

**MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 25 May 2012 at 10.30 am**

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

**Councillors:** PA Andrews, AM Atkinson, CNH Attwood, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, MJK Cooper, BA Durkin, PJ Edwards, RB Hamilton, J Hardwick, 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, G Lucas, RI Matthews, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, DC Taylor, PJ Watts and DB Wilcox

**1. CHAIRMAN OF COUNCIL**

The Monitoring Officer called for nominations to the office of Chairman of the Council.

Councillor James moved that Councillor Barnett be nominated as Chairman of the Council for the forthcoming municipal year. Councillor Hubbard seconded the proposal. Councillor Barnett was unanimously elected as Chairman of the Council.

**RESOLVED: That Councillor LO Barnett, be elected Chairman of the Council for the forthcoming municipal year.**

**2. PRAYERS**

The Very Reverend Michael Tavinor led the Council in prayers.

The Chairman extended a warm welcome to Her Majesty's Lord Lieutenant, the Countess of Darnley, the Earl of Darnley and distinguished guests attending Council.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from:

Councillors:	CM Bartrum	PGH Cutter
	DW Greenow	KS Guthrie
	PJ McCaull	GA Powell
	JD Woodward	

**4. DECLARATIONS OF INTEREST**

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

Councillor NP Nenadich, Personal, Agenda item 9 Director of Hereford United Football Club.

11. POLICE AND CRIME PANEL REPORT.

Councillor AJM Blackshaw, Personal, Agenda item 11 Councillor Blackshaw standing as a candidate, Police and Crime Commissioner.

11. POLICE AND CRIME PANEL REPORT.

Councillor WLS Bowen, Personal, Agenda item 11 Member of the Police Authority.

16. ANNUAL REPORT OF THE REGULATORY COMMITTEE.

Councillor P Rone, Personal, Agenda item 16 Councillor Rone is a taxi driver.

**5. VICE-CHAIRMAN OF COUNCIL**

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

Councillor Matthews moved that Councillor Chappell be appointed Vice-Chairman of the Council for the forthcoming municipal year. Councillor Jarvis seconded the proposal. It was unanimously agreed that Councillor Chappell be appointed Vice-Chairman of the Council.

**RESOLVED: That Councillor ACR Chappell be appointed Vice-Chairman of the Council for the forthcoming municipal year.**

**6. MINUTES**

**RESOLVED: That the Minutes of the Council meeting held on 2 March 2012 be approved as a correct record subject to the following amendments.**

**Minute No: 63** Notice of Motion three, page 5 of the minutes, bullet point six – line two and three change Hereford to Herefordshire. Bullet point nine, to read – it was stated that the quarterly meetings between Hereford Futures and City Councillors would be opened up to all Hereford locality Members.

**7. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman in her announcements:

- Congratulated Colonel Charles Thwaites on his appointment as High Sheriff of the County.
- Informed Council that the Olympic torch had attracted thousands of spectators to welcome it on its travels through the County, passing through Bartestree, Hereford, Ledbury, Leominster, Lugwardine and Ross-on-Wye en route to Wales.
- Informed Council that the Chairman and Vice-Chairman had attended the launch in March of Robocap, which is a pioneering treatment for prostate cancer.
- Reported that she had attended an awards ceremony at The Courtyard on 3 May in recognition of long service by Poppy Appeal Collectors and the considerable sums of money raised by collectors.
- Reported that she had attended the 18 anniversary celebrations of Kemble Care. A local company supplying trained staff to provide quality care to people in their own homes.
- Reported that she had attended the opening of the May Fair on 8 May.
- Informed Council of the official naming of the Wye Trow, which the Lord Lieutenant Lady Darnley christened The Hereford Bull. The Trow will represent Herefordshire in the Thames Pageant by being part of the fleet of a 1,000 boats and ships to mark the Queen's Diamond Jubilee on 3 June.
- Reminded Council of the Queen's visit to Herefordshire on 11 July as part of the Queen's tour across the country to mark the Diamond Jubilee and encouraged all schools to take part and attend this once in a lifetime event.

- Informed Council of the wonderful tactile model map of Hereford City which has been erected in the Cathedral Close and made by local artist Matthew Hart and students from the Royal National College for the Blind.
- Thanked the Mayors of the County for their courtesy and kindness during the past 12 months of her office as Chairman.
- Reminded Council of the ceremony following the Council meeting to adopt The Rifles as the county regiment, which was agreed by Council at its meeting on 2 March.

## **Petitions**

One petition has been received from Belmont Abbey expressing concern about the threat posed to Belmont Abbey by the proposal to terminate a major new road with a roundabout encroaching on Belmont Abbey sports field and the intention of constructing a city bypass across the field and beyond.

## **8. 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.

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

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 2.

## **10. LEADER'S REPORT**

LDF and therefore, parts of the planning application would be post Christmas. The Leader of the Council, Councillor JG Jarvis, presented his report and apologised to Council for some grammatical errors in the report. Members made comments on the following items:

- Page 29 paragraph 1, in appreciating the budget difficulties Councillor Hempton-Smith stated that he had grave concern for the lack of support and only basic provision that was being made for young people. The Leader stated his support for this area of work but added that it should be looked at in context with all other areas of work in the county.
- Page 31, Herefordshire's Economy and Communities Councillor Hubbard congratulated the administration on the improvements made at the Yazor Brook as the recent heavy rain fall had not caused any difficulties for the residents, but added that Tupsley and Three Elms now had some sewage in the brook. The Leader responded that he would ask for this concern to be checked.
- In response to the question as to who had paid for the erection of the hoarding around the retail quarter it was the Leader's understanding that the developers had done so, however, he would inform the Councillor if this was not the case.
- In response to a question on the timetable of the Local Development Framework (LDF), Council was informed that the timetable that the Cabinet Member Highways, Transportation and Sustainability had given was correct and that parts of the Local Transport Plan (LTP) would need to be separated from the LDF. The Leader added that he would be happy to discuss the matter further outside the meeting and acknowledged the need to keep neighbouring ward Councillors informed.
- Page 31 paragraph 11 the Leader was asked to confirm that there were no legal or binding agreements with Stanhope and British Land in place. The Leader referred the Councillor to the answer given previously and stated he would provide a written response.

- In response to a question as to the financial benefits to the tax payer from the new livestock market, the Cabinet Member Enterprise and Culture reminded Council that agriculture was the biggest industry in the county and that the market was working to capacity. A market of this quality would enhance the agriculture business in the county.
- Page 31 paragraph 12 a reference was made to the LDF being moved to the July Cabinet meeting and that there would then be a significant break before the next meeting of Council in November. A Councillor asked for assurance that the improved consultation process would take place and that consideration would be given to a Council meeting in September to overcome the gap between the July and November Council meetings. The Leader advised that an extraordinary meeting of Council was being considered. The Leader added that care was being taken to ensure that further extensive consultation would be carried out and urged all Members to attend the June Member seminar on consultation.
- Page 31 paragraph 9 a Councillor referred to the housing needs of local people and the need for energy efficient homes. The Leader noted the comments and advised that Councillor Rone would take up this issue, as the new Cabinet Support Team member dealing with housing matters.
- Page 32 paragraphs 14 to 21 it was asked when residents would see improvement to the benefit of their communities. The Leader noted the comments and stated that the degree of community engagement varied across localities.
- Page 32, first bullet point Destination Hereford and paragraph 14 of the report, a Councillor stated that they felt the grant funding could be spent better elsewhere in the county and that they had spoken with businesses in the area who had expressed a wish not to see any reduction in the parking spaces available in Broad Street. The Leader advised there was a need to look at the scheme in context for the whole of the city and that if the authority tried to move the £5m grant funding it would be in danger of losing it altogether.
- In referring to the provision of affordable housing a Councillor asked if consideration had been given to opportunities under new legislation. The Councillor congratulated the Leader on the excellent work done in Ledbury on the Masters House and requested that any loss in car parking was taken into consideration during the development of the project. The Leader thanked the Councillor and added that he would speak separately outside the meeting regarding new legislation.
- In response to a question on business rates and charity shops the Leader stated he was referring to national charities paying business rates and not local charities.
- In response to a question on improving the county's waste recycling rates the Leader stated that it was dependent on the good will of local people and if garden waste was included it would be at a considerable cost to the Council, but he was willing to explore options which should be brought to the attention of the recycling officer.
- In response to concerns raised about Overview and Scrutiny and improvements that needed to be made, the Leader reminded Council that he had stated the previous year that a review would be carried out. This was now coming to a conclusion and proposals would be brought to the July Council meeting.
- Concern was raised over the low turnout by Members at some seminars and in particular the recent one on Root and Branch reviews. It was asked if Group Leaders could reiterate the importance of attending seminars to their political groups.
- The Leader confirmed the appointment of Councillor Hamilton as the new Cabinet Member for Environment, Housing and Planning and that further changes to Cabinet would be made in the future which would include bringing Councillor Graham Powell into Cabinet. The Leader added that he had invited Councillor Rone to join the Cabinet Support Team with a remit for Housing.

## **RESOLVED**

### **THAT:**

- (a) the intention to revise the timetable for the production of the Local Development Framework, as set out at paragraph 12 to the report, be noted; and**
- (b) the overview of the Executive's activity be noted.**

## **11. POLICE AND CRIME PANEL REPORT**

Council was reminded by the Assistant Director Law, Governance and Resilience that all authorities needed to agree the same recommendations to ensure the establishment of a West Mercia Police and Crime Panel as a joint committee of the 10 principal local authorities, to be administered by the lead authority Worcestershire County Council.

Councillor Hubbard noted the complications to moving any amendments to the recommendations but asked that consideration be given to one of Herefordshire's panel members being a city Member, given that many of the policing issues arose in the City. Concern was raised at the potential poor turn out for a November election for the Police Commissioner and whether the responsibility for policing matters should lie with the Chief Constable. The Leader moved the report which was seconded by Councillor Price. There was a majority agreement for the recommendations with nine abstentions.

## **RESOLVED**

### **THAT:**

- a) Council approved the establishment of a West Mercia Police and Crime Panel (PCP) as a joint committee of the 10 principal local authorities in the West Mercia Police force area, to be administered by Worcestershire County Council as lead authority.**
- b) Council approved the proposed membership of the PCP, the Panel arrangements and any consequential actions required under the Act; and**
- c) Council authorised the Deputy Chief Executive to finalise the details of the proposals in consultation with the Leader.**

## **12. TRANSITIONAL STANDARDS MATTERS**

The Monitoring Officer outlined to Council the requirements of the new standards regime under the Localism Act and the need to recruit independent persons as required by Section 28 (7) of the Localism Act 2011.

## **RESOLVED**

### **THAT:**

- a) The Monitoring Officer be authorised to recruit up to three independent persons pursuant to Section 28 (7) of the Localism Act 2011;**
- b) Independent persons be entitled to reimbursement of expenses; and**

- c) **The Monitoring Officer be authorised to appoint such additional parish members as may be required to complete the outstanding business of the Standards Committee.**

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

The Chairman of the Audit and Governance Committee presented the Annual Report. The Chairman was asked for a copy of the presentation on the new Amey Wye Valley Ltd., contract, which the Chairman stated he would follow up following the Council meeting. In response to further questions on the Amey Wye Valley Ltd., contract the Chairman assured Council that the Committee was very aware of Members concerns, which would be raised at Committee.

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

**14. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman presented the Annual Report of the Overview and Scrutiny Committee. The Chairman informed Council that the model currently adopted for Overview and Scrutiny had not been entirely successful and the results of a review would be put to Council at the July meeting. There was still a considerable amount of outstanding work to be dealt with in various areas, but particularly in Health.

In response to a question the Chairman advised that it had been difficult for the Task and Finish Group to carry out their review of income and charging whilst consultants Price, Waterhouse, Cooper (PWC) were also carrying out their review at the same time. The Chairman added he felt some of the work of PWC could have been dealt with by the Task and Finish Group and hence reduced some of the cost to the authority for the services of PWC. The Chairman thanked the Vice-Chairman and officers for their support.

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

**15. ANNUAL REPORT OF THE PLANNING COMMITTEE**

The Vice-Chairman of the Planning Committee presented the Annual Report and thanked the Members for their regular attendance and hard work at Committee and also that of officers. The Vice-Chairman noted the comments in relation to the number of appeals and the related costs including officer time and stated this information could be a valuable addition to future reports.

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

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

The Chairman of the Regulatory Committee presented the Annual Report of the Regulatory Committee 2011/12.

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

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

Mr David Stevens, Independent Chairman of the Standards Committee presented the Annual Report. Mr Stevens stated that as this could be the last report of the Committee he would like to thank all Members for their support and trust. The Chairman also extended his thanks to the independent members, parish council representatives and officers.

Council complimented Mr Stevens on his chairing of the Committee and the Chairman of Council thanked Mr Stevens for all his hard work and guidance the he had provided.

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

**18. DATES OF FUTURE MEETINGS**

**RESOLVED: That the programme of ordinary meetings of Council be approved.**

**19. DEED OF ADOPTION**

Following the formal business meeting Council held a presentation for the Deed of Adoption of The Rifles Regiment as the County Regiment.

The meeting ended at 12.25 pm

**CHAIRMAN**

## PUBLIC QUESTIONS TO COUNCIL – 25 MAY 2012

### Question from Mr P McKay, Herefordshire

#### Question 1

*At the Council meeting on 4 March 2011 it was agreed that Council's objective is to have complete and correct Highway Records with the Highway Records being made available for inspection online enabling Parish Councils and others to check what is recorded or not recorded, enabling positive and constructive representations to meet that objective to be made. Since that date the Local Access Forum has been advised several times that other matters are being given priority over getting the Highway Records online, with the date that this is expected being delayed. May I please ask if these other matters have been completed and if this agreed objective of getting the Highway Records online could now be given priority, and the date this could be expected?*

### Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability

#### Answer to question 1

Positional accuracy checks are currently being undertaken before the information is converted for uploading to the website; I am pleased to advise that this should be completed by the autumn.

### Supplementary Question

Will you please check that this will include those un-adopted roads Council is aware of, especially those that connect with public rights of way or are through routes, as required by the 2007 Regulations?

### Cabinet Member Written Response

The first stage of making highways records available online, the definitive map, should be available in Autumn, however this will not include unrecorded highways. When, at a future stage, highway records are put on line in the form of the Local Street Gazetteer, a protocol will be put in place to which will help define which records are added. At the moment no decision has yet been made on whether that will include unrecorded highways.

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### Question from Mr P Newman, Kington, Herefordshire

#### Question 2

*When Amey, acting on your behalf, carry out road widening etc., they remove the footpath signs in order to carry out the works but never replace the signs afterwards. This happened with the Roman Road improvements at Hereford and it took 12 months of phone calls before matters were rectified.*

*The same has now happened with the Stretton Sugwas road improvements near Wyevale Nurseries. I rang Amey when the works were taking place asking that the sign at the entrance to Footpath BT11 be replaced and when this did not happen I followed up, to no avail. Can this sign for footpath BT11 be sorted out and what can be done to prevent similar occurrences in future?*



## **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 2

Amey do routinely replace footpath signs after such works; in this case the missing signpost has been reported to Amey Herefordshire and will be rectified. Thank you for drawing this matter to my attention.

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## **Question from Mr P Mitchell, Herefordshire**

Question 3

The question arises from concern over the Council decision which appears to allocate significant public funds and assets to the ESGD developer at the Council Tax Payers expense. Enabling infrastructure and facilitation / paying for site provision normally funded by the developer are in this instance being provided / paid for by the Council Tax Payer. The value of benefits and returns provided to the public in return for this are not readily evident.

*In the interests of demonstrating the Council Leaders press claim that the sanctioned ESGD offers best value for money to the Council Tax Payer I request the Council now substantiate this by providing disclosure to this meeting the anticipated full financial value of all public spend and asset provisions to support this commercial development together with the associated benefits and the value of financial returns which are provided from this scheme to the public in return?*

In the interests of openness, transparency and accountability this valuation and any associated supporting reports should be placed in the public domain and detail all public expenditure, assets provided, returns arising and benefits attributable and should include but not be restricted to the following:

- Cost of all works provided from the public purse in enabling the ESGD (including link road and other infrastructure and re-provision of public and private facilities displaced by it - such as the livestock market, police HQ and where applicable any other public or private undertakings).
- Value of assets, acquired or already owned, provided to the scheme by the Council or other public body – either in making the ESGD site available to the developer or any other assets assigned or provided in enabling re-provision of any displaced facilities. (Include estimates of those not yet finalized).
- Cost (estimated or otherwise) of all associated compensations arising to the public pursue to facilitate making the ESGD site available to the developer or arising from re-provision of displaced facilities.
- Cost of all financing debt and of Council funding reserves used to support this scheme from the public purse.
- Cost to completion of publicly funded resources provided to enable Council support for this scheme (including internal resources and external consultancy).
- Register of risks (beneficial and adverse) with cost / benefit arising from the scheme and strategy and allocation to protect the public pursue. Sensitivity

analysis of their potential impact to scheme and management of outcome to the public purse.

- Any income arising to the benefit of the public purse associated with this scheme including rates, rents or other ongoing returns arising from all of the above facilities or assets provided from the public purse to support this scheme.
- Other anticipated finance received in the form of capital or income, from the developer or others such as share of returns arising from the redevelopment to the benefit of the public purse.
- Rate of return established from any discounted cash flow assessment or similar decision making tool or criteria the Council has used in committing to this scheme.
- Net cost or benefit in terms of effect upon the Council tax payer levy of the whole scheme described above.

A justification of this decision should also be provided in priority of this scheme over others by way of comparative assessment of benefit of alternative new development, maintenance and other operational spend options competing for use of this public money.

This investment appraisal information should be routinely updated and published for public view to show performance of this investment against Council expectation.

### **Answer from Councillor RJ Phillips Cabinet Member Economy & Culture**

Answer to question 3

In reaching its decision to agree some variations to the retail quarter development agreement (the project referenced in the recent press coverage and the question in italics above), Cabinet were informed by independent advice regarding the continued best value for the project. That advice, forming an appendix to the public report and available on the council's website, confirmed that the proposal was "... the best obtainable outcome for the public interest at this time with regard to the price and other conditions achieved."

The expansion of the question goes on to seek information about a range of projects supporting the regeneration of the old livestock market area of the city, and falling within the overall Edgar Street Grid masterplan area. Whilst some of this information is available (and indeed already in the public domain), some remains confidential for reasons of commercial sensitivity. Given the range and level of detail requested I have asked officers to summarise such publically available information and to provide you with a written response in due course.

### **Supplementary Question**

Why is Herefordshire Council going forward with the ESG development as the cost to incentivise this development with council tax payers money and assets is so high?

### **Cabinet Member Written Response**

The development comprises a number of elements which will deliver benefits to local council tax payers. The development will include new retail floor space attracting significant additional retailers to the site as well as a multi-screen

cinema, restaurants and cafes. It will also deliver additional business rates. New employment will be provided by the development as well as additional housing that will attract funding from the Government's New Homes Bonus.

By working with the existing city centre this will retain and improve the footfall and level of potential spend in Hereford rather than people seeking a retail experience outside the county. In addition there will be an enhanced evening economy. The overall impact will keep expenditure in the city.

The value for money of the development has been independently verified and supports the decision to proceed with this significant project that is shortly to reach its conclusion.

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### **Question from Mr M Everitt, Malvern**

#### Question 4

This question concerns the service provided for Public Rights of Way and particularly for applications to change the Public Rights of Way network using the Definitive Map Modification Order (DMMO) procedure or the Public Path Order (PPO) procedure.

For many years Herefordshire has had a backlog of more than 100 DMMOs with a significant number of them being more than 12 years old. A report to the Environment Scrutiny Committee on 13 July 2010 said that 'Whilst the Council had a statutory duty to accept and process applications for DMMOs there is no such duty as regards PPOs'. The report then advised that the discretionary PPO work would be contracted out at applicants' expense in order to free up resources for the statutory DMMO work. However an update to the Environment Scrutiny Committee on 28 February 2011 advised that such good progress had been made in dealing with the PPOs that the plan to contract out PPO work was no longer necessary. The report implied it was still possible to manage the PPO work and also to allocate additional (?) resources to DMMO work although two new areas of work had been placed on the team!

According to figures given to the Local Access Forum, there has effectively been no improvement in the DMMO backlog since February 2011 in that the backlog has only fallen from 105 to 104. Moreover, although the PPO backlog has reduced from 76 to 61, this backlog still represents a significant workload and demand for resources.

*Could the Cabinet Member, who in a recent letter to the Local Access Forum advised that the measures being put in place would have only a marginal effect on the DMMO backlog, please explain why Herefordshire continues to allocate some of its suitable resources to the discretionary PPO work rather than using those resources to deal with its statutory duty to process DMMO applications?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 4

Whilst the making of Public Path Orders is a discretionary power and the making of Definitive Map Modification Orders a statutory duty, it is considered desirable to provide both functions to deliver an effective and value for money service for the public. Such an approach is common to almost all local authorities across the country.

Public Path Orders are often the only realistic solution to many problems found on the PROW network including long-standing obstructions such as buildings, resolving definitive map anomalies, and addressing maintenance issues.

### **Supplementary Question**

My earlier question pointed out that there was a longstanding backlog of more than 100 DMMO applications. Four of that backlog are applications that I raised personally more than 5 years ago. All four were awarded a medium priority. Since then there has been no further progress in assessing them or in reaching a decision. I am now being told it will be at least 2 more years before they are considered further. It will then take several more years before a final decision is reached. Thus the period from application to decision is going to be greater than 10 years. I believe the comparative timescales for Public Path Order applications is under 3 years.

The question I would like to ask you is 'whether the Councillors here today would personally be prepared to wait 10 or more years for what should be a routine service?'

### **Cabinet Member Written Response**

Unfortunately the current statutory process is complicated and time consuming. This, combined with the limited resources, means that all DMMO order applications are taking a considerable time to deal with. Some limited extra resources are being put into the DMMO process although I acknowledge that this will only have a marginal effect on the backlog.

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### **Question from Mr R Branczik, Malvern**

Question 5

Herefordshire Council is to be commended for its scheme offering One to One Adult Cycle Training through its Sustainable Travel team.

*How many councillors have taken up the opportunity to get first-hand experience of the training and so be in an ideal position to recommend it to their constituents and, in particular, has Cllr Blackshaw himself yet benefited from this excellent scheme in his cabinet portfolio?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 5

I am delighted that you have drawn attention to this excellent scheme, provided by very few other councils. The scheme has been running in its present form since 2008 and to date has trained over 120 individuals. Whilst I have not yet taken up cycle training, Councillor Wilcox took up training when Cabinet Member for this portfolio. To my knowledge, no other councillors have taken up this cycle training.

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### **Question from Mr J Faulkner, Hereford**

Question 6

### **Composition of traffic on Hereford's road network**

The Council's bid to the Department for Transport's Local Sustainable Transport Fund attributes peak hour congestion to the fact that 'the city's highway network must accommodate both long distance and local traffic.' (p4)

*What percentage of traffic on the road network within the city of Hereford during peak hour (a.m. and p.m.) is 'local' (and please define 'local' as used in the Destination Hereford Local Sustainable Transport Fund application)?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 6

The term 'local', when used in our Local Sustainable Transport Fund application form, refers to trips originating and terminating within Hereford's urban boundary.

Based on data contained within our existing traffic model the percentage of car trips both originating and terminating within Hereford's urban boundary during the morning peak (07:00 to 09:00) is 41% and during the afternoon peak (16:00 to 18:00) is 45%.

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### **Question from Mr P Linnell, Hereford**

Question 7

### **Council smallholding and forestry assets**

*What is the area of agricultural, horticultural and forestry land owned by Herefordshire Council and what is the Council's current policy on disposing of such land?*

### **Answer from Councillor P Price Cabinet Member Corporate Services & Education**

Answer to question 7

<b>Designation</b>	<b>Area</b>
Agricultural equipped farms (house, land and buildings and cottages)	1871.28 ha (4,623.7 acres)
Land holdings	55.40 ha (136 acres)
Forestry	19.87 ha (49 acres)
<b>Total</b>	<b>1946.85 ha (4,810 acres)</b>

*NB: The figures are correct as of 31st March 2011*

The Council's current policy is that there is a presumption against disposing of good agricultural land except in special circumstances. The policy is to retain and manage the estate to enable a route for entrants into farming and to aid their progression.

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### **Question from Mrs E Morawiecka, Hereford**

Question 8

*Is it appropriate that a private company, which is now fully funded by Herefordshire Council, has Articles of Association allowing directors to have conflicts of interest,*

*something completely contrary to the Herefordshire Council Constitution for both employees and elected members?*

**Answer from Councillor P Price Cabinet Member Corporate Services & Education**

Answer to question 8

Any registered company should operate in compliance with the regulatory regime of company law. Members and officers of the council may serve on the board of directors of an outside company and must observe the rules and procedures of those companies; as a serving director their primary duty is to the company. Accordingly, when those same members and officers are involved in matters relating to those companies as part of the council's business, there are strict rules about declaration and participation which prevent their directorships giving rise to a conflict of interest.

**Supplementary Question**

In the Council's answer to my question it states that "as a serving director their primary duty is to the company". That is why Company law has specific rules concerning directors conflicts of interest, which the Articles of Association of Hereford Futures Ltd seem to try and circumvent. A director of E C Harris is on the board of directors of Hereford Futures Ltd, a company wholly funded by local tax payers. In April the Cabinet of Herefordshire Council agreed specific terms, proposed by their legal advisers, Pinsent Masons, that E C Harris could act as a cost consultant to British Land, one of the parties involved in the purchase of the Edgar Street Grid. Why?"

**Cabinet Member Written Response**

My answer to your original question made clear that the Council is fully aware of and complies with the rules about declaration of interests and it is important that I restate this in answer to your supplementary question.

Secondly, the Articles of Association for Hereford Futures have been properly approved by the Board and the Company is required to operate within these.

Finally, in relation to your central point about EC Harris, it is very important to state that the appointment of the EC Harris Director as a Board member of Hereford Futures is totally separate to any advisory or consultancy role that EC Harris have. The EC Harris team advising the Council and British Land do not include or involve the EC Harris Hereford Futures Board member – they are a separate team. Finally, EC Harris owe the Council a professional duty of care in the normal way which is not fettered in any way by the Futures Board member's role.

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**Question from Ms P Mitchell, Hereford**

Question 9

**LTP capital spending on cycling infrastructure in Hereford 2009-2015**

*What has been or will be the LTP capital spend on cycle infrastructure within Hereford City for each financial year between 2009/10 and 2014/15? (Please list city cycle schemes progressed or to be progressed in each year)?*

**Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 9

Improving sustainable transport provision for all road users, including pedestrians and cyclists, is clearly a priority within the Local Transport Plan; spend on cycling infrastructure is supported from a range of sources not just the LTP capital allocation.

<b>Cycle Schemes Funded from LTP Sources</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Holmer Road Cycle Path Phase 2		191				
Completion of Shaws Path to Grafton Holmer Road Cycle Path Phase 4			143			
Holmer Cycleway Phase 3				170		
Stretton Sugwas Cycle Route				350		
Schemes/allocations not yet programmed					Tbc	Tbc
<b>Cycle Schemes Funded from Non-LTP Sources</b>						
Holmer Road Cycle Path Phase 2 (Scheme preparation – funded from S106 contribution)	47					
Broad Street shared space scheme an element of which includes cycleway (LSTF – total scheme costs)				728	1045	1044
Connect 2 Greenway (Capital Programme, Sustrans)				2893	51	

**NB: Figures = £000s**

**Supplementary Question**

The Council received £5 million from the DfT to invest in sustainable travel measures ie. in getting people out of their cars. Over £3m of this grant is accounted for in the answer to this question and represents the overwhelming proportion of the spend — on schemes which can serve only a limited number of cycle trips on the road network. £2.9m or 58% of the grant will be spent on Broad Street, the only major infrastructure scheme to be progressed through 'Destination Hereford'. Meanwhile the Council's application to the DfT's Local Sustainable Travel Fund stated that '67% of Hereford residents travel less than 5km to work' — a distance over which the bicycle competes well with and indeed can outcompete the car in terms of travel time and other travel costs. Your written answer to Mr Faulkner shows that over 40% of traffic on Hereford's road network is trips made entirely within the city.

*If congestion in Hereford is the major issue our politicians claim it is, why isn't the Council investing as a matter of urgency in a safe, complete and coherent cycle network for Hereford, especially in a time of rising fuel prices and wider economic hardship*

## **Cabinet Member Written Response**

The Council is investing in the cycle network in Hereford and in 2012/13 will commence work on the Connect 2 cycle scheme linking the city centre and north Hereford directly with the Rotherwas Enterprise Zone. It also intends to complete the final stage of the Holme Road cycle route which will link with the Great Western Way.

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### **Question from Mr A Fisher, Hereford**

Question 10

The Council is providing Personalised Travel Planning to households in Hereford over the next 3 years in order to establish the residents travel requirements and offer information and advice on travel options available for their journeys, as well as offering incentives to change their travel behaviour.

*In the course of these face-to-face sessions, what questions are the Council's Personal Travel Planners asking in order to ascertain residents' cycling requirements and their views of the safety and comfort of cycling in Hereford? (Please give the text of the questions about cycling asked in the standardised interview.)*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 10

The Travel Advisors are supporting travel planning in its broader sense and don't ask specific questions regarding the residents' views of the safety and comfort of cycling in Hereford; there isn't a standardised interview. Instead the Travel Advisors ask residents if they would like further information on the whole range of sustainable transport modes including walking, buses and car sharing as well as cycling. The conversation will then follow the direction indicated by the interviewees' interests and Travel Advisors have a range of materials available that can help inform this process. Information can be provided at the doorstep or followed up at a later time depending on the level of interest and any specific requests.

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### **Question from Mrs J Morris, Hereford**

Question 11

I refer to the minutes of the Overview & Scrutiny committee meeting on 9 December 2011 which considered the autumn 2011 Local Development Framework consultation. These clearly state that, when asked about changes to the Council agreed timetable for 2011 for the preparation of the LDF and LTP, officers stated that, the timetables "were necessarily kept under review and changes had been made by officers in discussion with the relevant Cabinet member".

*If the full council spend time in agreeing a new timetable for the LDF, as reported, who would this be binding on?*

### **Answer from Councillor J Jarvis, Leader of the Council**



Answer to question 11

There is no requirement for the timetable to be binding on the Council. The Council Constitution requires the Cabinet to publicise a timetable for making proposals to the Council for the adoption of any plan or strategy forming part of the Budget & Policy Framework of the Council.

The timetable involved in producing the LDF (and LTP) needs to be kept under review to take into account changing circumstances such as changes to the national planning system, new evidence and consultation responses. Any changes to the timetable are reported to Council and the Overview & Scrutiny Committee.

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### **Question from Mr T Straker, Hereford**

Question 12

*I understand that the Council intends to build 16,500 new homes in Herefordshire over the next 20 years, as previously outlined in the Regional Spatial Strategy. Would you please let me know what proportion of these new homes and associated businesses, services and infrastructure the Council proposes to allocate through the neighbourhood planning process, introduced under the Localism Act?*

### **Answer from Councillor J Jarvis, Leader of the Council**

Answer to question 12

Herefordshire Council is not intending to build homes, but does have a responsibility to ensure its planning policies make provision for sustainable organic growth. It has consulted upon a level of housing growth in Herefordshire over the next 20 years, based on a technical assessment of housing demand in the county (Local Housing Requirement Study).

The eventual level of development allocated through neighbourhood planning will be dependent on which communities bring forward their own plans and the overall coverage of plans.

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### **Question from Ms A Sancha, Breinton, Hereford**

Question 13

*A compulsory purchase order (CPO) for the "Hereford Link Road" is scheduled to go to Cabinet on the 14 June 2012, when there is no properly funded and up to date Local Transport Plan. Many elements of the current LTP that were to support the Link Road and the Old Livestock Market retail development, such as the park and ride schemes and city cycle routes, have been removed to save costs, but this negates any benefit this road will bring to congestion in Hereford. The LTP3 has been timetabled to be considered by full council just a few weeks later than the CPO. At a cost of £27million to the local taxpayer, which the Council need to borrow, why isn't this CPO being deferred until a coherent, up to date and fully funded transport strategy has been agreed by the Full Council?*

### **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 13

The current local transport plan (LTP2) has been saved and remains an appropriate strategic document to lead transport planning in the county. The Link Road benefits from planning approval to proceed and is not dependent on the adoption of a new LTP. £27m provision has been agreed by Council within the capital programme to underwrite delivery of the road (including CPO, construction and other associated costs); alternative sources of funding continue to be pursued.

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**Question from Mrs V Wegg-Prosser Breinton, Hereford**

Question 14

On 7 November 2011, at a public meeting held in Whitecross School, Councillor Jarvis agreed to meet a group of local residents to discuss the issue of bed shortages in the County Hospital. This group formulated a list of questions, the answers to which would form the basis of the agreed Agenda for the meeting - questions such as 'On how many days in the last year has bed occupancy been over 95%?'

*Given the continuing concern over bed shortages, most recently expressed at Overview and Scrutiny on 5 March 2012, when will Councillor Jarvis arrange to hold this meeting?*

**Answer from Councillor J Jarvis, Leader of the Council**

Answer to question 14

I confirm that I am happy to arrange a meeting with local residents to discuss health & social care provision in the county.

To be productive we will need to include appropriate representation from Wye Valley Trust and from the Health and Wellbeing Board. I will discuss this with Councillor Morgan and we will get in touch with you again in the next few weeks.

**Supplementary Question**

As the autumn LDF consultations have indicated, an overwhelming 94% consider that hospital provision needs to form part of the Infrastructure Delivery Plan for the Council's growth proposals, could Councillor Jarvis, as the lead on the LDF, please confirm that this will be the case?

**Cabinet Member Response**

The Council's health partners are responsible for bed provision. Discussions have taken place as part of the LDF development to date and I will ensure that this will continue to be the case.

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**Question from Mr B Wallace, Breinton, Hereford**

Question 15

*Since **Widemarsh Street** was completely redesigned with trip hazards, how many personal injury accidents have been reported and recorded on this particular street in Hereford?*

## **Answer from Councillor AJM Blackshaw Cabinet Member Highways, Transportation and Sustainability**

Answer to question 15

Since Widemarsh Street re-opened in January 2011 following the completion of the refurbishment scheme to the end of March 2012 (15 months) there have been 41 reports received by the Council from members of the public of which 12 were reporting injuries. The majority of these reports related to incidents occurred following the re-opening and it is pleasing to note there have been no injuries reported during the first three months of 2012.

Whilst we would clearly wish to see no trips or falls occurring in any of our streets, and will continue to take action to minimise any potential hazards, it is inevitable that there will be a small number of incidents every year across the county, not all of which are necessarily reported to the council. The level of reporting for this street should be seen in the broader context of the overall numbers of people using the street; with approximately 122,450 pedestrian movements in a week (equating to over 6 million in a year) these 41 reports represent 0.0006% of pedestrians using the street.

### **Supplementary Question**

What amount has been paid out as a result of claims and accidents in Widemarsh Street?

### **Cabinet Member Written Response**

No payment has been made as a result of any claim.

**MEMBER QUESTIONS TO COUNCIL – 25 MAY 2012**

**Question from Councillor GJ Powell of Councillor AJM Blackshaw, Cabinet Member Highways, Transportation and Sustainability**

- 1 *The Herefordshire Community Safety Partnership recognises that in order to reduce crime and ensure that our communities feel safer, we need to work with communities in both identifying and tackling issues. The issue in rural Herefordshire is staff related - can we be assured that the review of resources currently being undertaken by West Mercia Police will not further impact police numbers in rural Herefordshire?*

**Answer from Councillor AJM Blackshaw, Cabinet Member Highways, Transportation and Sustainability**

Answer to question 1

West Mercia Police is currently reviewing all its services in light of the decision by the Home Office to reduce funding by 20% across the Police Service. West Mercia needs to save £38 million as part of these savings over the next four years.

Operationally any decisions will be made by the Chief Constable in conjunction with the West Mercia Police Authority.

At this stage the force has not made any formal decisions including in relation to police numbers. Once decisions have been made they will be communicated to partners and the public.

West Mercia Police have advised that it will always seek to provide the best possible policing service it can across the force area considering all its resources. Herefordshire Community Safety Partnership will, of course, consider any published proposals and how they might impact on policing in Herefordshire's localities.

**Supplementary Question**

There is an issue of staffing levels, visibility, respect and value of Police Community Support Officers (PCSO). Could the Cabinet Member write to the Chief Constable and seek his assurance that there will be no further reduction in the number of Community Support Officers?

Cabinet Member Response

Yes. The new Police Commissioner is to be in post by November. I believe there will be an opportunity to review the policing plan.

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**Question from Councillor PJ Edwards of Councillor AJM Blackshaw, Cabinet Member Highways, Transportation and Sustainability**

- 2 *The strategic Riverside Footway / Cycleway, leading from Belmont Ward to The City remains in a very poor surfaced state despite continued pressure for redirection away from the River embankment and surface improvement. Will the Council please deal with this given Government funding receipt to aid sustainable Travel?*

**Answer from Councillor AJM Blackshaw, Cabinet Member Highways, Transportation and Sustainability**

Answer to question 2

The government funding was not secured for routine maintenance purposes and therefore cannot be used to support this work.

The footpath and cycleway is being considered in the context of the future work programme; it is important to note that this process involves prioritisation of competing demands form across the whole county and therefore I cannot confirm that your request will be met at this time. I have asked officers to keep ward members informed of the outcome of this prioritisation.

**Supplementary Question**

This is the third time I have brought this to the attention of Council. Can the Cabinet Member not agree that the people's highway exactly fits your response to the public question on page 11 of the agenda regarding the Destination Hereford project and infrastructure improvements.

Cabinet Member Response

I will look at this again in conjunction with other pressing projects.

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**Question from Councillor PJ Edwards of Councillor PD Price, Cabinet Member Corporate Services and Education**

- 3 *I understand that future Business Rate Tax will continue to be collected by The Council and that Central Government will ensure Herefordshire Council receives an agreed tax base receipt. Great weight was placed by Cabinet Members relying on Herefordshire further benefiting from additional Business Rate Tax to be forthcoming from redeveloping the former Livestock Market site! Are the figures which were quoted still realistic?*

**Answer from Councillor PD Price, Cabinet Member Corporate Services and Education**

Answer to question 3

From April 2013 all councils will operate under a new business rates scheme. Because councils will be able to keep a significant percentage of business rates from new business in their area it acts as an incentive to promote growth. Whilst we await the final detail from the government it is clear that the new business rates scheme will reward councils that encourage business growth. In the meantime we have taken a prudent and realistic approach.

### **Supplementary Question**

The Government now states that Council's will only be keeping 50% of the business rates. Is Cabinet's approach now considered to be realistic?

Cabinet Member Response

At the time of the Cabinet meeting there was an assumption that the new scheme would be beneficial. I am aware of the new government proposals and if it proves necessary for us to adjust our expectations I will inform Members.

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### **Question from Councillor PJ Edwards of Councillor AJM Blackshaw, Cabinet Member Highways, Transportation and Sustainability**

4 *I note The Council Conservative Administration's reluctance to proceed with its LDF programme due to unresolved issues now considered to need further public consultation. Will the Cabinet ensure that the third option link road between the A49tr and A465 Belmont Road (inappropriately introduced during midterm previous consultations) be removed forthwith so to reduce impact on the Belmont Haywood Country Park and established 95 properties (including several Listed Buildings) throughout the area?*

### **Answer from Councillor AJM Blackshaw, Cabinet Member Highways, Transportation and Sustainability**

Answer to question 4

There is no reluctance to proceed with the LDF programme, rather a desire to ensure that our process supporting the programme is as robust as possible.

Proposals for a link between the A49 and the A465 have been consulted upon twice as part of the LDF process, with a view to establishing a corridor within which more detailed design would establish a route; it is also included in the Local Transport Plan. Work is continuing to define that corridor, having regard to a range of considerations. Until that process is complete it would not be appropriate to discount any option.

### **Supplementary Question**

Why not now review the third option in an open and transparent manner?

Cabinet Member Response

I am aware of the concerns, I expect the corridor to be confirmed in July. Design work will then be undertaken with a route defined in the autumn and a planning application after Christmas. I have been assured by officers that there has been consultation.

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**Question from Councillor EMK Chave of the Cabinet Member Environment, Housing and Planning**

Question 5: disallowed on the grounds that it is the same or substantially similar to a question put to a meeting of Council in the last six months, HC Constitution Part 4, 4.1.15.4 c. Member question 14, 2 March 2012.

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**Question from Councillor EMK Chave of Councillor LO Barnett, Chairman of Council**

6 *On what theological grounds does Herefordshire Council claim to be “a Christian organisation” (Clause 8, report on Prayers and Council Meetings, pages 25-26 of the Agenda for 3rd March 2012); what are its Christian values, and how does the Council intend to demonstrate those values?*

**Answer from Councillor LO Barnett, Chairman of Council**

Answer to question 6

The council makes no claim to be a Christian organisation. However, in agreeing to continue the practice of including prayers in the agenda for meetings of Council, for those who wish to participate, Council was making a statement to the general public about the values it holds.

You will of course be aware that the council has adopted the following values that underpin its work:

- People:** Treating people fairly, with compassion, respect and dignity
- Excellence:** Striving for excellence, and the highest quality of service, care and life in Herefordshire
- Openness:** Being open, transparent and accountable for the decisions we make
- Partnership:** Working together in partnership and with all our diverse communities
- Listening:** Actively listening to understanding and taking into account people’s views and needs
- Environment:** Protecting and promoting our outstanding natural environment and heritage for the benefit of all

We expect staff and Members equally to strive to demonstrate these values in the work that they do, and to support each other in holding to them.

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**Question from Councillor EMK Chave of Councillor JG Jarvis, Leader of the Council**

- 7 *Given that the electorate in the city is roughly one third of the county's total electorate, shouldn't the Cabinet have a more representative and proportional number of councillors from city wards? (I also note that the market towns represent approximately one third of the county's total electorate – but have NO representation on Cabinet).*

**Answer from Councillor JG Jarvis, Leader of the Council**

Answer to question 7

Cabinet, and indeed committees of the Council such as Overview & Scrutiny Committee, are not geographically representative bodies.

**Supplementary Question**

Given this lack of geographical representation, what consideration does Cabinet, or indeed any other committee, give to listening to the experience of councillors who do represent particular geographical areas when decisions will affect those areas?

Leader of the Council Response

With regard to the Cabinet the wider Cabinet support team members provide representation and they feed information into Cabinet. Information is also fed back to Cabinet through the localities; most of which are represented by a Cabinet Member.

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**Question from Councillor RI Matthews of Answer from Councillor PD Price, Cabinet Member Corporate Services & Education**

- 8 *Could Members be informed who agreed and signed the 250 year lease of the Edgar Street Football Ground to Hereford United and how much adjoining land is included in the agreement?*

**Answer from Answer from Councillor PD Price, Cabinet Member Corporate Services & Education**

Answer to question 8

A 30 year lease has been negotiated by officers acting under delegated authority in accordance with the constitution; subject to certain conditions being met a further lease period to a maximum of 250 years may be entered into. As part of the finalisation of the lease arrangements and in the interests of effective land management a minor 'land swop' was agreed; the net effect on the land coverage is minimal.

**Supplementary Question**



Can you confirm that there was no Cabinet Member involvement in negotiating that lease and that it was negotiated by officers? The Hereford Times refers to a new hotel announcement. Can you confirm how much land is involved and what is its value?

#### Cabinet Member Response

A thirty year lease is under negotiation but this will come to Cabinet and Members before any decision is made. If an application comes forward for a hotel it will be dealt with as part of the usual process, but I have no knowledge of this at the present time.

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#### **Question from Councillor MD Lloyd-Hayes of Councillor LO Barnett, Chairman of Council**

9 *What, if anything, is happening on the River Wye in Hereford during the jubilee celebrations?*

#### **Answer from Councillor LO Barnett, Chairman of Council**

Answer to question 9

I am delighted that the main county-wide event to celebrate the Diamond Jubilee will be a special Herefordshire Diamond Day to be held on 11 July when both the Queen and Duke of Edinburgh visit Hereford. The event will be held on the King George V playing fields next to the River Wye.

Building on the heritage of the River Wye, the Wye Trow is a replica of an 18th century working boat, specially designed to be used on the River Wye. The Trow, was officially named '*The Hereford Bull*' by the Lord Lieutenant of Herefordshire, Lady Darnley at a ceremony in High Town on 12 May. *The Hereford Bull* will represent Herefordshire in the Thames Diamond Jubilee Pageant on 3 June, before coming back to the county, and will be on display during the Diamond Day celebrations.

Her Majesty's visit provides a really special opportunity for everyone in Herefordshire to experience a unique opportunity and to have a special part in the national celebrations. I know that communities across the county have really taken the jubilee to heart, developing their own celebratory events and I would encourage everyone to join in their local festivities as well as come along to the Diamond Day on 11 July.

#### **Supplementary Question**

I repeat my question what is happening on the actual Wye?

Chairman's Response

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A written response has been provided and I am happy to discuss the matter separately outside the meeting.

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**Question from Councillor EPJ Harvey of Councillor LO Barnett, Chairman of Council**

10 *When the Monitoring Officer disallows questions to Council, from councillors or members of the public, why is the full text of the question not published for all to see?*

**Answer from Councillor LO Barnett, Chairman of Council**

Answer to question 10

The text is not published because if a question has been disallowed it therefore does not form part of the agenda for Council.

**Supplementary Question**

I am concerned about the publication of written responses to supplementary questions. In relation to disallowed questions I ask that consideration be given to publishing the text of the full question asked to enable the public and Councillors to learn from the experience of others on how to frame their question.

Chairman's Response

I refer the Councillor to the written response and I would also like to invite Councillor Harvey to join me in my office to discuss this matter further.

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**Question from Councillor EPJ Harvey of Councillor JG Jarvis, Leader of the Council**

11 *What is the most recent meeting date on which the LDF Task Group last met, and what is the most recent LDF Annual Monitoring Report which has been published?*

**Answer from Councillor JG Jarvis, Leader of the Council**

Answer to question 11

The LDF Group met on 27 February 2012. The most recent published LDF Annual Monitoring report is that for 2009-2010; the report for 2010/11 has been prepared and should be published by the end of the month.

**Supplementary Question**

Why have no minutes of the LDF Task Group been published since September 2010? Why is there a three month delay in publishing the Annual LDF Monitoring report?

Leader of the Council Response

I will investigate the publication of the minutes. I will confirm when the annual monitoring report will be published.

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**Question from Councillor MAF Hubbard of Councillor P Price, Cabinet Member Corporate Services & Education**

12 *In relation to the covenant forbidding alcohol sales on the Old Cattle Market site:*

*A. Please identify when the covenant was reported to the following: a) the cabinet member responsible b) the cabinet c) the council d) the local ward member. If it was not reported to any of these please explain why?*

*B. Please explain the legal process by which the covenant will be removed, including the estimated cost of any such process and where the funding is coming from?*

**Answer from Councillor P Price, Cabinet Member Corporate Services & Education**

Composite answer to question 12

The issues raised by this covenant were addressed in the development agreement approved in 2009 and by the subsequent decision taken by the Cabinet Member on 6 September 2011. In light of the legal and financial advice provided in support of those decisions, no further reporting of this issue was necessary. Any restrictive effect of the covenant was effectively removed when the land in question was formally appropriated for planning purposes (a standard town centre regeneration procedure), a process approved by the Cabinet Member in September 2011. There were no financial implications for the council beyond officer time in processing the appropriation.

**Supplementary Question**

Please can you tell me whether the owners of the covenant, Punch Taverns, have been informed that their covenant has been superseded by the appropriation of the land and that they have no further financial or legal claim on the land?

Cabinet Member Written Response

Yes, the owners have been informed.

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