has the new Deputy Chief Executive commissioned a review of the Legal and Democratic Services division of the Council?*
- 6.5 *A Herefordshire Councillor is standing for election to the European Parliament and, since she is top of the relevant candidate list, is likely to be elected. Has the Councillor resigned from the Council?*
- 6.6 *Have any Members of the Cabinet been issued with a Herefordshire Council parking contravention enforcement ticket since the last election?*
- 6.6.1 *If yes, what is the longest period that has elapsed between the issue of the tickets and the payment of the penalty?*
- 6.6.2 *Have any penalties been withdrawn or waived and are any outstanding?*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

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

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

- 6.8 *What is the combined total cost of all basic salaries paid to the former Chief Executive and Directors of the Council in the twelve months prior to the appointment of Chris Bull?*

- 6.8.1 *What is the combined total gross cost of all basic salaries paid to the former Chief Executive and Directors of Herefordshire PCT in the twelve months prior to the appointment of Chris Bull?*

- 6.8.2 *In the year ending 31 December 2009, what is the total projected basic gross salary cost (including fees to interim appointees) of the current Chief Executive, Deputy Chief Executive, Assistant Chief Executives and all Directors of the combined organisation?*

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

- 6.10 *At a recent conference at the Courtyard Councillor John Jarvis promised that all staff of the Council would be given an opportunity to see the film "Age of Stupid". What percentage of staff have now seen the film and will they be empowered to make relevant changes to council policy in the light of lessons learnt from the film?*

PUBLIC QUESTIONS TO COUNCIL – 22 MAY 2009

Question from Mr J Cannell, Dilwyn, Hereford

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

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

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

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

REPORT OF THE MEETINGS OF CABINET

HELD ON 19 MARCH, 2 APRIL and 7 MAY 2009

Cabinet Members: RJ Phillips (Leader of the Council),
JP French (Deputy Leader),
LO Barnett, AJM Blackshaw, H Bramer,
JA Hyde, JG Jarvis, DB Wilcox and PD Price.

This report submitted to Council covers the proceedings of the meetings listed above.

1. DECISIONS RESERVED TO COUNCIL UNDER PART 4 OF THE CONSTITUTION

1.1 None were considered during the time period covered by this report.

2. NOTICES OF MOTION

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

3. KEY DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS WHICH WERE NOT INCLUDED IN THE FORWARD PLAN

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

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

Report on Decisions Taken

4.1 Local Area Agreement Refresh

4.1.1 Cabinet considered the refreshed Local Area Agreement and were provided with an opportunity to comment on the proposed finalised and revised LAA targets. It was agreed that the approval of the refreshed Local Area Agreement be delegated to the Chief Executive.

4.2 Office Accommodation Strategy Options Appraisal

4.2.1 Cabinet considered a report which outlined the outcome of the options appraisal for back office accommodation following a long standing determination to rationalise the existing office accommodation to provide a suitable, modern office environment to support the delivery of back office services to the Council and NHS Herefordshire.

4.2.2 Cabinet noted the progress made in the development of a business case supporting an integrated back office accommodation strategy for the council and NHS Herefordshire; endorsed Plough Lane as the preferred option; reaffirmed the decision taken by Cabinet in 2005 to purchase Plough Lane and delegated authority to the Chief Executive to conclude negotiations for the property acquisition; further delegated authority to the Chief Executive to proceed with the preparation of a detailed design specification, subject to a satisfactory business case and the development thereafter of shared office accommodation at Plough Lane; the overall

Accommodation Strategy, which should include the retention of the Shire Hall and Town Hall, be brought to Cabinet by the end of 2009; and proposals for the long term use of the Shire Hall and Town Hall be brought back to Cabinet in four months.

4.3 Annual Audit and Inspection Letter 2008

4.3.1 Cabinet considered and noted the Audit Commission's Annual Audit and Inspection Letter for 2008 which provided an overall summary of the Audit Commission's assessment of the Council following their audit, inspection and performance assessment work over the last year. The assessment was positive with the Council assessed to be 'improving well' which is reflected in the performance in most priority areas. The Direction of Travel judgement confirmed the council's improvement since last year. The Audit Commission identified five issues that it felt required action with the Council response to these issues presented in an action plan which was approved by the Cabinet.

4.3.2 The Cabinet noted that due to the timing of the submission of the Annual Audit and Inspection Letter meant that the Audit and Corporate Governance Committee were not able to receive this action plan. It was further noted that the new Comprehensive Area Assessment (CAA) framework would provide an overall local area assessment drawing on the findings of various public service inspectorate, the results of which would be published in Autumn 2009. It was clarified that in the future the areas covered by the Annual Audit and Inspection Letter would form part of the CAA reporting framework.

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

5.1 **Report on Decisions Taken**

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

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

Report on Decisions Taken

6.1 Workforce Strategy for 2009-12

6.1.1 Cabinet endorsed a joint Workforce Strategy for Herefordshire Council and NHS Herefordshire for 2009-12 and emphasised the strategy's importance for the success of both organisations' future.

6.2 Comprehensive Performance Assessment and Direction of Travel

6.2.1 Consideration was given to the comprehensive Performance Assessment (CPA) and Direction of Travel assessment of the Council published by the Audit Commission on 5 March 2009 and it was noted that the Council was improving well with the capacity to improve further over the next year.

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

Report on Decisions Taken

7.1 Swimming Provision for Primary Schools in Hereford City – see paragraph 10.1.

7.2 Hereford Open Retail Market

7.2.1 Cabinet's decision of 19 February 2009 on Hereford Open Retail Market was called in and considered by the Community Services Scrutiny Committee. Cabinet considered the recommendations of the Community Services Scrutiny Committee in relation to the proposed relocation of the Hereford Open Retail Market to the St Peter's Street / High Town interface and Commercial Street each Saturday and Wednesday.

7.2.2 Five specific additional actions were considered and agreed by the Cabinet in relation to the Hereford Open Retail Market; that the relocation of the open retail market be for an initial one year trial; that the strategy for new stalls including the location be revisited and adjusted where necessary (in consultation with the Hereford City Partnership); that the Experion software package for measuring footfall be procured to assess the potential impact of the relocation of the open retail market to the Butter Market; that a detailed review of stall allocation be carried out in conjunction with the Hereford City Partnership; and that a retail impact study be conducted as soon as practicable.

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

Report on Decisions Taken

8.1 Waste Collection Contract

8.1.1 Cabinet considered a confidential report on the selection of a new waste collection contractor for Herefordshire Council.

8.2 Review of Council Owned Land Proposed Options Appraisal for the Provision of Affordable Housing.

8.2.1 Cabinet considered a confidential report on the Review of Council Owned Land Proposed Options Appraisal for the Provision of Affordable Housing.

8.3 Proposed Options Appraisal for Providing Affordable Housing at the Site Known as Elmhurst

8.3.1 Cabinet received a confidential report on the Proposed Options Appraisal for Providing Affordable Housing at the Site Known as Elmhurst.

8.4 Response to the Review of Community Engagement in Community Safety and Drugs Partnership

8.4.1 Cabinet considered a response to the Community Services Scrutiny Review of Community Engagement with the Community Safety Drugs Partnership which outlined a number of recommendations for both the Environment and Strategic Housing, and Corporate and Customer Services and Human Resources portfolios.

The Cabinet approved the proposed response to the recommendations arising from the Scrutiny Review.

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

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

**10. ICT, Education and Achievement
(Cabinet Member – Councillor PD Price)**

Report on Decisions Taken

10.1 Swimming Provision for Primary Schools in Hereford City

10.1.1 Cabinet considered a report on the future of the LEA Swimming Pool and arrangements for school swimming in Hereford. Consideration was also given to the longer term requirements for swimming across the whole county. This issue had been considered by Cabinet in the Autumn of 2008 when it was agreed not to re-open the LEA Swimming Pool, and, as agreed, the item was referred back for further discussion by Cabinet prior to Easter 2009.

10.1.2 It was agreed by Cabinet that the LEA Pool remain permanently closed and that disposal of the site be considered as part of the council's Property strategy; that HALO continue to work closely with schools to deliver safe, cost effective, quality assured swimming provision that would enable to support achievements of curriculum targets; and that the Council, in partnership with HALO, would develop a long term strategy to support the development of swimming provision across the county.

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

Report on Decisions Taken

11.1 Office Accommodation Strategy Options Appraisal – see paragraph 4.2

**12. SOCIAL CARE ADULTS AND HEALTH
(Cabinet Member Councillor LO Barnett)**

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

**COUNCILLOR RJ PHILLIPS
LEADER OF THE COUNCIL**

BACKGROUND PAPERS

Agenda papers for the meetings of Cabinet held on 19 March, 2 April and 7 May 2009.

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 12 and 20 February, 13 March and 3 April, 2009

Membership:

Councillors: TW Hunt (Chairman), RV Stockton (Vice-Chairman), ACR Chappell, PGH Cutter, Mrs H Davies, GFM Dawe, DW Greenow, Mrs KS Guthrie, JW Hope, B Hunt, G Lucas, RI Matthews, Mrs PM Morgan, Mrs JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward.

PLANNING APPLICATIONS

1. The last few months have proved to be a very busy time for the Committee with some significant and complex applications being considered which have a County-wide impact as well as an impact on local communities. The Committee held meetings at the Shirehall for the first time to accommodate larger numbers of the public than would have been possible at Brockington and more than 140 people attended one of the meetings. The special meetings were in respect of an application for wind turbines at Reeves Hill in the north-west of the County; and an application for a green waste composting site at Moreton-on-Lugg. Both applications attracted considerable interest and the speaking time was increased to cater for this. Site inspections were also held prior to the meetings to observe the impact of similar facilities which were already operational in Worcestershire and in Gwynedd. An additional meeting will be held at the Shirehall on 12th June to consider another important application, the proposed relocation of the Hereford Livestock Market.
2. The following Planning Applications were determined by the Committee because (i) they relate to the Council's own development or to the development of land owned by the Council; (ii) they were applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees were mindful to approve/refuse them contrary to officer recommendations and Council's Policies; (iii) they are of strategic importance; or (iv) they are applications by Members of the Council or their relatives.
 - (a) **DCNW2008/1289/F - proposed erection and operation of 4 wind turbines and associated access tracks, hardstanding and sub station building at Reeves Hill, Reeves Lane, Near Knighton, Herefordshire** - The Secretary of State for Communities and Local Government had directed that the Council should not grant planning permission on the application until she had considered whether it should be referred to her for determination. The Committee was mindful to delegate authority to the Head of Planning and Transportation to approve the application, subject to a number of issues being addressed to his satisfaction. The Secretary of State subsequently decided that the application could be determined by the Council and the matter is ongoing;
 - (b) **DCSE2008/3035/L - proposed alteration of an existing doorway into a window and the regularisation of the removal of 2 no. defective chimneys and the construction of 1 no. chimney at Portland House, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6DB** – approved as recommended;

- (c) **DCSW2008/2735/F - the erection of a wind turbine installation and the mounting of eight p.v. array panels, Garway Primary School, Garway, Herefordshire, HR2 8RQ** – approved as recommended.
- (d) **DCCW2008/1832/N - construction and operation of an open windrow greenwaste composting facility: office/welfare facility, storage building, weighbridge, hardstanding process area, car parking, ancillary infrastructure and landscaping at Upper House Farm, Moreton-on-Lugg, Hereford** - approved as recommended with additional conditions regarding screening and the containment of litter;
- (e) **DCCW2009/0059/CD - conversion of school and school house into two residential dwellings and construction of three new dwellings, former primary school, Sutton St. Nicholas, Hereford** – approved as recommended; and
- (f) **DCCW2008/2887/F - change of use from bakery to chip shop at 17 Meadow Drive, Credenhill, Hereford** - approved as recommended.

AREA PLANNING SUB-COMMITTEES

2. Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:

(a) Northern Area Planning Sub-Committee meetings held on 14th January and 11th March, 2009

- applications approved as recommended – 3
- applications refused as recommended – 0
- applications minded to approve or refuse contrary to recommendation - 1
- applications deferred for further information or site visit - 2
- number of public speakers – 1 parish council; 3 objector and 4 supporters
- appeals - 7 appeals received, 6 dismissed, 3 upheld and 2 part allowed and part dismissed

(b) Central Area Planning Sub-Committee meetings held on 7th January and 4th February, 2009

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

(c) Southern Area Planning Sub-Committee meetings held on 21st January, 18th February and 18th March, 2009

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

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

BACKGROUND PAPERS

Agendas for the meetings of the Planning Committee held on 12th February, 20th February, 13th March and 3rd April, 2009.

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 17 April 2009

Membership:

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

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

1. We heard a report of further progress on the Standards Board for England's pilot project to produce a model for compacts between Associations of Local Councils, the Society of Local Council Clerks, Monitoring Officers and Standards Committees, through assessing activities such as joint training, informal meetings between Standards Committees and Associations to ensure agreement on application of the Code of Conduct, and the production of joint guidance leaflets. It is very good that Herefordshire is one of only six authorities in the country invited to take part.
2. The pilot project will shortly be drawing to a close and the Herefordshire Association of Local Councils (HALC) has produced a draft report for the National Association of Local Councils, and a compact which explains how the Standards Committee interacts with HALC. The project has been extremely successful and has highlighted the exemplary working relationship between the Committee and HALC (not something replicated in every county). The Standards Board for England has employed consultants to conduct a review of the project, and they will engage our Committee members, HALC, and some of the participating parish and town councillors in their research.
3. We will update the existing guidance leaflets for Town and Parish Councils which we produce jointly with HALC, and will add two new ones as a result of the pilot project, which will help to explain the Council's planning process, and the Code of Conduct and the role of the Standards Committee since the introduction of the local filter.

PRE-ELECTION PERIOD AND GUIDANCE FOR THE 2009 EUROPEAN ELECTIONS

4. We have reviewed the guidance for Herefordshire Council about the statutory restrictions on Council publicity in the run-up to the 2009 European elections (the "pre-election period"), and this is now in circulation.

STANDARDS COMMITTEE ANNUAL REPORT 2008

5. We will publish our annual report for 2008 shortly. Our report for 2007 was widely distributed and very well received. It has been used as a template by other Standards Committees, and is now referred to by the Standards Board for England as an example of excellent practice.

EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

6. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. In 2008, our Assessment Sub-Committee considered eighteen complaints, and so far in 2009, it has dealt with thirty. We noted with interest that the average number of complaints dealt with per quarter by Standards Committees from similar authorities is only two! The year will continue to be busy, with five local investigations under way, a hearing pending, and numerous referrals to the Standards Board having been made.
7. With this workload in mind, we are reviewing our administrative procedures for the local filter, to ensure maximum efficiency.

STANDARDS COMMITTEE MEMBERSHIP

8. We conducted interviews for an additional post of Independent Member on 06 March 2009. The additional post is necessary to reduce the possibility of statutorily required independent chairs being conflicted out of the various stages of the local filter process. The interview panel consisted of Robert Rogers (Chairman), Councillor John Stone, John Hardwick, and Colonel Tony Ward OBE (Independent Member of the West Mercia Police Authority, and a member of that Authority's Standards Committee) as an external member. This was our second recruitment round in a process which started in August 2008, and once again, we interviewed some very impressive candidates. The panel was unanimous in recommending the appointment of Mr Jake Bharier, and we readily endorse that recommendation. Jake Bharier is a Strategic Advisor to Skillshare International, an international development non-government organisation, and he is Treasurer of CONCORD, the Europe-wide liaison group between non-government organisations and the European Union. He is Trustee of SOS Sahel International UK, and a member of their Risk Management Committee. He was previously a Tutor, Manager and National President of the Workers' Educational Association, and he also has extensive experience of working in the private sector, in health and safety. The Panel considered that he had the skills and experience to make a valuable contribution to the work of the Committee.

RECOMMENDATION: that Mr Jake Bharier be appointed as an Independent Member of the Standards Committee.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 17 April 2009.

COUNCIL

22 MAY 2009

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meeting Held on 16 February and 16 March 2009.

Membership:

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

INTEGRATED CORPORATE PERFORMANCE REPORT

1. The Committee has considered performance for the period April to December 2008 against the Corporate Plan 2008-11, the Local Area Agreement and the Herefordshire Community Strategy, and other key indicators taking account of the separate but complementary financial performance report, and progress against the action plans produced following the Crookall review of the Council's ICT financial and contractual governance arrangements.
2. The Committee made a number of observations to Cabinet about failure to meet a number of targets in the areas of children and young people and adult social care. It also expressed concern about the cleanliness of streets and other public places. The Committee also discussed what was being done to provide more affordable housing.
3. It noted that satisfactory progress continued to be made against the action plan prepared in response to the Crookall review and that this had been commented upon favourably by the Audit Commission. It has also noted that remaining actions will be taken forward as part of service planning and associated performance monitoring.

ELECTORAL MATTERS

4. The Committee has received an update on the improved processes and procedures implemented in accordance with the action plan developed for the Electoral Registration Service following the May 2007 elections.
5. The Committee has also received a presentation from the Electoral Commission on its work. The Commission confirmed that many of the concerns expressed locally about the May 2007 elections in Herefordshire had been shared regionally and nationally. The 2007 elections had been very difficult because of the introduction of new legislation shortly beforehand. Key findings where local elections had been held in 2008 were that they had generally run smoothly.

DRAFT FINANCIAL STRATEGY 2009-12/DRAFT CAPITAL PROGRAMME 2009/10/ DRAFT TREASURY MANAGEMENT STRATEGY 2009/10

6. The Committee's observations on these issues were submitted to the Executive prior to reports to Council on 6 March 2009.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

7. The work of the Committees is analysed below in accordance with the following two roles for scrutiny based on a University of Birmingham categorisation. Each Committee has also considered and rolled forward its work programme.

Holding the Executive to Account	Developing Policy
Questioning members of the Executive	Pre-Decision Scrutiny – commenting on decisions about to be made
Call-ins – Scrutinising decisions before they take effect	Policy Reviews and Development
Scrutinising decisions after they are made	External Scrutiny
Management of Performance	Health Scrutiny
Ensuring Corporate Priorities are Met	
Budget Scrutiny	
Community and Area Scrutiny	

	Holding the Executive to Account	Developing Policy
Adult Social Care and Strategic Housing 25 March 2009	Performance Monitoring Rent Deposit Scheme Establishment of the Integrated Commissioning Directorate Response to the Review of Modernisation of Day Care Opportunities	
Children’s Services 30 March 2009	OFSTED Annual Performance Assessment 2008 Safeguarding Action Plan Comprehensive Area Assessment and Performance Digest Revenue and Capital Budgets Establishing link roles to support Every Child Matters.	
Community Services 11 March 2009 6 April 2009	Call-in - Relocation of Hereford Open Retail Market Performance Monitoring Budget Monitoring Progress against action plan – Scrutiny Review of Edgar Street Grid	

<p>Environment</p> <p>2 March 2009</p> <p>23 March 2009</p> <p>20 April 2009</p>	<p>Carbon Management Performance</p> <p>Transportation Matters</p> <p>Asset Management and its Potential Contribution To Carbon Reduction Targets</p> <p>Setting Local Speed Limits</p> <p>Flooding of Roads and Properties in Herefordshire</p> <p>Planning Services</p> <p>Expenditure on Legal and Consultancy Costs</p> <p>Capital and Revenue Budget Monitoring</p> <p>Performance Monitoring</p> <p>Service Delivery Review</p> <p>Waste Disposal Contract</p> <p>Street Cleaning</p>	<p>Waste Management Contract</p> <p>Scrutiny Review of the Planning Service</p> <p>Scrutiny Review of On-Street parking</p>
<p>Health</p> <p>25 February 2009</p> <p>27 March 2009</p>	<p>GP- Led Walk-in Health Centre</p> <p>Presentation by Primecare</p> <p>Updates from the Health Trusts</p> <p>Response to the Scrutiny Review of the West Midlands Ambulance Service in Herefordshire.</p> <p>Annual Report of the Director of Public Health</p>	<p>Scrutiny Review of the West Midlands Ambulance Service in Herefordshire.</p> <p>Integrated Falls prevention and Management Strategy</p> <p>Scrutiny Review of General Practitioner Services</p>
<p>Strategic Monitoring Committee</p> <p>16 February 2009</p> <p>16 March 2009</p>	<p>Integrated Corporate Performance Report</p> <p>Budget Monitoring</p> <p>Scrutiny Review of Information Communication and Technology Services – Cabinet’s Response</p> <p>Electoral Registration Services</p> <p>Presentation by the Electoral Commission</p>	<p>Draft Financial Strategy 2009-12</p> <p>Draft Capital Programme 2009/10</p> <p>2009/10 Draft Treasury Management Strategy</p>

8. Issues of particular note include are highlighted below.
- **Community Services Scrutiny Committee**
9. The Committee called-in Cabinet's decision to move Hereford's traditional open retail market from its current site adjacent to the cattle market, which forms part of the Edgar Street Grid redevelopment, into Commercial Street in the central High Town.
10. Cabinet has considered the Committee's recommendations and has decided that the relocation will be for an initial one year trial; the strategy for new stalls including their location, will be revisited and adjusted where necessary (in consultation with Hereford City Partnership); a software package, Experion (measuring footfall), will be procured to assess the potential impact of the relocation of the Open Retail Market on the Butter Market; a detailed review of stall allocation will be carried out in conjunction with Hereford City Partnership; and a retail impact study will be conducted as soon as practicable.
- **Environment Scrutiny Committee**
11. **Scrutiny Review of the Planning Service** – The Committee has completed a review of the Planning Service, having been invited to do so by the Cabinet Member (Environment and Strategic Housing)
12. The Review made a number of recommendations including, in summary:
- The need for greater Member involvement in various aspects of planning together with improved training and development opportunities for Members.
 - That a consultation plan be developed showing how and when the public of Herefordshire will be involved in the choices facing the County in relation to housing growth.
 - There should be greater opportunities for all Members to discuss the emerging Local Development Framework (LDF) at its formative stages; and the future purpose and contribution of parish planning to the LDF process needs to be discussed and agreed with Town and Parish councils so that they too can understand the choices ahead and the differences between them. It is also recommended that the Council develop a training programme that it can offer to Town and Parish Councils.
 - Consideration should be given to establishing an all-authority infrastructure group to ensure that all future infrastructure requirements throughout the County are identified and quantified in a structured way.
 - Preparation and roll-out of a comprehensive programme to explain development management to members, developers, agents, town and parish councils and the public.
 - A number of management related matters including, for example, performance targets and resourcing.
13. Cabinet is due to respond to the recommendations by June 2009. The Audit Commission also undertook a review of certain aspects of Planning Services which may complement the findings of the scrutiny review. The Committee has requested that the Executive's response to the scrutiny review also include any recommendations and action plan resulting from the Commission's review.
14. **Scrutiny Review of On-Street Parking** – The Committee has completed a review of the way in which the Council manages on-street parking and how this fits with the

aspirations of the Herefordshire Local Transport Plan 2006/7-2010/11 (LTP) of developing “a sustainable and integrated transport system”.

15. The Review made a number of recommendations including, in summary:
 - The need to commission detailed research into the use of car parks within Hereford City and development of a parking strategy in the Hereford Area Plan.
 - The introduction of a new residents’ parking scheme accompanied by promotional material explaining why the changes are necessary and emphasising that residents do not have a “right” to park outside their house.
 - The introduction of on-street parking charges should not proceed at this current time. Future introduction of on-street parking charges should be detailed in the parking strategy to encourage a shift to more sustainable modes of transport.
 - That should community-led plans be developed for individual streets within the city centre, then consideration should be given to funding these up front and then recouping the costs by the introduction of charges within the streets that have benefitted.
 - That all future income from parking of any sort be ring-fenced to provide a regular investment budget for strategic environmental improvements that promote sustainable travel options within the geographical location that the income is earned.
 - Charges as an on-street parking control should only be introduced when viable sustainable alternative options for city boundary parking are already in place.
 - A targeted campaign of school travel plan implementation and monitoring be carried out within areas considered to be experiencing high levels of congestion, notably Hereford City.
 - The development and implementation of a mobile phone cashless payment system for all of the county’s car parks should be investigated.
 - The current moratorium on new cycle parking facilities in High Town, Hereford, be lifted and further sites for additional parking be investigated and introduced.
16. The Committee has agreed that Hereford City Council should be invited to comment on the report prior to its submission to Cabinet. Cabinet will then have two months to respond to the report.
 - **Health Scrutiny Committee**
17. **GP Led Walk-in Health Centre** - Council was informed in July that as part of the NHS Next Stage Review being led by Lord Darzi, each Primary Care Trust in England was tasked with developing a GP-led health centre which will be open from 8am until 8pm, seven days a week, which can provide booked appointments and walk-in services to registered and non-registered patients.
18. The Committee has been keen to seek assurance that any new development should not be to the detriment of the existing primary care service but should lead to improvement. It has sought and received assurances to this effect.
19. The Committee has observed that the provision of a walk-in centre in Hereford City contrasts favourably with provision in the Market Towns and rural areas where opening hours and the range of services offered by GP practices vary. It has commissioned a scrutiny review of the services offered by GP practices within the County.

20. **Scrutiny Review of the West Midlands Ambulance Service in Herefordshire -**
The Committee has completed a review commenced because of public concerns about the level of service provided by the West Midlands Ambulance Service (WMAS) in Herefordshire and particularly in the Ledbury and Ross-on-Wye Areas, where the target for responding to Category A calls within 8 minutes was consistently not being met. In summary, the review found that the Herefordshire ambulance service is of high quality, but there were grounds for the public concerns that had been expressed.
21. The review made a number of recommendations aiming at securing an improved service including:
- Resource needs should be regularly assessed with at least one additional ambulance required to be allocated to Herefordshire, which should be based in Ledbury.
 - That effective means are implemented to ensure all arrivals by ambulance at Hereford Hospital are accommodated safely and that all other measures are taken to reduce inappropriate use of emergency services and to release beds safely.
 - That enough funding and other resources be found for Community First Responders (CFRs), who are volunteers and currently have to raise funding for themselves, and the deployment of CFRs should be more effective.
 - That data collection and dissemination, particularly of outcome-based indicators, be improved.
 - That regular detailed progress reports following the Emergency Operation Centre reconfiguration be supplied for scrutiny especially regarding resource drift and response performance.
22. The Committee has been assured that the findings and recommendations are being given serious consideration.
23. The Committee noted that subsequent to the Committee having commenced its review the Primary Care Trusts (PCTs) as commissioners of the ambulance service had proposed their own independent review of the service. The Committee was also informed that WMAS was also undertaking its own review of provision in the County.
24. The Committee has agreed that on conclusion of the two separate reviews of the ambulance service led by WMAS and the PCTs respectively their findings will be reported to the Committee, together with a progress report on the recommendations in the scrutiny review.

EXTERNAL HEALTHCHECK OF THE SCRUTINY FUNCTION

25. Council was informed in February that an external healthcheck of the scrutiny function had been undertaken in November 2008 by the Leadership Centre, which is also looking at the Council's governance arrangements as a whole and Member Development. Members of the Strategic Monitoring Committee have met informally to discuss the report. Work is ongoing on the response to the findings.

SCRUTINY COMMITTEES REPORT 2007-09

26. A report covering the activity of the Council's scrutiny committees for the period 1 May 2007 to 30 April 2009 is in preparation and will be circulated to all Members of the Council and made available on the Council's website.

**PJ EDWARDS
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

BACKGROUND PAPERS

- Agenda Papers for the meetings of the Strategic Monitoring Committee held on 16 February and 16 March 2009

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 3 February, 16 March, 7 April and 11 May 2009

Membership:

Councillors: P Jones CBE (Chairman), JW Hope MBE (Vice-Chairman) CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter, SPA Daniels, JHR Goodwin, PJ McCaull, A Seldon, and DC Taylor.

HIGHWAYS ACT 1980 SECTION 119 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS

1. The Committee has approved applications for the following Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors where appropriate:-
 - (a) part of Footpath 4, Adforton;
 - (b) part of Footpath AV1B, Avenbury, and
 - (c) part of Footpath ZK8, Ross-on-Wye

ADDITION OF VEHICLE CONDITIONS REGARDING: LIMOUSINES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847

2. The Committee has adopted additional vehicle licensing conditions to cover 'stretch'-limousines. The conditions approved by the Committee on 18th December 2007 did not provide for such vehicles and following an enquiry from a proprietor, investigation was made into the conditions employed by other Councils and the best practice that is observed. The Committee did not feel that it was necessary to impose a ten-year age limit as applied to other licensed vehicles because of the highly specialised nature of stretch limousines, coupled with the high purchase costs facing proprietors.

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

5. Applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. Incidents involving the conduct of drivers have also been heard. Applications for the renewal or transfer of vehicle licenses have also been submitted to the Committee because the applicants were late in submitting their applications and were in breach of the Councils licensing conditions, or they wished to transfer a licence to a vehicle that does not comply with those conditions.
6. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale or why they wanted to transfer their licenses. Some of the proprietors have said that they had encountered problems in booking their vehicles to be tested to meet those timescales when renewing a licence. The Licensing Manager is in discussions with the Testing Centre Manager to investigate what improvements can be made.

7. The applications were dealt with as follows:
- (a) two drivers had their licence suspended or revoked because of incidents being investigated by the police;
 - (b) in the case of two drivers who had been cautioned by the police, the Committee decided that no further action was necessary because it was satisfied that the matter had no bearing on the way in which they conducted themselves in their dealings with the public;
 - (c) two applications for driver's licences were refused because the applicants had failed to appear before the Committee on three separate occasions. A third application was refused because the applicant was not considered to be a fit and proper person to be granted a licence;
 - (d) five applications for drivers licenses were granted because the Committee is satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;
 - (e) two applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of the difficulties they had encountered; they had obtained the necessary VOSA certification; or the fact that the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable; and
 - (f) consideration of one application to transfer a vehicle licences to a minibus which has been converted from a panel van was deferred for the applicant to obtain the necessary VOSA certification.

**P. JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS

Agenda papers from the meetings of the Regulatory Committee held on 3 February, 16 March, 7 April and 11 May 2009.

REPORT OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Meeting Held on 20 March 2009

Membership:

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

1. USE OF RESOURCES

The Committee has received a positive report which gave details of an Action Plan in respect of improvement opportunities identified in the Use of Resources report 2008. In noting the report, it was agreed that a standard item be included on future agenda indicating the position statement on major projects.

2. INTERNATIONAL FINANCIAL REPORTING STANDARDS

The Committee has received and noted a report on the progress on implementing International Financial Reporting Standards.

3. MONITORING OFFICER REPORT

The Committee has considered and noted a report regarding the Authority's performance for 2007/08 with regard to complaints to the Ombudsman, Whistleblowing and those matters within the responsibility of the Head of Legal and Democratic Services as the Monitoring officer.

4. UPDATED DRAFT REVISED TERMS OF REFERENCE

The Committee has considered a report which gave details of draft revised terms of reference for the committee. The committee approved the draft with some amendments which would then be submitted to the Constitutional Review Working Group and then to Council.

5. AUDIT PLAN 2009/10

The Committee has received and adopted the 2009/10 Audit Plan.

6. AUDIT STRATEGY 2009/10

The Committee has received and approved details of the 2009/10 Audit Strategy.

7. FOURTH INTERIM AUDIT ASSURANCE REPORT 2008/09

The Committee has received and noted an update on progress in making the planned improvements to the internal control environment and progress with the Annual Audit plan for 2008/09.

8. ANNUAL AUDIT AND INSPECTION LETTER

The Committee has received and noted the Annual Audit and Inspection letter which was presented by Mr T Tobin representing the Audit Commission. The letter was a summary of the Audit Commission's assessment of the Council and drew from the findings and conclusions from the audit of the Council for 2007/08 and from any inspections undertaken since the last Annual Audit Assessment letter. The overall message was that the Council is improving well and that performance has improved in most priority areas. The letter would be the last Audit and Inspection letter but that a similar report from the Audit Commission would be produced in the Comprehensive Area Assessment process.

**ACR CHAPPELL
CHAIRMAN
AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

BACKGROUND PAPERS

Agenda papers of the meeting of the Audit and Corporate Governance Committee held on 22 March 2009.

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 17 FEBRUARY 2009

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

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

Herefordshire Division

- Minimum of five years in jail (reduced from 10 years for pleading guilty) for stabbing girl friend seventeen times in Hereford, March 2008. *The use of body-worn video camera equipment helped secure arrest and conviction.*
- Four years in prison for part in the burglary of twelve homes in South Herefordshire. *The investigation a good example of cross border police co-operation between four forces.*

South Worcestershire Division

- Eleven and a half year sentence for rape in car in Worcester.
- Sexual offender from Droitwich jailed for 12 years.
- Four and a half years imprisonment for seriously assaulting partner. *Conviction secured by was of a 'victimless prosecution'.*

North Worcestershire Division

- Two Redditch men jailed for drugs offences as part of Operation Gauntlet, a pro-active campaign in North Worcestershire aimed at disrupting the supply of drugs within communities.
- 2 kg of Cocaine, with a street value of £90,000 seized from house in Matchborough. Sentenced to two and half years for attempt to possession and intent to supply.

Shropshire Division

- Jailed indefinitely for attempted murder of girlfriend in Wem, June 2008.
- Three men convicted of breaking into supermarket in Bridgnorth, having been sprayed with SmartWater. *This was the first time that SmartWater evidence had been presented in a case in Shropshire.*
- Man jailed for three and a half years for commercial cannabis factory on a farm in North Shropshire.

Telford and Wrekin

- Two Telford men sentenced for four years for aggravated burglary.
- Two years for drug addict who stole property during a house burglary in Telford and found trying to sell it.

Headquarters Criminal Investigation Department

- Confiscation orders granted against six people who the courts decided had benefited from crime. Seven offenders were jailed for a total of 27 years for their part in a large scale drugs operation. *In respect of the six who face increased jail terms for failing to pay back thousands of pounds, the total benefit was £363,000 and their realisable assets were £91,000.*
- Former Council Leader in Redditch pleaded guilty to stealing £87,000 from a charity for homeless and vulnerable people.

Budget 2009/2010

2. The Police Authority has set a net budget of £197.6 million for the financial year 2009/2010. Of this total £121.8 million will be received from central government grants, with the remainder from local Council Taxpayers.
3. The Council Tax for a Band D property will be £173.62, an increase of 16p per week, representing an increase of 4.94% over the comparative figure for 2008/09.
4. In making its decision the Police Authority took into consideration its consultation with the public of West Mercia. This included feedback received from:
 - The annual West Mercia Crime and Safety Partnership Survey posted to 58,267 residents and 14,805 people responded, giving a 25% response rate.
 - On-going telephone surveys of victims of crime.
 - PACT priorities and Issues identified through engagement processes involving the 145 Local Policing Teams.
 - Policing Matters public meetings and Your Community Matters events held across each of the five Police Divisions.
 - Special Consultation Evenings held in Shrewsbury and Worcester where over 1,000 partners, businesses and community representatives were consulted upon the policing priorities for 2009/10.
5. In developing the budget the Chief Constable put forward a £2m package of further reductions to help fill an emerging funding gap. A Strategic Resource Leverage process will be applied to ensure that all resources and assets are used efficiently and effectively. A further £3.5m will also be used to close the funding gap from the Authority's Sustaining Service Delivery fund.
6. The Police Authority has also agreed to invest in an essential programme of capital projects and technology to improve the overall efficiency and effectiveness of policing in West Mercia, examples of which are shown below:
 - Hereford Custody.
 - New Bromsgrove Police Station with Custody.
 - Custody improvements on Telford Division.
 - New station at Market Drayton with detention facilities.
 - Shared service facility at Wem with the new Shropshire Unitary Authority.
 - Installation of a lift at Kidderminster Divisional Headquarters to comply with the Disability Discrimination Act.
 - Building Management System to control and monitor premises including heating controls, hot water systems and alarms.

- Video Conferencing facilities, initially focused on Force Headquarters and Divisional Headquarters, to reduce time, cost and CO₂ emissions cost involved in attending meetings.
- 240 mobile data devices for frontline operational staff to allow remote access to information, which will increase the amount of visible front line patrol duties and reduce bureaucracy.

7. The budget ensures that existing levels of front line Police Staff and Officers will be maintained. It allows the Chief Constable to continue to improve the standards of local policing by making sure that police officers, staff and community support officers have the most up to date equipment/vehicles available. It also means highly trained specialist resources will be able to continue to be deployed to tackle the organised and serious crime that affects communities.

8. The Police Authority and Chief Constable remain committed to putting the citizen at the heart of everything the police service does and the recently adopted Policing Pledge reflects the Constabulary's commitment to providing a service which is even more responsive to the needs of local people and communities by resolving those issues that mean the most to them. Working with other agencies, the aim is to ensure that the West Mercia area, which includes Herefordshire, Shropshire, Telford and Wrekin and Worcestershire, remains one of the safest places in England and Wales to live, work and visit.

Three Year Strategic Plan and Annual Joint Policing Plan

9. The Authority has agreed the Three-Year Strategy and Policing Plan, which defines the purpose, aims, priorities and key principles for policing in West Mercia for the period 2009 – 2012. The Joint Policing Plan for 2009/10 is incorporated within the plan and gives particular emphasis to the planned outcomes and priorities for the forthcoming year. A copy of the plan is available on the Authority's website.

10. The successful delivery of the Plan over the three year period will result in the following outcomes:

- The public have confidence and express satisfaction with the policing service.
- Levels of crime and anti-social behaviour remain low.
- Communities feel safe.

11. The Strategic Aims are:

- Strengthen the confidence of all our communities and improve public satisfaction levels
- Protect vulnerable people
- Improve the service offered to victims and witnesses
- Tackle crime and anti-social behaviour
- Ensure sufficient capability and capacity to address major, serious and organised crime and civil contingencies
- Bring offenders to justice
- Reduce the harm caused by drugs and alcohol misuse
- Reduce road casualties
- Use our resources efficiently and effectively

12. The Police Authority will monitor the performance of the Constabulary against the Plan during the year, including at a local level through the Divisional Policing Boards.

2007/08 Audit Letter

13. The Authority has welcomed a positive Audit Letter from the Audit Commission for the year 2007/08. The report highlighted good practice in relation to the preparation of financial statements, Police Use of Resources and ensuring data quality. West Mercia was awarded the top rating for Value for Money for the third successive year.

14. The report did make a number of recommendations, which would be addressed. In particular it was noted that in future the work of partnerships would form part of the Comprehensive Area Assessments. This did present complications for an area like West Mercia where there were more than county/unitary council areas.

Signed on behalf of the
West Mercia Police Authority

Paul Deneen JP DL
Chair

Further Information

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

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

Questions on the functions of the Police Authority

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

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

List of Background Papers

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

Agenda papers for the meeting of the West Mercia Police Authority held on 17 February 2009.