

MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 12 July 2012 at 2.00 pm

Present: Councillor JG Jarvis (Chairman)

Councillors: H Bramer, PM Morgan, PD Price, RB Hamilton and GJ Powell

In attendance: Councillors AJM Blackshaw, P Rone, MAF Hubbard, A Seldon and J Hardwick

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors JA Hyde, RI Matthews, NP Nenadich, RJ Phillips Cabinet Member (Enterprise and Culture) and P Sinclair-Knipe.

13. DECLARATIONS OF INTEREST

Agenda Item 10: Review of Hackney Carriage and Private Hire (Taxi) Policy.

Councillor P Rone, Personal and Prejudicial, as a holder of a taxi licence.

14. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 June 2012 be approved as a correct record and signed by the Chairman.

15. BUDGET PLANNING/PARTICIPATORY PROCESS 2013/14

The Cabinet Member (Corporate Services) presented the report of the Chief Financial Officer – Finance and Commercial Services. During the discussion, the following points were made:

- That engagement with the Localities should be undertaken in such a manner as to allow sufficient time for them to understand the scope of the process, and the breadth of the services that the Parishes would be in a position to take on.
- That lessons had been learnt from the operation of the Locality events that had taken place in 2011, and Parishes would already be considering issues such as the setting of their precepts for 2013.
- That consultation with health partners on budget participation should also be made through the Health and Wellbeing Board.

Cabinet unanimously agreed the recommendations.

RESOLVED

That:

- (a) **The overall timetable for budget setting be noted;**
- (b) **The proposed approach for budget planning be endorsed;**

- (c) **The Leader be authorised to determine the detailed programme of budget participation, following appropriate consultation with health partners; and**
- (d) **The Deputy Chief Executive be instructed, following completion of recommendation (c) above, to arrange publication of the consultation arrangements.**

16. CORPORATE PERFORMANCE REPORT

The Cabinet Member (Corporate Services) presented the report of the Assistant Director People Policy & Partnership. He reported that the existing Integrated Corporate Performance Report (ICPR) provided Cabinet with a quarterly overview of performance against the annual corporate delivery plan. A number of areas had been identified for improving both the comprehensiveness of performance reporting, and the usefulness and accessibility of the information reported. The Cabinet Member would work with Officers on the detail for their areas of responsibility.

In the ensuing discussion, the following points were raised:

- That greater transparency of performance reporting was to be welcomed.
- That whilst the outcomes would be measured on an annual basis, Cabinet would be provided with in year proxy measures on a quarterly basis.
- It was noted that consistency of explanation of the performance reporting was required, as certain areas would have appeared to have been measured using inconsistent data. The Assistant Director People Policy & Partnership said that there were areas where a combination of measures lacked clarity, and proposals were in hand to ensure that a greater degree of precision would be provided in these matters.

A Member in attendance welcomed the reference to the amendments that had been made as a result of Councillor EPJ Harvey's comments. He went on to say that the layout of the Workforce Report on page 42 of the report should be improved. He suggested that additional measures should also be added to the Resilient Herefordshire measure on page 23 such as water quality, food miles, food poverty and the number of residents working outside the County.

RESOLVED:

That:

- (a) **the proposed format for performance reporting be agreed; and;**
- (b) **the proposed outcomes and measures be agreed.**

17. LOCAL DEVELOPMENT FRAMEWORK AND LOCAL TRANSPORT PLAN UPDATE

Cabinet received a report on the progress and proposed changes to the timetable for finalising the Local Development Framework (LDF) Core Strategy and the implications and options for the Local Transport Plan. In his introduction to the report, the Cabinet Member (Environment, Housing and Planning) raised the following issues:

- That a key issue was the proposal to undertake a further round of consultation on the Core Strategy prior to its submission to the Secretary of State. This was essential, as the Strategy was not yet compliant with EU requirements as to Strategic Environmental Assessment and Habitat Regulations.

- The report paid regard to emergent case law, and drew attention to the National Planning Policy Framework (NPPF). The Strategy would need to be compliant with the NPPF whilst also supporting the local communities. Other issues would have to be taken into consideration such as the possible impact on the River Wye Special Area of Conservation and policies related to rural areas as a result of changes to the planning system.

The Cabinet Member (Education & Infrastructure) said that the intention was to adopt a short term Local Transport Plan for 2014-15, in order to ensure that the linkage with the Local Development Framework was maintained.

The Head of Strategic Planning and Regeneration outlined the recommendations regarding the LDF in the report. The Head of Transportation and Access reported on the LTP recommendations. He said that whilst there were no statutory or other legal requirements to adopt these two strategies at the same time, the original aim to coordinate the two remained valid, and there were key linkages that needed to be maintained to allow for the an LTP which reflected the Core Strategy, when both were adopted.

By the leave of the Leader, Councillor D Taylor was invited to address Cabinet. Councillor Taylor asked that Cabinet disregard a proposed route for the Western relief road that cut across the Belmont Abbey Playing Fields, which had been in constant use since the 1950s. He suggested that a short field owned by Belmont Abbey could provide a link to the B4349 and be extended onto the proposed road. The Leader thanked him for his contribution, and said that there had been correspondence with Belmont Abbey on this matter, but due process was required to ensure that all options had been taken into consideration before the Core Strategy was submitted to the Secretary of State for approval.

In the ensuing discussion, the following points were raised:

- A Member commented on the recommendations and said that whilst there was an acknowledgement in the report of objections to the road, there was no mention of objections to the absence of alternatives to the Relief Road under recommendation (a) in the report. He expressed concern that the LTP would be found to be unsound if it had not examined this issue. The Head of Transportation and Access pointed out that three different options had been looked at; a no relief road option, and an east or west option. These had been modelled with three variations of modal car usage and the results from this study, conducted in 2010, were on the Council's website.
- A Member asked what the fall back position was should the outstanding issues mentioned in recommendation (c) in the report not be resolved. He went on to ask how far the interim protocol mentioned in recommendation (e) would be guided by the consultation results, and that public concern over affordable housing should be addressed as part of the protocol together with the requirement for a housing land buffer, which was part of the National Planning Policy Framework.
- In reply to a Member's question as to why the southern route corridor of the Hereford relief road had been progressed independently of the rest of the western relief road, the Head of Transportation and Access said that it was being progressed to the planning stage as it was a long standing commitment within the current Local Transport Plan, which had been approved by Council in 2006.

- A Member asked why the Core Strategy was not compliant with EU requirements as to Strategic Environmental Assessment and Habitats Regulation Assessment, as the legal requirement for compliance had been made clear in 2010.
- In reply to a question from a Member, the Leader said that the partners on the Water Quality Steering Group would have to be consulted before any recommendation could be made that the Minutes from the Group should be made public. The Head of Strategic Planning and Regeneration added that water quality issues were fundamental to taking the plans forward, and were at the forefront of the Council's efforts.
- The Cabinet Member (Environment, Housing and Planning) thanked the Member for his offer to work closely with the Executive on these issues, and said that he was confident that a way forward could be found on the matters that had been raised.

RESOLVED:

That Cabinet:

With regard to the Local Development Framework (LDF) and planning matters:

- (a) notes the summary of the results of the Revised Preferred Option consultation undertaken between September and November 2011;
- (b) agrees that a further round of consultation be undertaken on the Core Strategy, on the basis of a full draft document, evidence base and Strategic Environmental Assessment and Habitats Regulations Assessment which demonstrates that the plan will not adversely affect the integrity of relevant European sites;
- (c) endorse that, subject to outstanding issues being resolved, the proposed scale and distribution of development and strategic housing, employment and infrastructure proposals, as set out in paragraph 49, form the basis of the draft Core Strategy;
- (d) endorses the approach to prepare the Community Infrastructure Levy (CIL) charging schedule in parallel with the preparation of the Core Strategy with a joint Examination in Public;
- (e) agrees an interim protocol to be taken into account in determining planning applications for new housing proposals in the absence of a demonstrable five-year housing supply; and
- (f) agrees the amended timetable for the preparation of the Core Strategy.

With regard to the Local Transport Plan (LTP):

- (g) agree that a Local Transport Plan (LTP) covering the period to 2014/15 is developed and adopted in advance of the final consideration of the LDF Core Strategy;
- (h) notes the proposed timetable for adopting the LTP and the summary of what that Plan will include; and

- (i) **notes the key on-going linkages between the LTP and LDF and proposals to prepare and adopt an LTP to cover the period from 2015 to 2031 in association with the revised timetable for the Core Strategy.**

18. HEALTHWATCH HEREFORDSHIRE

The Cabinet Member (Corporate Services) presented the report of the Assistant Director Customer Services and Communications. During the discussion, the following points were made:

- That the creation of Healthwatch amalgamated the statutory roles and responsibilities undertaken by Local Involvement Networks (LINKs) and Independent Complaint Advocacy Services (ICAS). Local Healthwatch services would be a way for local people to get information about local healthcare services and would give them the opportunity to comment on and get involved in the development of services.
- Key stakeholders had been consulted and, of the three options in the report, Option 2 was the preferred option.
- The Cabinet Member (Health & Wellbeing) stated that the matter had been discussed at the Health and Wellbeing Board. The Board had endorsed Option 2, and had suggested that it be put in place for a two year period.
- That an independent Chairman of some stature would be sought for Healthwatch, in order to ensure that the work of the body was relevant to the requirements of the County. This would require a remuneration package.

RESOLVED:

That:

- (a) The content of this paper and the views expressed from consultation so far be noted;**
- (b) The proposals in the paper for the establishment of Healthwatch Herefordshire be agreed, including the local vision and that Healthwatch Herefordshire be provided through an arrangement with the local voluntary sector for an initial period of 2 years (option 2); and**
- (c) The Deputy Chief Executive be authorised to implement these proposals, including the recruitment of an independent Chair of Healthwatch Herefordshire.**

19. STRATEGIC DELIVERY PLAN FOR TRANSFORMING ADULT SERVICES 2012/15

The Cabinet Member (Health & Wellbeing) presented the final draft of the Strategic Delivery Plan for Transforming Adult Services 2012-2015. The Plan had been developed to take account of national policy direction, the demographic profile of Herefordshire and to build on the vision of encouraging people to take responsibility for their own lives and only when necessary access formal health and social care services. It provided a single document setting out the overall approach for adults over the next

three years and contributes to the Joint Delivery Plan, the strategic aims of the Council and its partners, and was a key part of achieving a balanced budget position. In the ensuing discussion, the following points were raised:

- The Strategic Delivery Plan had been examined by the Overview & Scrutiny Committee, and there had been a constructive debate during the meeting. The Cabinet Member supported the recommendations that had arisen from that meeting.
- In reply to a question, the Director of People's Services said that the Delivery Plan was designed to set a direction to ensure that resources were available for vulnerable adults and frail elderly people in particular. It was important that more use was made in the future of a range of organisations, and local people in local communities, in order to ensure that care could be provided effectively.
- The Cabinet Member added that the Health and Wellbeing Board had looked at all budgetary issues that each partner had, and the plan had been considered to be one that could be effectively utilised.

RESOLVED That: the Strategic Delivery Plan, as a working document to be used by the Council, other agencies and partners to deliver the necessary transformation for adult services, be approved.

20. UPDATE ON THE IMPLEMENTATION OF THE PUBLIC HEALTH TRANSITION PLAN

The Cabinet Member (Health & Wellbeing) presented the update on implementation of the Public Health Transition Plan. She said that the Public Health Transition Project was on course to achieve the safe transfer of legal responsibility for Public Health from Herefordshire Primary Care Trust to Herefordshire Council in April 2013.

RESOLVED

That the following be noted:

- (a) the Public Health Transition Project is on course to achieve the safe transfer of legal responsibility for Public Health from Herefordshire Primary Care Trust to Herefordshire Council in April 2013;**
- (b) the scope of the public health responsibilities that are transferring to Local Authorities in April 2013 creating new opportunities for improving the health and wellbeing of people in Herefordshire; and;**
- (c) the intention to present a further report will be presented to Cabinet seeking agreement of Herefordshire Council's Vision for Public Health and to provide an update on progress of the Public Health Transition Project.**

21. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY

(Councillor P Rone declared an interest and left the meeting)

Cabinet received a report of the Acting Head of Environmental Protection & Licensing report on the Review of Hackney Carriage and Private Hire (Taxi) Policy. During the discussion the following points were raised:

- In reply to a question on item 4.3 regarding safety under Breaches of Dual Driver Licence Conditions on page 153 of the report, the Acting Head of Environmental Protection & Licensing said that incidents in these categories were dealt with by the penalty point system. Should a driver be prosecuted under these categories they could have received up to eight points of a possible twelve on their licence.
- The Cabinet Member (Environment, Housing and Planning) said that clarity was required on the issue of emissions. The Acting Head said that historically a maximum age of eight years was permitted for vehicles used as taxis. Consultation with the trade had resulted in a decision whereby improved and regular MOT's were undertaken on vehicles over this age. There were various licence categories, and the panel chose the year 2000 as a starting point for licences, as this was when the M1 and M2 categories were first brought in.
- That any driver who was found guilty of using another drivers badge was awarded 12 points and had their licence revoked and vehicle taken off the road.
- That safeguarding issues for both adults and children were considered to be paramount when licences were awarded.
- In reply to a question, the Acting Head said that some foreign nationals who applied for a licence were unable to provide criminal record checks, as some countries did not undertake these. In many cases, the Council would ask for a certificate of code of conduct from the applicants embassy.

RESOLVED: That: The proposed policy and its supporting documents be approved, subject to the review of condition 4.3c of the Breaches of Dual Driver Licence Conditions at Appendix 1 to the report (Appendix 1) and paragraph 1.8 of Appendix 1 to the report (Appendix 8) Section 1: Licensing of Vehicles – General, with any changes to be made as a result to be approved by the Director of People's Services in consultation with the Cabinet Member for Health and Wellbeing.

22. FUTURE OF AMEY STRATEGIC PARTNERSHIP

RESOLVED: that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 1 Information relating to any individual.**
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 5 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

Summary of proceedings for Agenda Item 11 – Future of the Amey Strategic Partnership.

The Cabinet considered the exempt report entitled 'Future of the Amey Strategic Partnership'. Cabinet agreed to begin the process to re-procure the services currently provided through the Amey partnership.

RESOLVED That: the recommendations set out in the report were adopted.

The meeting ended at 5.05 pm

CHAIRMAN