

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 2 March 2012 at 2.00 pm

Present: Councillor LO Barnett (Chairman)
Councillor ACR Chappell (Vice Chairman)

Councillors: AM Atkinson, CNH Attwood, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, PJ McCaull, SM Michael, JW Millar, PM Morgan, C Nicholls, FM Norman, RJ Phillips, GA Powell, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, PJ Watts, DB Wilcox and JD Woodward

In attendance: Councillors

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

Councillors:	PA Andrews	CM Bartrum
	J Hardwick	G Lucas
	NP Nenadich	DC Taylor

57. DECLARATIONS OF INTEREST

7. NOTICES OF MOTION UNDER STANDING ORDERS.

Councillor A Seldon, Personal, Notice of Motion One - In receipt of an Armed Forces pension..

7. NOTICES OF MOTION UNDER STANDING ORDERS.

Councillor JG Jarvis, Personal, Notice of Motion Three - Director of Hereford Futures.

7. NOTICES OF MOTION UNDER STANDING ORDERS.

Councillor JLV Kenyon, Personal, Notice of Motion One - In receipt of an Armed Forces pension..

7. NOTICES OF MOTION UNDER STANDING ORDERS.

Councillor P Sinclair-Knipe, Personal, Notice of Motion One - Retired soldier.

7. NOTICES OF MOTION UNDER STANDING ORDERS.

Councillor WLS Bowen, Personal, Notice of Motion One - In receipt of an Armed Forces pension..

9. PRAYERS AT COUNCIL MEETINGS.

Councillor Brig P Jones CBE, Personal, Church Warden.

9. PRAYERS AT COUNCIL MEETINGS.

Councillor EMK Chave, Personal, Holds a Bishop of Hereford license as a Reader in the diocesan.

9. PRAYERS AT COUNCIL MEETINGS.

Councillor JA Hyde, Personal, Practising Christian.

9. PRAYERS AT COUNCIL MEETINGS.

Councillor JW Hope MBE, Personal, Church Warden.

9. PRAYERS AT COUNCIL MEETINGS.

Councillor P Sinclair-Knipe, Personal, Church Warden.

12. COMMUNITY GOVERNANCE REVIEW - ROSS-ON-WYE.

Councillor PGH Cutter, Personal, Town Councillor.

13. PAY POLICY STATEMENT.

Councillor ACR Chappell, Personal, Trade Unionist Member.

13. PAY POLICY STATEMENT.

Councillor RJ Phillips, Personal, Member of the National Joint Council.

Following declarations of interest the Chairman moved for the suspension of Standing Orders in order that Agenda Item 9 could be dealt with. This seconded by the Leader and agreed by all Members.

58. PRAYERS AT COUNCIL MEETINGS

The Chairman moved the recommendation that Council resolve pursuant to Section 1 of the Localism Act 2011 to continue the practice of prayers before the main body of its agendas. Councillor Hyde seconded the recommendation.

RESOLVED: That the Council, pursuant to Section 1 of the Localism Act 2011, continue to practice prayers before the main body of its agendas.

The Chairman then called upon the Reverend Prebendary Carl Attwood to lead the Council in prayers.

59. MINUTES

That the Minutes of the Council meeting held on 3 February 2012 were approved as a correct record, subject to the following amendments:

Minute Number 55 - Draft Financial Strategy and Budget 2012/13 bullet point six: Although Cabinet had requested the Overview and Scrutiny Task and Finish Group to review income and charging, the Chairman of the Task and Finish Group stated the Group had not been given the opportunity to be involved with the Price, Waterhouse, Cooper income and charging review project.

Appendix One to the Minutes, Member Questions to Council - Children and Young People in poverty. The amendment to the question on child poverty to read: *'That the matter of child poverty was being discussed at the Children and Young People's Partnership Forum'* and to remove reference to child poverty being discussed by a Young People's Forum.

60. CHAIRMAN'S ANNOUNCEMENTS

The Chairman in her announcements:

- Informed Council of an urgent item of business. Council was reminded that Councillor Lucas had been unwell over the last few months and unable to attend any meetings. Although Councillor Lucas wished to resume his duties as soon as possible Council sent their best wishes to Councillor Lucas for his recovery and pursuant to Section 85(1) of the Local Government Act 1972, Council agreed that the six month period of absence be extended for a further three months.
- Members were informed that the microphones before them were not for voting and that voting would be carried out by a show of hands.
- The Chairman and Councillor Allen Conway, Mayor of Ledbury, met with the Princess Royal and the Lord Lieutenant Lady Darnley at Haygrove Farm, Ledbury where a tour was given of the orchards. Haygrove was chosen for the royal visit as it carries out sustainable business practices both in the UK and in South Africa with the Bright Futures project at Haygrove Heaven, a programme supporting farm workers from local disadvantaged communities.
- The Chairman, along with Councillor Jarvis, Leader of the Council, accompanied the Princess Royal and the Lord Lieutenant to meet apprentices currently following a course at Herefordshire Group Training Association.
- The Chairman reminded Council that at the November Council meeting a certificate of recognition was presented to Mrs Davies on behalf of her son Chaz on his becoming Supersport World Motorcycle Champion. The Chairman also nominated Chaz for the Annual Herefordshire Sports Awards which took place at the Royal National Blind College where he also received an award.
- The Chairman and Vice-Chairman attended the launch of the film 'Over the Hill', which was part of the Borderlines Film Festival at the Courtyard. The film was the result of a three year campaign to highlight the challenges faced by people growing older living in rural areas.
- The Chairman reminded Council of the Civic Service to be held on Sunday 25 March at the Cathedral, followed by tea at the Town Hall.

PETITIONS

The Chairman informed Council that she had received a petition from Councillor Glenda Powell regarding traffic calming measures in the Belmont Ward which the Chairman handed to Councillor Blackshaw, Cabinet Member Highways, Transportation and Sustainability.

61. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers, together with the supplementary questions and answers asked at the meeting are attached to the Minutes as Appendix 1.

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

A copy of the Member questions and written answers, together with the supplementary questions and answers asked at the meeting are attached to the Minutes as Appendix 2.

63. NOTICES OF MOTION UNDER STANDING ORDERS

Notice of Motion One - Adoption of the Rifles as the County Regiment, proposed by Councillor Sinclair-Knipe and seconded by Councillor Seldon. In presenting the Notice of Motion Councillor Sinclair-Knipe asked for the consent of Council as he wished to amend the Motion as follows, copies of which had already be circulated.

Amended Notice of Motion One:

In order to honour The Rifles for their service in Iraq and Afghanistan, I ask that Council formally adopts The Rifles as the County Regiment. This in no way cuts across the Freedom that The Rifles have been granted by Hereford City Council and Leominster Town Council and offered by Ross-on-Wye Town Council.

This adoption does not give the Regiment any specific privileges, but it does recognise the sacrifices made by Herefordians serving with The Rifles and its predecessors going back to the Herefordshire Rifle Volunteers formed in 1861.

Councillor Sinclair-Knipe informed Council that the Rifles had been formed in 2007 as part of the reorganisation of the Army, which had included the Light Infantry, which was relevant to Herefordshire and associated with the King's Shropshire Light Infantry. He added the adoption was important as it recognised the sacrifices soldiers had made. Councillor Seldon seconded the motion and stated that the adoption made a difference to the soldiers currently serving as their efforts were being recognised at home. Council was reassured that the adoption would not cut across the other town councils.

The motion was put and a vote taken. It was agreed unanimously.

RESOLVED: That in recognition of the service of The Rifles in Iraq and Afghanistan The Rifles be adopted as the County Regiment.

Notice of Motion Two: Prayers at Council meetings proposed by Councillor Blackshaw - withdrawn as the matter had been dealt with under Minute Number 58 above.

Notice of Motion Three: Hereford Futures, proposed by Councillor Matthews, seconded by Councillor James, also signed by Councillors: Robertson, Seldon, Kenyon, Harvey and Chave.

In presenting the Notice of Motion Councillor Matthews referred to

- the concerns of other Councillors regarding the powers and expenditure of Hereford Futures as an un-elected and unaccountable body.
- He stated he believed it was difficult to discover the exact work of Hereford Futures and welcomed clarity on the cost of the organisation and why funding for certain activities was made to Hereford Futures.
- Councillor Matthews believed the organisation needed to be seen to be working for local interests, as the old livestock market site was a valuable site.
- It was felt that outside consultants had too much influence and that non executive Members of the Council were being kept isolated and uninformed.
- Councillor Matthews strongly urged all Members to support the Notice of Motion.

Other points raised included:

- It was recognised that those appointed to Hereford Futures or Hereford Business Board gave their expertise freely, however Members were concerned about the setting up of arms length companies that did not appear to have any employees to deal with queries raised by residents, and who were referred to a London consultancy firm.
- Reference was made to the Hereford localities meeting and that only ten ward Members had attended the meeting.

- Reference was made by Councillor Bridges to his involvement on the county rail structure with Hereford Business Board, network rail and the Cabinet Member. It was noted that the project had now been placed with Hereford Futures which excluded the voluntary sector and it was felt this decision did not show best value for money or best use of the local expertise available.
- Councillor Blackshaw assured Council that Councillor Bridges, as the lead Member on transport and rail, would be part of the sub group and would be able to work with the Head of Hereford Futures.
- In referring to Hereford locality meetings it was stated that the membership was large and it was difficult to get all Members together to meet on a periodic basis.
- It was felt that the Board of Hereford Futures had not had genuine communications with all 58 Councillors and there needed to be more openness, transparency and accountability.
- Some Members stated they were unaware that property receipts were ring fenced to Hereford Futures and that although Members had met with the Hereford Futures board, Members still unaware of what was done by the organisation. It was asked how many Herefordians were part of the organisation and involved with the decision making. It was stated that no Hereford city ward Members had been involved.
- The Cabinet Member Enterprise and Culture stated that all members of the Board of Hereford Futures lived in Hereford. The money for the properties bought belonged to Hereford Council. There had been opportunities for meetings with Hereford Futures where Members were afforded the occasion to question the Board.
- The Leader of the Liberal Democrat Group stated that there was a need to bring back openness on what Council money and assets were being used for.
- The Leader stated that there had been 67 occasions when Members could have been briefed by the Hereford Futures team. Additionally the Cabinet Member and the Town Clerk had regular quarterly meetings with Hereford Futures. He added that he was grateful for the work of the non-executive Members on the board. With regard to the site he stated that the hoarding would be put up shortly to secure the site. He stated that significant progress had been made with tenants and after the 29 March he would be in a position to provide Members with further information. The Leader asked that Members respect the confidentiality of the information that would be made available on 29 March and stated that he did not support the motion.
- It was stated that the locality meeting with city Councillors would be opened up to all locality members.
- It was believed that the main issue was public perception as well as Members feeling they were not receiving the information they required. It was felt this was an issue that affected the whole county, although Members not in city ward would not be invited to a Hereford localities meetings. Should the motion be defeated it was hoped that the administration would take on board the concerns raised by the public and backbench Members.

The motion was put that: *This Council notes the concerns of many Council Members regarding the present trend of allocating ever-increasing powers and expenditure to Hereford Futures, which is a body run by an un-elected and unaccountable group of people*, the motion was defeated with 27 against, 23 for and 1 abstention.

64. LEADER'S REPORT

The Leader of the Council, Councillor Jarvis, presented his report. Members made comments on the following points:

- Local Development Framework (LDF) – In response to a question on the recent High Court ruling on the Norwich City LDF Core Strategy, the Leader confirmed that he was aware of the High Court Action.
- Assurance was sought that slippage in the timetable for the LDF would not preclude the Overview and Scrutiny Committee meeting from discussing the LDF prior to it going before Cabinet. The Leader confirmed the requirement for a consistent approach to public consultation.
- Paragraph five – housing. It was requested that the Secretary of State for Communities and Local Government is asked by the Leader to look at the social housing needs in the Belmont Ward. In response the Leader stated he was aware of the issue and would speak with the Member outside of the Council meeting.
- Paragraph 12 – Youth Services. With regard to the Youth Service review, disappointment was expressed that the Council's facebook had only had six responses. The Cabinet Member advised that the consultation exercise had been revised and was now progressing well.
- Paragraph 12 – Variation to existing Waste Contract. The Leader advised that further information would be available shortly, however, the matter was currently being looked at by the Secretary of State.

RESOLVED:

THAT

- a) the revised timetable for the production of the Local Development Framework, as set out at paragraph 11 of the Leader's report be agreed; and
- b) the overview of the activities of the Executive be noted.

65. COUNCIL TAX RESOLUTION 2012/13

The Leader presented to Council the report of the Chief Officer Finance and Commercial and moved the recommendations. It was noted that there was a zero increase in Council Tax for Herefordshire Council, the Police Authority and the Fire and Rescue Service. The Deputy Leader seconded the recommendation.

RESOLVED

THAT:

- (a) It be noted that the council calculated the tax base 2012/13;
 - 1) for the whole council area as 71,981.60
 - 2) for dwellings in those parts of the area to which a parish precept relates as in the attached Annex 1(i);
- (b) in respect of council tax for 2012/13 that the following amounts be approved by the Council for the year 2012/13 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011) :
 - (i) £359,718,266 being the estimated aggregate expenditure of the Council in

- accordance with Section 31A (2) of the Act, including all precepts issued to it by Parish Councils;
- (ii) £270,277,078 being the estimated aggregate income of the Council for the items set out in Section 31A (3) of the Act (including Formula Grant);
- (iii) £89,441,188 being the amount by which the aggregate at (b)(i) above exceeds the aggregate at (b)(ii) calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax Requirement for the year (including Parish precepts);
- (iv) £1,242.56 being the amount at b(iii) above divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
- (v) £2,696,917 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act;
- (vi) £1,205.09 being the amount at (iv) above less the result given by dividing the amount at (v) 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 Parish precept relates;
- (c) That the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester Combined Fire Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992 (as amended).
- (d) That the council tax requirement for the council's own purposes for 2012/13 (excluding parishes) be approved as £86,744,271; and
- (e) In respect of the Council's 2012/13 Budget a council tax of £1,205.09 be levied (at Band D).

The Leader presented to Council the report of the Head of Governance on the proposed submission to the Local Government Boundary Commission in respect of the council size.

The following points were made in discussion:

- It was stated that Members were only being asked to consider the reduction in the number of Councillors and not how wards would be configured.
- Members were reminded that the final decision on the size of the council would lie with the Boundary Commission and not the Council.
- In response to concerns over a ward boundary mapping exercise, Council was informed the initial mapping exercise was a first attempt and not the basis of any proposal for future ward boundaries.
- The IOC Group Leader stated the majority of the political groups were in agreement on the proposed future size of the council. It was felt that when looking at the size of the council it should be remembered that the majority of citizens were working and council should give consideration to evening meetings to allow working people to attend meetings.
- Some Members expressed an objection to any reduction in the number of Councillors on the Council. Other Members welcomed the idea of single Member wards.

The Leader moved the recommendation which was seconded by Councillor Price. The recommendation was approved with:

For	35
Against	17
Abstentions	0

RESOLVED: That the submission to the Local Government Boundary Commission in respect of Council size be approved.

67. COMMUNITY GOVERNANCE REVIEW - ROSS-ON-WYE

The Leader presented to Council the report of the Assistant Director Law, Governance and Resilience on Community Governance Review – Ross-on-Wye and advised that the review was at the request of both Ross Town Council and Ross Rural Parish Council. Council was advised that due to the current Local Government Boundary Review the result of the review would not come into effect until 2015.

RESOLVED

THAT:

- a) the Council undertake a community governance review of the areas of Ross Town Council and Ross Rural Parish Council in the Autumn of 2013; and**
- b) the Audit and Governance Committee be empowered to undertake community governance reviews and to make recommendations to Council in that regard.**

68. PAY POLICY STATEMENT

The Leader presented the Pay Policy Statement to Council.

The Leader moved the recommendations, which were seconded by Councillor Price.

The following points were noted in discussion:

- Group Leaders had previously met and agreed at a meeting of the Employment Panel to put forward the recommendation based on the current pay policy statement in the knowledge that a full review of the policy would be carried out as set out in the recommendations to the report.
- Council was informed there was a government requirement to adopt a policy by 31 March 2012.
- In referring to paragraph 14 of the report it was proposed that all posts above £50k in salary were put before Council for approval and a list of all the posts at this scale were made available for public scrutiny in preference to only those above £100k.

It was proposed by Councillor Bridges that an amendment be made to the recommendations to add recommendation *d) that any salary above £50k is approved by the Council*. The amendment was seconded by Councillor Robertson. The amendment was lost:

For	14
Against	31
Abstentions	2

RESOLVED

THAT:

- a) the pay policy statement summarising existing council policies (as set out at Appendix A to the report) be approved;**
- b) the planned review of the policies underpinning this statement be noted; and**
- c) authority be delegated to the Monitoring Officer to make any necessary amendments to the Constitution to ensure compliance with the legislation, and reflect the responsibilities of the Employment Panel (as set out at paragraph nine to the report).**

69. STANDARDS COMMITTEE

Mr Stevens, the Chairman of the Standards Committee, presented the report of the meetings of the Standards Committee held on 10 November 2011 and 13 January 2012.

RESOLVED: That the report of the meetings of the Standards Committee held on 10 November 2011 and 13 January 2012 be received.

70. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brig. Jones CBE presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 14 December 2011. Council was informed that there would be a public consultation meeting held within the next two months with regard to the review of fire stations.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 14 December 2011 be received.

71. WEST MERCIA POLICE AUTHORITY

Councillor WLS Bowen presented the report of the West Mercia Police Authority held on 13 December 2011.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 13 December 2011 be received.

The meeting ended at 5.02 pm

CHAIRMAN