

**MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 20 July 2012 at 9.30 am**

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

**Councillors:** PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, 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, J Hardwick, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, 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, PJ McCaull, 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

**20. PRAYERS**

The Very Reverend Michael Tavinor led the Council in prayers.

**Councillor Julie Woodward**

Councillor MAF Hubbard paid tribute on behalf of Council to Councillor Julie Woodward who had died suddenly.

Council stood in one minute's silence in remembrance.

**21. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RC Hunt and GA Powell.

**22. DECLARATIONS OF INTEREST**

Agenda Item 6. QUESTIONS FROM MEMBERS OF THE PUBLIC.  
Councillor AN Bridges, Personal, Employee of Network Rail.

Agenda Item 8. NOTICE OF MOTION ONE UNDER STANDING ORDERS.

Councillor PA Andrews, Personal, Member of Hereford City Council.

Councillor AM Atkinson, Personal, Member of Ross Town Council.

Councillor ACR Chappell, Personal, Member of Hereford City Council.

Councillor EMK Chave, Personal, Member of Hereford City Council.

Councillor PJ Edwards, Personal, Member of Hereford City Council

Councillor EPJ Harvey, Personal, Member of Ledbury Town Council.

Councillor AJ Hempton-Smith, Personal, Member of Hereford City Council.

Councillor JLV Kenyon, Personal, Member of Hereford City Council.

Councillor SM Michael, Personal, Member of Hereford City Council.

Councillor NP Nenadich, Personal, Member of Hereford City Council

Councillor C Nicholls, Personal, Member of Hereford City Council.

Councillor DB Wilcox, Personal, Member of Hereford City Council.

Agenda Item 8. NOTICE OF MOTION TWO UNDER STANDING ORDERS.

Councillor AJM Blackshaw, Personal, Candidate for election to office of West Mercia Police and Crime Commissioner.

Councillor WLS Bowen, Personal, Member of West Mercia Police Authority.

Agenda Item 11. STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE IN HEREFORDSHIRE; THE "YES WE CAN" PLAN.

Councillor AJ Hempton-Smith, Personal, Member of Herefordshire County Voluntary Youth Service.

## 23. MINUTES

**RESOLVED: That the Minutes of the meeting held on 25 May 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:**

- **(Minute no 8 – appendix 1)** That it be recorded that the answer to question 5 of the public questions to Council on 25 May was incorrect in stating that no other Councillors had taken up cycle training. Councillor PJ Edwards had done.
- **(Minute no 10)** That the first sentence of Minute no 10 be deleted.
- **(Minute no 9 – appendix 2)** Councillor EPJ Harvey informed Council that, with reference to the answer to her question to Councillor Jarvis at Council on 25 May (question 11), as recorded at page 16 of the agenda papers, the question and supplementary question asked and the answers given at that meeting were correctly recorded. However, subsequent correspondence with the Leader had revealed that, in giving the answer, the LDF Steering Group had been confused with her question about the LDF Task Group.

She therefore requested that it be recorded in the Minutes that the correct answer to her original question in May should have been:

“The most recent meeting of the LDF Task Group was held in September 2010; the minutes of this group’s meetings are available on the website.”

She stated that had she received this response at the time she would have asked a very different supplementary question.

She requested that this planned supplementary question also to be noted in the minutes, since under the constitution she was now barred from asking her original or any similar question for the next 6 months.

The supplementary question was prepared as being:

According to its terms of reference the Task Group:

- “is a non-executive group to advise on the preparation of the documents which together make up Herefordshire Council’s Local Development Framework
- will have a particular focus on advice concerning the consistency of the emerging policies with the priorities and programmes of the groups they represent

- will be supported by Planning, Transportation and other officers of Herefordshire Council as required, and
- minutes of each of their meetings will be circulated in draft, and agreed with the Chairman and published on the Council's website";

and its membership: "will include representatives of Herefordshire Partnership and Herefordshire Council thus: Herefordshire Partnership representatives drawn from Policy and Delivery Groups (PDGs) including at least one "Business representative" to represent the Economic Development PDG, one "Environmental representative" to represent the Environment PDG, one "Community representative" to represent the Stronger Communities PDG, additional member(s) as required to represent the other PDGs/the Board, a member of staff of the Partnership Team itself; and Herefordshire Council representatives: Cabinet Members for the portfolio areas which include Environment, Transportation and Economic Development; up to two Members to represent the minority political groups and the Chair of the Environment Scrutiny Committee in an ex-officio capacity".

With this in mind, and given the very recent recognition of the need to undertake further work to ensure the robust nature of the LDF, will the Leader give this Council his assurance that he will be reconvening this important Task Group so that it may provide the valuable stakeholder support and assistance which was its originating purpose?

## **24. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman in her announcements:

- Reported with sadness the tragic death of Warrant Officer Class 2 Leonard Thomas, from Symonds Yat killed in Afghanistan,
- Expressed how wonderful it had been to see so many people turn out to see Her Majesty the Queen on Diamond Day. Herefordshire had given Royal visitors a wonderful welcome and it had been a memorable day.

A small replica of the Hereford Bull in High Town had been presented to Her Majesty the Queen. The Chairman had thanked Hereford Academy for designing the presentation box for the bull.

She congratulated the organisers for their hard work in delivering such a fantastic event and also thanked all the volunteer stewards who had contributed to the success of the day.

- Reported that at a meeting between the Governor of the State of Washington, the Communities Secretary, representatives of the Get It Group and the Council a memorandum of agreement had been signed with the potential to bring over 500 jobs to the County.
- Reported that she had hosted a reception at the Hay Festival, an important highlight of the year for Herefordshire, attracting worldwide interest and providing an opportunity to showcase the County.
- Welcomed the holding of the prestigious Three Choirs Festival in Herefordshire, another example of superb organisation and partnership working.
- Thanked the custodians at the Shirehall who worked so hard to prepare the hall for Council meetings as well as other events.

- Thanked all those members of staff and partner organisations for their hard work in keeping the County going during the recent heavy rainfall and local flooding.
- Congratulated Mr David Stevens, who had chaired the Council's Standards Committee on being awarded the MBE in the Queen's Birthday Honours List for services to the community. Members applauded Mr Stevens.

## **25. 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.

## **26. 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.

## **27. NOTICES OF MOTION UNDER STANDING ORDERS**

### **Notice of Motion One - Supporting the High Streets of Herefordshire**

Councillor EPJ Harvey proposed the Notice of Motion and Councillor AM Atkinson seconded it.

Councillor Harvey noted that Councillors from all four of the Market Towns that had submitted bids for funding under the second tranche of Portas Pilot projects had signed the motion. A number of recommendations in the Portas Review were for implementation at local level and the motion sought to support these aspects being taken forward.

She stated that the County had a truly unique architecture: a large market town in the form of the cathedral city at the geographical centre surrounded by five distinct and characterful market towns – pretty much equidistant from one another and from the city. This was an incredibly resilient layout upon which to build.

The high streets and town centres were the hubs of the County's communities supporting hundreds of local jobs.

It was an indication both of the esteem in which the County's high streets were held and the tipping point at which many were now poised that in Herefordshire four communities had developed plans to implement aspects of the Portas Review's recommendations.

It was difficult to predict the effects of economic events at a national level. However, whatever changes they may bring, attention given now to the maintenance and improvement of the County's town centres, and to strengthening the businesses and communities which inhabit them, could only deliver a positive result.

Councillor Atkinson commented that whilst local communities were making considerable efforts on their own initiative they needed help. The Council should do what it could to help and support them.

A Member suggested that representatives of the Market Towns and the City should consider combining to submit a single bid under the Portas Scheme.

The Cabinet Member – Enterprise and Culture and the Leader of the Council spoke in support of the motion.

A Motion that the question be now put was carried.

**RESOLVED (unanimously): That the Notice of Motion be supported:**

**That the Council resolves to support the high streets of Herefordshire by implementing the local government level recommendations of the Portas report; encouraging landlords, business owners and communities to work together to ensure the relevance, resilience and renewal of all of our town centres.**

**Specifically the Council shall:**

- 1. endorse, encourage and materially support the “Town Team” model of community engagement in the operational management of our high streets;**
- 2. celebrate markets in all their forms and encourage new market traders by actively reviewing trading regulations and promoting a “Herefordshire Market Day”;**
- 3. encourage new business through the exercise of new powers to approve business rate concessions and by the implementation of parking schemes tailored to the needs of a Locality in discussion with Town Teams;**
- 4. facilitate skills sharing and mentoring between large businesses and small local and independent retailers;**
- 5. engage with commercial landlords to support new and existing businesses through more flexible rent reviews, short tenancies and pop-up business models, and, if necessary, use statutory powers of compulsory purchase to ensure the redevelopment of key high street retail space; and**
- 6. promote Neighbourhood Planning and encourage the inclusion of the High Street as a distinct area in Neighbourhood Plans.**

#### **Notice of Motion Two – Community Support Officers**

Councillor PM Morgan proposed the Notice of Motion and Councillor RJ Phillips seconded it.

Councillor Morgan emphasised the important part Community Support Officers (CSOs) played in ensuring community safety and the health and wellbeing of communities and her concern that financial pressures on the Police Authority should not lead to the loss of this valuable resource.

Councillor Phillips commented on the reassurance CSOs provided to communities. He added that it was important that the Police Authority listened to the wishes of its residents.

A Member commented that the grant for Community Safety Officers was currently ring-fenced and there should therefore be no reduction in funding at this time. This would not be the case after April 2013 when responsibility for setting the policing budget would rest

with the newly elected Police and Crime Commissioners. It was suggested efforts should therefore be focused on lobbying the candidates for the West Mercia police area, making them aware of the Council's concerns and its support for CSOs.

A motion that the question be now put was carried.

**RESOLVED: That the Notice of Motion be supported:**

**This Council is extremely concerned that the West Mercia Police are planning to reduce the number of Community Support Officers within Herefordshire.**

**This Council would like to ask the West Mercia Police to reconsider this decision, and see if there are ways in which we could work together to preserve and enhance the Community Support Officer role, which we believe performs an extremely valuable service within our communities.**

*(Councillor RI Matthews abstained and requested that this be recorded.)*

**Proposed Urgent Notice of Motion**

Councillor MAF Hubbard sought the Chairman's permission to propose an urgent notice of motion in accordance with Standing Order 4.1.16.5 on the grounds that a critical local situation had arisen.

The Chairman did not accept that the proposed motion related to a critical local situation. She noted that the Cabinet Member – Enterprise and Culture had offered to discuss the issue with Councillor Hubbard and considered that to be the best course of action, expressing the wish that the discussions should take place as soon as possible.

**28. LEADER'S REPORT**

The Leader of the Council, Councillor JG Jarvis, presented his report.

He thanked the Chairman of the Council for her work in support of the Royal visit to the County. He also informed Council that the Secretary of State for Communities and Local Government had granted planning permission for the development of a waste incinerator at Hartlebury, Worcestershire.

Members made comments on the following items:

- Page 28 of the agenda papers paragraph 4 – The Leader of the It's Our County Group put on record his Group's view that unless a fully tested "no road" option was included in the Core Strategy difficulties lay ahead.
- Page 30 paragraph 22 – The Leader was requested to support an application for funding to provide for the replacement of four trees and the replacement of seating that had been removed to allow for the installation of the Hereford Bull sculpture in High Town. The Leader of the Council confirmed his support for this work.
- Page 29 paragraph 19 – Attention was drawn to the number of people on the housing waiting list and the fact that many had no prospect of being housed. It was suggested that a way had to be found of enabling applicants to have a clearer understanding of their housing prospects. The Leader commented that this was an extremely difficult problem. The relevant Cabinet Member and Cabinet Support

Member were considering the matter and concerns should be brought to their attention.

- Page 28 paragraph 6 - It was questioned whether it was correct to refer to the first phase of the root and branch reviews as being “well in hand”. The Leader commented briefly on the programme of reviews.
- Page 27 – Confirmation was sought that the Council had sufficient capital funding in place to support the Joint Waste Strategy.
- Page 28 paragraph 4 - It was requested that the outstanding matters referred to in that paragraph in relation to finalising the Local Development Framework should be listed, for Members reference. The Leader agreed to consider this request.
- Page 30 paragraph 20 – Clarification was sought as to who had made appointments to the Enterprise Zone Board, the selection criteria, and who paid the appointees. The Cabinet Member – Enterprise and Culture commented that the Board was established by the Marches Local Enterprise Partnership. A Managing Director for the Enterprise Zone had recently been appointed on an interim basis in accordance with the policy governing such appointments. He highlighted the planned investment by the Get it Group in the Enterprise Zone and the plans of that Group to work with local schools and colleges to try to ensure that local people would have the skills to take the jobs that would be generated.
- Page 29 paragraph 12 – With reference to the consultation on the adult social care charging policy and the policy that any charges made needed to cover the cost of services, assurance was sought that those on low incomes and on benefits would not be adversely affected. The Cabinet Member - Health and Wellbeing commented that there would be means testing. It was also confirmed that residential services were not affected and did not form part of the consultation.
- A Member requested that consideration be given to making greater efforts to raise Member awareness of major issues and consultations such as that on the adult social care charging policy.
- It was suggested that consideration should be given to establishing a financial reserve to deal with problems associated with floods given their increased frequency. The Leader acknowledged this suggestion but observed that caution needed to be exercised in considering the creation of such reserves. He would, however, discuss the matter with the Section 151 Officer.
- There was general praise for the work of Amey, emergency services, local councillors, local communities and the emergency planning team in responding to the recent flooding.

**RESOLVED: That the overview of the Executive’s activity be noted.**

## **29. ELECTORAL REVIEW OF HEREFORDSHIRE: PROPOSALS FOR WARDING ARRANGEMENTS**

Council was invited to consider and approve the proposed submission to the Local Government Boundary Commission for England, in respect of council warding arrangements for Herefordshire.

The Leader of the Council presented the report. He noted that whilst the Commission would change the detailed boundaries of wards he considered there was a major principle that he wished to recommend to the Commission. This was that each ward

should be represented by a single Member who would be accountable to the electorate for their performance.

Councillor MAF Hubbard proposed the following amendment to recommendation b in the report published with the agenda papers.

*This Council recognises that warding arrangements as set out in Appendix 1 to the report do not take account of the flexibility for multi-member wards as explained in part 6 of appendix 2 to the report.*

*This Council further resolves that a request be made to the Local Government Boundary Commission to look specifically at Herefordshire's urban areas and where evidence is brought forward that communities are being split they apply this flexibility.*

Councillor Hubbard stated that the amendment was consistent with point 6 of the Electoral Review Warding criteria set out at appendix 2 to the report which had been agreed by the Electoral Review Working Group following hard debate. The current proposals based on single ward representation clearly split communities.

Councillor PJ Edwards seconded the amendment. He expressed concern that the Council would lose credibility if it were now to abandon its previous position that there should be flexibility and argue instead for single Member wards across the whole County. This would undermine the rest of the Council's submission.

A number of Members expressed the view that single Member wards strengthened accountability and provided clarity to the electorate. Others spoke in support of the flexibility of multi-member wards, the choice it offered to residents, and the ability to share the workload and pool skills and expertise.

Members commented that a number of proposals in the draft submission split communities. Examples given included: Bromyard, Holmer, Ledbury, Leominster and Sutton Walls.

Another Member commented that the proposals for Hereford City were fundamentally flawed, highlighting conflict with parish boundaries within the City which would cause confusion when elections were held.

It was suggested that only one ward had actually needed to be changed and the Council should have left well alone and focused on more important issues. The Leader challenged this point noting that the Commission's criteria had necessitated change.

In summing up, Councillor Hubbard commented that the electoral review was about both accountability and effective representation. He emphasised the wording of the motion, that where evidence was brought forward that communities were being split there should be flexibility.

A motion that the question be now put was carried.

A named vote was called on the amendment.

The following Members voted in favour of the amendment (24): CNH Attwood, PL Bettington, WLS Bowen, AN Bridges, EMK Chave, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, AJ Hempton-Smith, MAF Hubbard, Brig P Jones CBE, JLV Kenyon, MD Lloyd-Hayes, RI Matthews, PJ McCaull, NP Nenadich, C Nicholls, FM Norman, R Preece, SJ Robertson, P Rone, A Seldon, and GR Swinford



The following Members voted against the amendment (26): PA Andrews, AM Atkinson, LO Barnett, CM Bartrum, AJM Blackshaw, H Bramer, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, RB Hamilton, JW Hope MBE, JA Hyde, TM James, JG Jarvis, AW Johnson, JG Lester, G Lucas, JW Millar, PM Morgan, RJ Phillips, GJ Powell, PD Price, P Sinclair-Knipe, J Stone, and DB Wilcox.

Councillors JF Knipe and DC Taylor abstained.

The amendment was therefore lost.

Council did not accept recommendation (a) in the report that the proposals for warding arrangements as set out in the summary of the Submission at Appendices 1 and 2 to the report be adopted.

A motion that recommendations c and d in the report should be combined was carried. Council did not accept the combined recommendation.

**RESOLVED: That the Council requests the Local Government Boundary Commission to conduct the review so that the recommendations in due course will provide that all wards in the County should be single member electoral areas, and accordingly return one councillor in each case.**

**(Council accepted the Chairman's proposal that any remaining business be agreed unopposed, with the exception of the final item on the agenda (agenda item 17).)**

**30. STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE IN HEREFORDSHIRE; THE "YES WE CAN" PLAN**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED:**

**That (a) the *Yes We Can* plan as recommended by Cabinet be approved;**  
**(b) it be noted that the priorities within the *Yes We Can* plan will be considered as part of the Council's Root and Branch Reviews.**

**31. IMPLEMENTATION OF LOCALISM ACT 2011 CHAPTER 7 - STANDARDS**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

The Minutes of the final meeting of the Standards Committee held on 15 June 2012 had been circulated to Members in advance of the meeting.

**RESOLVED:**

**That (a) the Code of Conduct be adopted;**  
**(b) the Complaints Process be adopted;**  
**(c) the granting of dispensations be delegated to the Audit and Governance Committee and the Monitoring Officer be requested to make recommendations about further delegations;**  
**(d) the powers of Audit and Governance Committee be enlarged to enable it to determine complaints about member conduct and the**

**Monitoring Officer be empowered to make any necessary consequential amendments to the Constitution;**

- (e) the Audit and Governance Committee be requested to bring forward amendments to Standing Orders as a matter of urgency;**
- (f) all members be encouraged to attend training;**
- (g) the members of the Standards Committee be thanked for their hard work and especially their assistance in developing these proposals; and**
- (h) the Minutes of the final meeting of the Standards Committee held on 15 June 2012 be noted.**

**32. TREASURY MANAGEMENT OUTTURN REPORT**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the Treasury Management out-turn report be approved.**

**33. HEREFORDSHIRE COMMUNITY SAFETY STRATEGY 2011-2014**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the Herefordshire Community Safety Strategy 2011-2014 be adopted.**

**34. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 15 February and 20 June 2012 be received.**

**35. WEST MERCIA POLICE AUTHORITY**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the report of the meetings of the West Mercia Police Authority held on 14 February and 19 June 2012 be received.**

**36. REPORT OF THE EMPLOYMENT PANEL**

**RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for this item of business 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 was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

**Paragraph 1 Information relating to any individual.**

**Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

*(The following is the complete Minute of the proceedings during which the public were excluded.)*

The report of the Monitoring Officer including details of the consultation with the employee concerned was considered.

**RESOLVED: That the Chief Executive's employment be terminated on the basis of the information contained in the report of the Monitoring Officer.**

The meeting ended at 1.25 pm

**CHAIRMAN**

**PUBLIC QUESTIONS TO COUNCIL – 20 JULY 2012****Question from Mr P McKay, Leominster, Herefordshire**

## Question 1

**Un-adopted Roads**

A paper reference SN402 raised to inform MP's about un-adopted roads may be read at [www.parliament.uk/briefing-papers/SN00402.pdf](http://www.parliament.uk/briefing-papers/SN00402.pdf) and advises that there are 40,000 such roads in England, with councils being the highway authority though they are not maintained at public expense. In Herefordshire some are referred to as being the highway on which footpaths and bridleways terminate on the written statements, others of public interest include those that are through routes or lead to places of public resort. My supplementary question of 25 May asked "*Thank you for advising that highway records will be online by autumn, and asking if you will 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 ?*" and is being responded to by letter, but whether or not the reply is '*yes these un-adopted roads will be included*', which is reply I predict, as otherwise the online highway records would be littered with gaps, cul-de-sac's, etc., and be a mockery not worthy of our Council, leading to many needless costly and time consuming representations, may I please ask:-

*Will Council raise a management policy for un-adopted roads, as being un-adopted they are outside scope of current Highway Maintenance Plan, with this policy covering identification, management, and adoption procedures, etc., recognising the contribution these routes make to countryside access, particularly for equestrians due to the identified lack of recorded bridleways in the county ?*

**Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

The Highway Maintenance Plan rightly focuses the council's attention on adopted highways that are maintainable at the public expense, as these are the roads for which we are entirely responsible. The plan in no way prevents the council from utilising its powers in regard to other highways. There are over 2000 miles of A, B, C and unclassified roads in Herefordshire and we know that they are not all in the condition that we would like to see them; however the council has limited resources and therefore must focus those resources to the areas of greatest priority.

This isn't a problem that is specific to Herefordshire; in 2009 the Government estimated that it would cost £3billion nationally to improve these unadopted roads to an adoptable standard – in Herefordshire this figure would equate to well over £350million.

**Supplementary Question**

The reply to my question of 25 May was that complete highway records would be online by the autumn, but written reply to supplementary question says this will only be part of the records. With my having little interest in just part of the information, nor in separate sources of information when the 1991 legislation and 2007 regulations requires that footpaths, bridleways and unadopted roads be included on the Local Street Gazetteer, and Geoplace who manage the Local Street Gazetteer having a paper online titled "Joining up intelligence for improved service delivery", may I seek your assurance that Council is complying with this legislation and ask if you would provide a written reply advising what timetable of events, including when the protocol referred in reply to supplementary question, to get the Local Street Gazetteer online with the various highway records intelligently joined up may be expected ?

### **Cabinet Member Response**

There is currently no timescale for completing this onerous work. I will send a written response when I have the detail.

### **Cabinet Member Written Response**

An initial piece of work to put the LSG online and import the data from the definitive map into the LSG is planned to be completed within the next 6 months. We will then continue to process further additions to the LSG such as green lanes etc and these will be added as their status is verified. Clearly there will be an ongoing need to verify and develop the LSG so that it is the complete and accurate record of all local streets.

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

Question 2

### **Shortfall in proceeds of the sale of Council interest in WMS**

*Can the Cabinet Member explain the circumstances which led to the sale of the Council's interest in West Mercian Supplies to Hedgeland Ltd a holding or shell company which apparently itself was then sold on only a week later to Smiths News Ltd at more than six times the value the Council was paid for it.*

*Specifically addressing -:*

- What if any proportion was the pre-existing value of Hedgeland of the sale value to Smiths News*
- Disclosure of likely under valuation to this Council funds of up to £7.4m on the £1.4m sale share*
- If the Council's adviser valuation was independently checked or validated before the WMS sale*
- Why this potential direct sale opportunity to Smiths News had not been identified by its adviser*
- Explain its validation of Hedgelands claims to independently operate WMS itself*
- Any sale conditions set for recovery of premature onwards sale proceeds*

- *What steps can and are being taken to recover any shortfall in receipts rightly due to the Council*
- *Demonstrate no impropriety by its agents or any other party involved in the sale*
- *How such potential mistakes will be avoided / prevented in the future*

### **Answer from Councillor PD Price Cabinet Member Corporate Services**

The decision to progress the sale of this business was taken by the partner councils in June 2011 following an external review which identified this was not an essential activity and in light of an expectation amongst the partners that future profits would reduce. The warehouse-based business part of West Mercia Supplies (WMS) was sold to the Trowbridge-based care and education supplies business, The Consortium for Purchasing and Distribution Limited, in April 2012.

A number of the specific queries raised in the question assume a like for like subsequent sale, and also assume that the partner councils should have been aware of the subsequent sale and taken this valuation into account. Neither premise is correct. The warehouse-based part of WMS was grouped with a larger range of business activity for onward sale and therefore comparisons of sale value are not appropriate; the sale of the consortium to Smiths News PLC was confidential under stock exchange rules regarding disclosure and therefore the partner councils could not have been made aware of, or taken such information, into consideration.

The utilities business, which supplies energy is being retained by the partners and will be known as West Mercia Energy.

We were advised by external consultants throughout the process to make sure we obtained good value for money from the sale.

Herefordshire Council was one of four councils involved in the sale and all four councils separately made a decision to proceed. Herefordshire received £1.4m as its share and does not believe there to have been any impropriety, shortfall in receipts or mistakes made in the sale process.

### **Supplementary Question**

WMS appears to have been quite profitable over the past three years. Why was it sold? Can you provide me with the report recommending the sale?

### **Cabinet Member Written Response**

Under section 43 (Commercial Interests) of the Freedom of Information Act 2000 the report is viewed as exempt.

There is a competitive market for the supply of office consumables. The potential future threats to the company's viability meant that if the authorities retained ownership diversification of operations and markets was required. The implementation of changes in business strategy would

have been challenging under the former ownership structure. A change in strategy could have conflicted with the organisation's remit.

The business continued to have a profitable position but the utilities element was becoming increasingly significant. As indicated above the assessment was that the company was a sound sales proposition likely to yield significant capital receipt but that changing market conditions would require a different strategy in the future.

The sale represented best value given market conditions and the authorities were advised as such.

Best value was achieved at the time and this assessment was supported by independent external advice. The decision to dispose of the business was made separately by each of the four owning authorities.

The authority is satisfied it has made the correct decision on the basis of the information it received and the assessment of future prospects.

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### **Question from Mr H Bryant, Herefordshire**

Question 3

#### **A49 to A465 Link Road**

*Can Herefordshire Council give an assurance that, before they spend a large amount of public money on the A49-A465 Link Road, that it has thoroughly investigated and shown evidence that all reasonable alternatives for solving Herefords traffic flow problems? Such as:*

- *A new river crossing at Rotherwas*
- *Banning parking on Belmont Road from the Tesco roundabout to the Greyfriars Bridge thus enabling two lanes in in the morning and two lanes out in the afternoon, as has been done successfully in Cardiff*
- *Reopening Pontrilas station as a request stop and a park and rail scheme at Tram Inn*
- *An efficient school bus scheme*
- *A tramway on the Great Western Way*

*Where is any such evidence available?*

### **Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

Yes I can give assurance that before progressing any major road building project a thorough investigation of alternative solutions is undertaken, including 'no road' alternatives.

The proposed A49/A465 link road is a common element in either a western or an eastern relief road. The council has published a comprehensive evidence base relating to transport infrastructure requirements to support the future growth of the city and the county overall. This clarifies the need for a relief road and a complementary package of sustainable transport measures. The evidence base can be viewed on the council's website.

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## **Question from Mrs Morawiecka, Brienton, Herefordshire**

Question 4

### **Revised Preferred Option Consultation Results**

*A consultation was carried out on the Revised Preferred Option of the Local Development Framework from September to November 2011. Whilst all the individual responses have been published on the Herefordshire Council website, an actual summary of the results of the consultation, analysed consistently with previous years, has not been made public. Instead, Here for Hereford have had to provide a total analysis in the absence of the work being done by Council officers. This summary shows that:-*

- a. 84% of respondents were against the revised, proposed housing plans for the county;*
- b. 88% against the Western relief road;*
- c. 93% requested plans in place for increased water and sewage treatment prior to the Core Strategy being approved;*
- d. 94% requested that plans be in place to cater for increased demand for hospital beds prior to the Core Strategy being approved.*

*Could you please explain how the revised preferred option has been amended to address the concerns raised through the consultation process?*

### **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

All comments received during consultations on the LDF are considered and taken into account in preparing the Core Strategy. However, consultation responses need to be weighed with other factors, including evidence of requirements for additional housing and the need for new or improved infrastructure to serve the population of the County. Having taking all the information available into consideration, including any views expressed during consultations, we are still of the view that the proposed level of growth, the identified strategic sites and associated infrastructure remain the best option for meeting the needs and requirements of the county to 2031.

### **Supplementary Question**

When will the Council publish the results of the Autumn 2011 consultation?

Would the Council have a sound local development plan by now if it had taken responses to earlier consultation exercises into account?

### **Cabinet Member Response**

The results of the Autumn consultation will be published to the website shortly.



With regard to the Core Strategy new information has to be considered along with changes to the legislative framework. Work on the Strategy is ongoing and the Strategy will be published in due course.

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### **Question from Mrs Corrigan, Holmer, Herefordshire**

Question 5

#### **Housing at Holmer**

*Holmer has been proposed by officers for inclusion within the draft Core Strategy to accommodate 500 homes. However, existing residents in Holmer have not been able to connect to a mains sewerage system in the last 19 years and their soakaways have been compromised by surrounding developments permitted by Herefordshire Council. With sewerage facilities overloading, what is Herefordshire Council proposing to do to remedy this situation, especially before any further developments should be included in the Draft Core Strategy and when is the new main between Cleeve Orchard Pumping Station and Wentworth Park likely to be adopted?*

#### **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

The council is aware of historic foul drainage issues in the Holmer area and any new development would need to demonstrate that adequate drainage capacity is available to accommodate the development or can be created with the installation of new infrastructure. As with other recent developments, this would be a pre-requisite to securing planning permission and will be a criteria with the relevant Core Strategy policy; it is essential that infrastructure and growth are aligned appropriately.

In relation to the specific issue raised, the adoption of existing historic drainage infrastructure is subject to the provisions of the Water Industry (Schemes for Adoption of Private Sewer) Regulations 2011. The adoption of new drainage infrastructure is subject to an independent process between the developer and Welsh Water. The drain in question has been designed and installed to adoptable standards and adoption normally takes place when the development is largely complete. Welsh Water agreed to adopt the system in 2011 and issued a notice to adopt. That notice is the subject of an appeal by the developer and is being determined by OFWAT. The determination has been awaited since the beginning of 2012; we expect that a decision will be made shortly.

#### **Supplementary Question**

Please give an undertaking that there will be no further development until the existing sewer has been adopted by Welsh Water and sewerage problems have been addressed.

### **Cabinet Member Written Response**

The Council will ensure that all new developments are served by appropriate foul and surface drainage infrastructure. If this requirement is met, the lack of adoption of historic drainage infrastructure would not be a sustainable planning reason to withhold permission.

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### **Question from Mrs Wegg-Prosser, Breinton, Herefordshire**

Question 6

#### **Re Bed Shortages in County Hospital**

*Further to my question raised on 25<sup>th</sup> May concerning a meeting regarding bed shortages in the County Hospital which meeting has yet to be arranged despite Councillor Jarvis saying then it would be progressed 'in the next few weeks', the Overview & Scrutiny committee heard this month that Herefordshire continues to have the lowest number of hospital beds per head of population in England. Could you please explain how the new housing developments proposed for Herefordshire will help increase hospital bed provision within the plan period 2012 to 2031?*

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

Discussions regarding the need for improved healthcare facilities in Herefordshire as part of developing the Core Strategy indicate that new housing development will **not** lead to a requirement for more hospital based care.

This is because the emerging health and social care model, both nationally and locally, aims to reduce the amount of time people spend in hospital, to treat more people in the community and in their own homes, and to increase personal responsibility for health leading to healthier lifestyles and the prevention of ill health.

The Health & Wellbeing Board, whose members include the Herefordshire Clinical Commissioning Group, Wye Valley Trust, local GPs, and third sector representatives, is responsible for overseeing the whole health & social care system. The Board will ensure that health & social care facilities will meet the needs of the population as presented in the 'Understanding Herefordshire' report, and will continue to work with partners and communities over the coming years to improve the health of the local population, improve access to high quality local health care and minimise the length of stays in hospital.

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## **Question from Mrs Churchward, Breinton, Herefordshire**

Question 7

### **Draft Core Strategy**

*The new National Planning Policy framework reiterates that Local Planning Authorities should take into account the economic and other benefits of “the best and most versatile agricultural land” (ie. Grades 1,2 & 3A agricultural land) . Where significant development is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land, in preference to that of higher quality.*

*Could you please explain how this approach has been applied to the Draft Core Strategy, especially when 3 Strategic Sites for Hereford (namely Holmer, Three Elms and Lower Bullingham) have been proposed, which are on land which falls within this classification?*

### **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

Agricultural land quality is one of the factors which were taken into account in identifying the strategic housing proposals in the Core Strategy. Much of the land around Hereford and the market towns is of high agricultural value and where land of lower quality exists it is often impacted upon by other constraints to development such as being land liable to flood or is subject to environmental designations.

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

Question 8

### **Omission from Draft Core Strategy (12 July 2012)**

*Neither the Edgar Street Retail Development nor the urban housing scheme for 800 homes, has been identified by officers for inclusion within the Draft Core Strategy, according to the report to Cabinet (12<sup>th</sup> July 2012).*

*As Herefordshire Council has spent millions on bringing forward these key city centre sites for development, why have they been omitted from the Draft Core Strategy?*

### **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

There has been no omission. Both elements already are, and will remain, key components of the Core Strategy, including the city centre retail development (which already has the benefit of planning permission) and housing on the Urban Village.

## **Supplementary Question**

Why were these elements not specifically mentioned in the report to Cabinet on 12 July?

### **Cabinet Member Written Response**

There are many detailed elements of the Core Strategy which were not specifically referred to in the Cabinet Report on 12<sup>th</sup> July. In respect of the central area regeneration proposals including the housing and retail elements these are longstanding commitments enshrined in existing policy areas (with key elements already having planning permission) as well as emerging policy. The Cabinet Report on the 12<sup>th</sup> July primarily outlined strategic proposals which although have been subject to consultation, have not yet reached such an advanced stage in the development plan process.

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### **Question from Mrs Ferris, Dinedor, Hereford**

Question 9

#### **Hereford Broad Street Improvements**

*Who was responsible for formulating and agreeing the Hereford Broad Street improvements briefing and how was the remit of the briefing decided upon?*

#### **Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

The Broad Street improvement scheme was included within the council's bid for 'Destination Hereford' funding from central government, and the initial brief was developed by the council on the basis of that bid.

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### **Question from Mr Grice, Belmont, Hereford**

Question 10

#### **Hereford Relief Road Southern Section**

*With reference to the proposed Hereford relief road southern section and the introduction of four more routes ie. SC3, SC4 , SC5 & SC6. I was particularly concerned by the limited consultation period previously adopted when the former bypass route was proposed as a preferred option. What is the full process which Herefordshire council are obliged to follow when choosing the route?*

**Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

The full process that the council is obliged to follow when choosing a route will be informed by work that has recently been commissioned to provide a technical assessment of the southern link (A49 to A465) route options which will include:

- \* Survey and Data Collection
- \* Engineering Design
- \* Traffic and Economic Assessment
- \* Environmental Surveys and Assessments

This assessment will be carried out in accordance with Stage 2 of the Department for Transport guidelines as established in the Design Manual for Roads and Bridges and WebTAG (Web Based Transport Analysis Guidance) guidelines, and will include the identification of a preferred route. The Stage 2 report is due by April 2013 following which the council will be able to determine a preferred route for the A49 to A465 link.

It is worth noting that further processes will need to follow including the pursuit of a planning permission and there is no timetable for these stages at present.

The early findings will be shared with local people who may be directly affected by this route. The views of local people will be taken into consideration in formulating the revised Core Strategy, in deciding the preferred route for this particular road, and as part of the normal planning application process. In undertaking these consultations I will ensure that the suggestions made by the Overview & Scrutiny Committee about improvements to consultation processes are taken on board.

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

Question 11

**Rotherwas Rail**

*I understand that much of the original rail infrastructure to the Rotherwas area exists and could be reopened for freight and passengers, for much less than any of the new road schemes proposed by Herefordshire Council. What assessments have Herefordshire Council undertaken to determine the role that railways could play in local transport policy?*

**Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

The council has commissioned a study to appraise the merits and costs of re-instating rail access into Rotherwas. This study will consider scheme costs, revenue costs and likely patronage levels. Currently, there are no reliable costings for this proposal and hence it is not possible to make comparisons against other transport schemes.

The council considers rail to be an important component of the transport network in the county and it will continue to lobby the Department for Transport, Network Rail and the train operating companies, which are collectively responsible for rail services, to improve both services and infrastructure. The council's long term lobbying of Network Rail was rewarded recently with the introduction of passenger lifts at Leominster Rail Station which will provide better access for people with mobility difficulties in the north of the county.

### **Supplementary Question**

Why are costings not yet available? Will costings be available for the Local Transport Plan?

### **Answer from Cabinet Member**

The Cabinet Member agreed to discuss the matter outside the meeting.

## MEMBER QUESTIONS TO COUNCIL – 20 JULY 2012

### Question from Councillor C Attwood of Councillor PD Price, Cabinet Member Corporate Services

#### Council disposal of West Mercia Supplies

- 1 *Why is it that the majority of Councillors first knew of the disposal of WMS through the pages of the Hereford Times?*

*As a Councillor it is not possible to defend the Council (it might have been a good decision) or otherwise when nothing is communicated to Members. It is a discourtesy to Members and reputationally highly damaging to the Council for the Cabinet to act in such a secretive manner. Can you please explain this behaviour?*

#### Answer from Councillor PD Price, Cabinet Member Corporate Services

The decision to progress disposal was taken by Cabinet in June 2011. Leading up to the sale the four councils approached the issue of communication jointly and given that negotiations were commercially confidential the process was handled appropriately. It was important that the affected staff were kept informed in a way that gave them assurance about their future.

However the sale was concluded on 19 April and, on reflection, we should have ensured that Councillors had better visibility of this important sale at that point.

#### Supplementary Question

What mechanism does Cabinet propose to introduce to communicate more effectively with Members?

#### Cabinet Member Response

It is proposed to develop the use of the Ward Member update as a means of informing Members of forthcoming matters. It would be helpful if Members indicated what information they would like to see in the newsletter to ensure that it was relevant.

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### Question from Councillor P Watts of Councillor RJ Phillips, Cabinet Member Enterprise & Culture

#### Hereford Car Parks

- 2 *How many car parks (including those on private land and charity land) within Herefordshire County has Herefordshire Council designated “streets” – if so, what are their locations?*

## **Answer from Councillor RJ Phillips, Cabinet Member Enterprise & Culture**

In 1999 Herefordshire Council adopted a scheme under the 1982 Local Government (Miscellaneous Provisions) Act in relation to street trading. The definition of a 'street' for these purposes is 'any road, beach, footway or other area to which the public have access without payment'.

At the time the legislation was adopted, there was extensive consultation including Public Notices in local newspapers and correspondence with all Parish Councils. A list of streets deemed prohibited for street trading was published, with all other areas deemed to be a 'street', automatically receiving consent status and thereby potentially licensable.

Therefore the situation currently exists that any car park in Herefordshire which falls within the definition of a 'street' for street trading purposes may be a licensable area.

Traders are currently licensed at the B&Q car park Hereford, Merton Meadow car park Hereford and Lower Wyche car park, Colwall. We have historically done so at both Wickes and Homebase car parks in Hereford and, until recently, Blackhills car park on the Malvern Hills.

### **Supplementary Question**

How were the changes that have taken place in the arrangements at Blackhills car park decided? There seems to have been no consultation.

### **Cabinet Member Written Response**

Malvern Hills Conservators brought to our attention an incident of illegal street trading near their land, which affected the trader that they permitted to operate on their land. Enforcement action was taken in accordance with the relevant legislation. The trader at Blackhills Car Park applied for and was granted a street trading consent, he has now finished at Blackhills Car Park of his own volition; there was therefore no action on which to consult.

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## **Question from Councillor RI Matthews of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

### **LDF Strategy - Costs**

- 3 *Work commenced on the LDF in 2007, and it is my understanding that the Council's Forward Planning Team have been more or less fully occupied with the project ever since. Could Members be told how much overall the LDF Strategy has cost the taxpayer to date? And could we also be informed of what is the total cost of Consultants, including AMEY's input, who have been employed on this project since 2007.*



## **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

The expenditure figure for the LDF 2006/7 to 2011/12 was £1,132,694 (with consultancy fees, including Amey and other specialist consultants' input, accounting for £784,000 of this).

In addition, the cost of Forward Planning staff (salaries and indirect costs) from 2007-2012 was £2,912,706 (not all of this is attributable to the LDF or related activity).

The total cost is £4,045,400.

### **Supplementary Question**

Does the Cabinet Member expect to conclude the work on the LDF within the amended timetable?

### **Cabinet Member Response**

Yes, I intend to adhere to the timetable published in the Cabinet report.

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## **Question from Councillor J Knipe of Councillor RJ Phillips, Cabinet Member Enterprise and Culture**

### **Locality Working**

4 *I would like clarification of how the locality concept was conceived. Despite attending Golden Valley locality meetings over the past year, very little appears to have been achieved and decisions that have been made, have had minimal impact.*

*I am concerned that little recognition has been made of the cost of these proceedings with regards to officers' time and the entailing bureaucracy. This is particularly pertinent in today's financial climate. For example: the officer chairing the Golden Valley locality meeting, would expect to be charged out at £400 per hour if he worked for Price-Waterhouse. This cost would be multiplied 8 or 9 times if extended throughout the county. In the private sector, these costs would have to be recognised and their impact evaluated.*

*Therefore, I would like the Cabinet Member to justify whether these costs will provide substantial benefit to the locality and whether he sees a future for localities working in partnership in Herefordshire.*

### **Answer from Councillor RJ Phillips, Cabinet Member Enterprise and Culture**

The Locality Strategy approved by Cabinet in March 2011 (available on the council's website at [Localities - Herefordshire Council](#)) provides both the local and national context for the development of our approach to the future delivery of public services in the county; in essence it is about working with our communities to develop local solutions.

I would absolutely agree with Cllr Knipe that, whilst we still have a long way to go to fully deliver the vision of locality working, what it is not about is developing a bureaucracy around meetings. Enhancing the role of ward members as community leaders was recognised as a key learning point from the 'Reaching the Hearts of Herefordshire' pilots which recognised the positive difference made by members working more closely with their parish councils and communities. The principles underpinning locality working build on this approach. That said, officers have been allocated to each locality area to support ward members and help coordinate the delivery of locality working (and I can confirm the private sector figures quoted bear no resemblance to the salaries of those council officers).

By working in this way we have already delivered positive outcomes in localities, for instance multi-agency working in Leominster to address a problem with anti-social behaviour, working with partners to see how we can maximise the use of our assets – there are positive examples of how that is working in practice in Ledbury and Ross. The work in the Golden Valley is strengthening community leadership. This approach is evident through the work with senior police officers to seek an explanation for the delivery of policing in the Golden Valley. Other events have seen fire staff, health employees and Amey staff meet with the locality representatives about service delivery issues and improvements.

We will shortly be publishing the Locality Engagement Toolkit which sets out a number of successful locality-based projects and I would urge members to review these to understand what can be achieved through working closely with our communities.

We will also continue to monitor the impact of locality working and I welcome the Overview & Scrutiny Committee's inclusion of this approach in its future work plan.

### **Supplementary Question**

Will the Cabinet Member give an assurance that consideration is given to the cost of officer time spent on such activities?

### **Cabinet Member Response**

There is a national drive to deliver services to communities on a more local basis. Locality working provides an opportunity for local Members to develop an understanding of their communities and contribute to them working in partnership with other agencies. Locality working needs to demonstrably add value and not incur unnecessary costs but the way in which localities develop is the responsibility of individual Members.

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### **Question from Councillor TM James of Councillor PD Price, Cabinet Member Corporate Services**

#### **West Mercia Supplies**

5 *Can the Cabinet Member responsible for the sale of West Mercia Supplies inform Members of the Council:*

A *The name of the independent advisors used for the transaction.*

- B The cost of that advice*
- C The fees and other costs involved*
- D Were the Councillors on the West Mercia Board aware that it was to be sold to a third party within days of the sale of the business?*
- E What enquiry will take place to ascertain why yet again it appears that the Council have failed to maximize the income of Herefordshire Council residents, only to benefit private and public companies outside the County?*

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

- A Ernst and Young for financial advice and managing the sales process and Cobbetts for legal advice.
- B The advice cost £500,649 in total and Herefordshire's proportion was 25% (£125,162) that was deducted from the sale proceeds.
- C Other costs totalled £75,976 and Herefordshire's proportion was 25% (£18,994) that was deducted from the sale proceeds.
- D No. The sale of the consortium to Smiths News PLC was a sale that was confidential under stock exchange rules regarding disclosure.
- E The council (along with the other three councils that owned West Mercia Supplies) assessed this was the best price for the concern. There was a risk that any delay would be affected by declining sales. It should be noted that the Utilities Division has remained in the ownership of the councils and is expected to provide an annual dividend.

**Supplementary Question**

Smiths News PLC issued a press release showing they considered the business an area for growth. Would the Cabinet Member not agree that the Council has lost millions of pounds and should have secured a better deal?

**Cabinet Member Response**

I do not agree. We have not lost millions of pounds. We got the best deal we could. It was a surprise when the business was sold on. However, WMS was only part of the further sale. WMS did not have a long term future in Council ownership.

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**Question from Councillor MAF Hubbard of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

**Justification for and risks of including A49-A465 link in "interim" LTP, ahead of confirmation of deliverability of the road and consultation on the third revision of**

## **the Core Strategy**

- 6 *The Cabinet has agreed that the 'A49 to A465 highway link' will be included in a 'revised' local transport plan (to 2014/15, in the report on the LDF and LTP discussed at the Cabinet meeting of 12th July). Elsewhere in the report this link is described as the 'southern route corridor of the Hereford Relief Road' (para 24).*

*When I asked at the Cabinet meeting when this decision to advance this link had been discussed and approved by Herefordshire Council, I was told by the Head of Transportation and Access that the A49-A465 link had been in the LTP2 since 2006.*

*The 2006 LTP2 clearly identifies the link as the 'Hereford Outer Distributor Road Stage 1' (p69) where it is proposed as a 'major scheme development' to be funded by the 'LTP, Advantage West Midlands and the Highways Agency'.*

- A *Why is the A49-A465 link being progressed independently of the rest of the Western Relief Road and*
- B *What are the implications for soundness if consultation on a key proposal for Core Strategy is prejudiced in this way?*

### **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

- A The A49 to A465 link is being progressed independently of the western relief road in accordance with Council's adopted policy as set out in the local transport plan.

The adopted local transport plan clearly identifies the proposal to undertake a detailed assessment of the A49 to A465 link in order to secure planning approval and identify sources of funding for the link. The supporting text for the proposal clarifies that this work could progress without prejudice to the consideration of overall alignment for an outer distributor road either to the west or east of the city as the link would be required.

Whilst local residents understandably have concerns about the route of any road, they have also confirmed that continuing uncertainty represents the worst possible situation. Therefore we are taking steps to progress this element as soon as possible because we are able to do so and to remove that uncertainty.

- B There are no implications for soundness. Indeed, where more detailed work has been undertaken on a specific proposal this will help demonstrate its deliverability.

### **Supplementary Question**

Does the Cabinet Member really think that the A49-A465 link can be dealt with as a decision in LTP2 and progressed independently of the western relief road when the Core Strategy has not been agreed?

## **Cabinet Member Response**

I believe in the action we are taking. The planned work is intended to identify a preferred route. This will still be subject to consultation. I appreciate that there is uncertainty and that people are concerned to have clarity. I am clear that we need to provide this as soon as possible.

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### **Question from Councillor MAF Hubbard of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

#### **Offering the public a meaningful alternative to road building in the next consultation on the Core Strategy**

7 *In the first consultation on the Core Strategy (January to March 2010), the only choice offered to the public was between road corridors — to the east or west — for an 'Outer Distributor Road'. No alternative to road building, supported by evidence, has ever been put to the public.*

*When the public did have evidence about the impacts of road building, at the Autumn 2010 consultation on the Hereford Preferred Option, they overwhelmingly rejected the Movement Policy. The consultation report shows that their top two comments were 'disagree with the need for relief road/no road' and 'provide further sustainable measures'.*

*The 2011 Revised Preferred Option consultation shows 'a level of public concern and opposition remains regarding ... in particular, strategic proposals at Hereford, including matters regarding the provision of a relief road ...' according to the report to Cabinet on 12 July.*

A *Will the Council undertake to present a properly tested, reasonable alternative to road building to the public in the forthcoming consultation on the Core Strategy?*

### **Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning**

The Core Strategy Developing Options Consultation undertaken between June and August 2008 specifically included a no-road option. Almost 80% of the responses to this consultation supported the package of transport improvements which included a new road.

The forthcoming Core Strategy consultation will not include a set of proposals without a relief road for Hereford. The “no road” option has been tested but the evidence is that the relief road is needed to support proposed growth of the city for the period up to 2031. The Strategic Environmental Assessment which will accompany the Core Strategy will fully set out the reasonable alternatives considered in its preparation.

#### **Supplementary Question**

Will the Core Strategy be sound when it will not include a no road option for public consideration?

## **Cabinet Member Response**

The Core Strategy will not be brought forward until soundness has been assessed. I am aware of your concern and will take it into account.

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### **Question from Councillor WLS Bowen of Councillor H Bramer, Cabinet Member Major Projects**

#### **Floods and heavy rainfall**

- 8 *Knowing that Amey has recently made 50 people redundant:*
- A *What assurances can we be given that Amey has sufficient manpower and resources to cope with the aftermath of the repeated floods and heavy rain storms that we have recently encountered?*
- B *Will they be able to restore our drainage systems and roads to a decent state that will be able to cope with any reasonable eventualities in the future?*

#### **Answer from Councillor H Bramer, Cabinet Member Major Projects**

- A The existing contracts with Amey are structured in a way that maintains a core set of routine activities. In addition to this Herefordshire Council does pay a routine fee to retain an emergency response capability and similarly if that capability is not being maintained this payment would also be withheld.
- B The ability of our assets, be they drainage systems or roads, to cope with 'reasonable eventualities' now and in the future is a question that is being actively considered in the development of our Asset Management Plan and our Local Flood Risk Management Strategy. Clearly, as with all our assets, these needs must be prioritised in the context of limited and reducing financial resources.

Having regard to the recent impacts of the exceptional bad weather, we are compiling a claim to Government for additional funding for the repair of flood damage under the Belwin scheme; the government has committed to fund all claims above the 2012/13 threshold (which is £459,165 for Herefordshire) at 100%. This funding together with the core resources directly employed by Amey Herefordshire and the use of sub-contractors when needed should ensure that Herefordshire's capacity and capability to recover from repeated weather events is maintained.

#### **Supplementary Question**

Will the Cabinet Member arrange for a map of all drainage systems to be issued to Members and Parish Councils?

#### **Cabinet Member Response**

A definitive map will not be produced for a considerable time. I will confirm separately when it is expected to be available.

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**Question from Councillor SJ Robertson of Councillor GJ Powell, Cabinet Member Education and Infrastructure**

**Speedwatch**

9 *A number of Police Forces (Cambridgeshire, Thames Valley, Hampshire, Leicestershire, Devon and Cornwall to name a few) are running the initiative "Speedwatch" with volunteers from the general public. This initiative allows the public to get actively involved in monitoring the speed of vehicles travelling through their neighbourhood.*

*Speeding has been highlighted in the majority of parish plans as a major issue. Having tried for many years to resurrect "Speedwatch" in Herefordshire, would the cabinet member support me in investigating the possibility of trialling a pilot in Burghill?*

**Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

Yes; community Speedwatch schemes are very much about empowering communities to address issues which are important to them and which are having a real impact on their quality of life. Whilst there are various such schemes around the country, they are led by the police and West Mercia Police do not currently support such schemes. This issue has been raised with the local Area Commander on a number of occasions, and I would be happy to support the local member in seeking West Mercia Constabulary's development of a trial in Burghill.

In the meantime we are working with the police to develop a scheme using their specials to carry out speed enforcement in those areas which are not currently targeted by the Safer Roads Partnership but which have a demonstrated problem with speeding traffic. This is being supported by the Community Safety Partnership with a target date for implementation in the autumn.

The Cabinet Member added that 129 requests for the introduction of speed limits were outstanding. He was investigating whether it was possible to speed up the approval process. However, a lot of speeding was committed by local residents. Communities could do a lot themselves to resolve speeding issues.

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

## **Corporate Services letter (13 July) to Parish Councils**

- 10 *How can it be right that the content of a letter apparently sent to all Parish Councils quotes that “Council is to agree to proposals for a new pattern of wards which can be seen by following this link on the Council’s web site” in advance of any such agreement having been made by Council?*

Please note that following the provided ‘link’ no alternative options of warding are provided.

## **Answer from Councillor PD Price, Cabinet Member Corporate Services**

The purpose of advising local councils of the recommendation to today’s Council meeting was to give them advance notice of what was being recommended to Council and to remind them that they could also make representations to the Local Government Boundary Commission on warding arrangements, if they so wished. Of course any changes to the recommendations agreed by Council today will be communicated to the local councils.

## **Supplementary Question**

The Leader promised the Electoral Review Working Group that there would be a free vote on the boundary proposals. Has the letter to Parish Councils prejudiced the position making a vote unlawful?

## **Cabinet Member Response**

I do not agree that the letter is prejudicial and do not interpret the letter to carry the meaning that the questioner has placed upon it. There is an item later on the agenda where Council will be discussing and determining the submission to the Commission.

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## **Question from Councillor R Preece of Councillor GJ Powell, Cabinet Member Education and Infrastructure Highway Repairs**

- 11 *Over the last few months, certainly in South Wye and talking to other Members it seems countywide, there has been a drastic reduction in what I would call proper highway repairs. All that I have seen are quick repairs that may last a few weeks and I have reported the same ones two or three times recently.*

*What is the policy regarding repairing these works properly and also who is responsible when damage to vehicles and persons arises resulting from poor workmanship or just ignoring Members requests?*

## **Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**



The policy in regard to the repair of roads is set in the Highway Maintenance Plan. This plan is available on the Council's website.

In times when the demand on this service is high, the need to address a vast number of safety repairs quickly does lead to the use of temporary repairs and as a consequence repeat repairs. This action has to be considered in the context of the high demand for these repairs following severe weather across the whole highway asset and our duty to maintain the highway in a condition that reflects its character and usage to which it is put.

I would also wish to put the overall repairs and maintenance issue into context. As a rural county Herefordshire has in excess of 2000 miles of publicly maintained highways. Whilst we have achieved a sustainable road condition for our A & B roads across the county, over 50% of our network is made up of C or Unclassified roads. It would take over £17m to achieve a sustainable condition for these. This is not a position unique to Herefordshire; we are investing over £10m annually in maintaining and improving these assets, but financial resources are reducing and we must continue to prioritise available funding to ensure that we get the best value out of every pound we spend.

As the Highway Authority, Herefordshire Council are responsible for the roads and whenever damage or injury occurs, any claim for compensation should be directed to us. Should there be proven liability against the contractor the matter would be pursued through the appropriate contract process.

### **Supplementary Question**

Would it be possible to improve the information from Amey on whether or when repairs would be carried out in response to requests so that constituents could be better informed?

### **Cabinet Member Response**

I am discussing improvements with Amey. I will inform Members of the outcome of these discussions.

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### **Question from Councillor L Harvey of Councillor PD Price, Cabinet Member Corporate Services**

#### **Payments for Services**

12 *What work has been undertaken by Bloor Homes for the council since April 2010? Please can you list the invoices (paid and outstanding), their dates, their amounts, the services procured in each instance and whether the contract was competed or single source.*

### **Answer from Councillor PD Price, Cabinet Member Corporate Services**

None

## **Supplementary Question**

It was suggested that subsidiaries of Bloor Homes had supplied goods and services to the Council and it was requested that the Cabinet Member investigate further and provide a written response.

## **Cabinet Member Written Response**

The Cabinet Member agreed to provide a written response. This was subsequently provided to Councillor Harvey covering the points raised in the supplementary question.

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## **Question from Councillor L Harvey of Councillor PD Price, Cabinet Member Corporate Services**

### **Interim Appointments**

13 *I am concerned to understand the council's reliance and strategy relating to the use of interim appointees. So I would like to know:*

A *How many interim appointments are currently in place across the council?*

B *What is the longest period of time an appointment has been running*

C *What is the most senior position currently operating as an interim appointment?*

### **Answer from Councillor PD Price, Cabinet Member Corporate Services**

A Assuming the definition of 'interim' includes individuals who are in permanent posts where we've yet to appoint and excludes wider fixed term contract posts or agency/bank staff there are currently 57

B 4 years and 10months (*NB the contract is due to end in 8 months*)

C There are 2 positions graded at HC13 (salary band £50,206 - £54,412) within these figures.

*NB All figures as at 18/07/12*

## **Supplementary Question**

Does the Cabinet Member think that it is appropriate for an interim appointment to have been running for five years?

## **Cabinet Member Response**

I agree that consideration needs to be given to this point.

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**Question from Councillor WLS Bowen of Councillor GJ Powell, Cabinet Member Education and Infrastructure**

**Broadband**

14 *Can the Cabinet Member bring us up to date with the timescale for the implementation of high speed broadband throughout Herefordshire.*

A *How much slippage has there been in the timescale?*

B *What are the names of the firms involved in the roll out of broadband in Herefordshire?*

C *Are sufficient resources being employed to produce the high speed broadband required throughout Herefordshire at this moment?*

**Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

A The Borders Broadband project is reaching the final stages of the procurement process to secure a telecommunications company to design, build and operate a wholesale broadband network in those areas of Herefordshire and Gloucestershire which will not receive commercial investment.

The "Call for Final Tender" has now been issued which is the final and shortest part of the process. The final submission will be received in early August which will then be evaluated based on coverage, cost and long term viability, with a view to a report coming forward for Cabinet consideration in September.

At the start of the procurement last year the original timescale for a decision on contract award was estimated as May 2012. This was extended because the contract can not be awarded without EU State Aid approval of the national programme (the timescale for the approval has not been confirmed but is estimated to be early autumn), and to enable negotiations with BDUK to take place resulting in additional funding being made available in recognition of the sparsity issues within the county.

B The intention is that the Cabinet will consider contract award in mid September 2012 following which the name of the recommended supplier will be released.

C Sufficient resources are being employed to support this vital work. As a cross county project with Gloucestershire we are able to share management and administration resources. At relevant stages of the procurement, specialist expertise has been commissioned to ensure bids have been fully tested.

With regard to capital resources, this will be addressed in the report to Cabinet in September.

**Supplementary Question**

Will the Cabinet Member give an assurance that broadband will be available across the whole County so that the full economic benefit can be derived from it?

### **Cabinet Member Response**

I will discuss this outside the meeting.

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### **Question from Councillor FM Norman of Councillor GJ Powell, Cabinet Member Education and Infrastructure**

#### **School Meals**

15 *Once again, concern has been expressed at the national level about the quality of school meals. This concern is also shared locally by parents, teachers and governors.*

*Bearing in mind:*

- (a) the importance of good nutrition both in reducing poor behaviour and increasing concentration and academic progress,*
- (b) the high number of children entitled to free school meals in some of our schools,*
- (c) the low uptake of school meals in some of our schools,*

A *How much support are we giving schools in sourcing high quality, nutritious school meals?*

B *How are we helping schools to improve the uptake of school meals?*

C *How much autonomy do schools and governors have in selecting the providers of school meals, and ensuring that the meals are of high nutritional value and sourced from fresh, local produce?*

### **Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure**

A Ensuring that our children have the healthiest possible start in life is clearly a priority; the 'Yes We Can' plan (appearing elsewhere on the council agenda today) reflects this priority, and also demonstrates that like many of the issues we have to address, it is something that the council can't address on its own – all partners, including schools, must help move things in the right direction.

Currently 40 schools have a service level agreement with the council for the provision of school meals and all those schools have had access to the support and advice of a catering officer. The council's catering contracts incorporate the Soil Association's 'Food for Life' standards.

It is a matter for the remaining schools to work with their caterer in supplying healthy nutritious lunches that comply with the Food and Nutritional Standards.

The sustainable food & drink strategy for the county has been made available to all schools.

- B An annual survey by the School Food Trust shows that uptake of school meals has increased both national and locally in Herefordshire between the academic years 2009/10 and 2011/12, although uptake remains below 50%.

Although there is no specific council activity currently underway to encourage uptake of school meals, the joint public health team are running initiatives to promote the national Change4Life programme in schools, which includes top tips for eating a healthy diet as well as increasing physical activity to prevent obesity.

- C Schools have complete autonomy to source school meals from a supplier of their own choosing; school meals served in Local Authority maintained primary, secondary and special schools and pupil referral units are legally required to comply with the School Food Regulations which specify the minimum nutritional standards for school meals which include a maximum amount of unhealthy salt, fat, and sugar and a minimum amount of healthy fruit and vegetables.

The emerging issue is that new academies established in 2010 are not legally bound to serve meals that meet the School Food & Nutritional Regulations and national research by the School Food Trust shows that while some do others do not.

### **Supplementary Question**

Couldn't the Council be more proactive and advise School Governing bodies to take action?

### **Cabinet Member Response**

Given the autonomy of schools, the responsibility rests with Governing Bodies and I urge them to take account of this issue.