

Corporate Services

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Your Ref:

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TO: ALL MEMBERS OF THE COUNCIL

20 September 2012

Dear Councillor

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 28 September 2012** at Town Hall, St Owen Street, Hereford. at 10.30 am at which the business set out in the attached agenda is proposed to be transacted.

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

Yours sincerely



C CHAPMAN
ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE

Working in partnership for the people of Herefordshire
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AGENDA

Council

Date: **Friday 28 September 2012**

Time: **10.30 am**

Place: **Town Hall, St Owen Street, Hereford.**

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

For any further information please contact:

Sally Cole, Governance Services

Tel: 01432 260249

Email: scole@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Sally Cole, Governance Services on 01432 260249 or e-mail scole@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor LO Barnett

Councillor ACR Chappell

Councillor PA Andrews
Councillor CNH Attwood
Councillor PL Bettington
Councillor WLS Bowen
Councillor AN Bridges
Councillor MJK Cooper
Councillor BA Durkin
Councillor DW Greenow
Councillor RB Hamilton
Councillor EPJ Harvey
Councillor JW Hope MBE
Councillor RC Hunt
Councillor TM James
Councillor AW Johnson
Councillor JLV Kenyon
Councillor JG Lester
Councillor G Lucas
Councillor PJ McCaull
Councillor JW Millar
Councillor NP Nenadich
Councillor FM Norman
Councillor GA Powell
Councillor R Preece
Councillor SJ Robertson
Councillor A Seldon
Councillor J Stone
Councillor DC Taylor
Councillor DB Wilcox

Councillor AM Atkinson
Councillor CM Bartrum
Councillor AJM Blackshaw
Councillor H Bramer
Councillor EMK Chave
Councillor PGH Cutter
Councillor PJ Edwards
Councillor KS Guthrie
Councillor J Hardwick
Councillor AJ Hempton-Smith
Councillor MAF Hubbard
Councillor JA Hyde
Councillor JG Jarvis
Councillor Brig P Jones CBE
Councillor JF Knipe
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor SM Michael
Councillor PM Morgan
Councillor C Nicholls
Councillor RJ Phillips
Councillor GJ Powell
Councillor PD Price
Councillor P Rone
Councillor P Sinclair-Knipe
Councillor GR Swinford
Councillor PJ Watts

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	PRAYERS	
2.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 20 July 2012.	1 - 38
5.	CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6.	QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	39 - 44
7.	FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions from Councillors.	
8.	NOTICES OF MOTION UNDER STANDING ORDERS Three Notices of Motion have been submitted for consideration by Council. Notice of Motion One Submitted by Councillors: MAF Hubbard, EPJ Harvey, C Nicholls, S Michael, J Kenyon, MD Lloyd-Hayes, EMK Chave, A Hempton-Smith, FM Norman. <i>Under 4.1.16.5 of the Constitution the undersigned move the motion below to address the critical local issue regarding the development of the Old Cattle Market.</i> On the morning of Wednesday 18 July the Member for Central Ward received some information regarding the retail development on the Old Cattle Market site from two separate sources that he considers to be reliable. In isolation, each piece of information might not be considered as urgent, but when put together they create a picture that necessitates an urgent motion to Council. The information was as follows: 1. A meeting has been held between representatives of Hereford Futures and Stanhope at which Stanhope asserted that without access to further funds to "incentivise potential tenants" a final deal could not be resolved for the retail development. 2. A senior executive of British Land with responsibility for negotiating progress on the retail development has asserted that as each day passes the likelihood of a deal being brokered becomes less and less likely due to the deteriorating economic climate under which the deal is	

being done. Further, that if any development is to occur on the Old Cattle Market site, the remaining restrictions on the developers approaching existing High Town retailers will have to be lifted.

MOTION

This Council resolves that:

- (a) there will be no further relaxation of the restrictions that limit the developers of the Old Cattle Market site from approaching existing High Town retailers and that the list of named retailers that they cannot approach be shared confidentially with Group Leaders and the Chairman of Overview and Scrutiny to ensure policing of this policy.
- (b) no further funding is made available from Herefordshire Council to the developer Stanhope for this project.
- (c) that cross party talks are immediately held to develop fall-back plans for the site should a deal not be forthcoming.

Notice of Motion Two

Submitted by Councillors: RI Matthews and TM James.

All Council Members, local businesses and the electorate we serve understand that the economy is showing little or no sign of sustained recovery, and further government funding cuts are anticipated over the coming months and years

The council has to make significant savings to protect vital front line services, and must carefully target any expenditure on economic development initiatives that achieve the best possible value for money with complete engagement of the existing business community.

At present, we have two unelected business boards in the form of Hereford Futures and the Enterprise Zone, with their own highly paid Chief Executives managing similar or almost identical organisations. We also have the highly respected Hereford Business Board who give their services free and because they are local should have far more say in our economic future.

The Council therefore moves that an urgent review takes place to investigate the possibility of Hereford Futures and the Enterprise Zone being amalgamated to form a leaner and fitter organisation with the aim of obtaining considerable financial savings for the taxpayer, together with achieving a far more effective and efficient unit to deal with all issues of economic development throughout the county.

Notice of Motion Three

Submitted by Councillor RB Hamilton

That this Council resolve:

- 1 to embrace its new responsibilities for public health in accordance with the Health and Social Care Act 2012 that takes effect from 1 April 2013 by demonstrating its leadership as an exemplar employer, and

2 to make a clear commitment to the health and well-being of its staff, volunteers and their families through the introduction of support to adopt healthy lifestyles.

9. LEADER'S REPORT	45 - 48
To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting.	
10. THE ANNUAL COUNCIL MEETING	49 - 52
To receive the recommendations of the Audit and Governance Committee, that met on 21 September 2012. (To follow).	
11. REVIEW OF OVERVIEW AND SCRUTINY STRUCTURE	53 - 78
To receive the recommendations of the Audit and Governance Committee, that met on 21 September 2012. (To follow).	
12. GRANT OF DISPENSATIONS UNDER THE LOCALISM ACT 2011	79 - 82
To receive the recommendations of the Audit and Governance Committee, that met on 21 September 2012. (To follow).	
13. APPOINTMENT OF INDEPENDENT PERSONS TO THE HEREFORDSHIRE STANDARDS PANEL	
To note and approve the appointments of Mr Jake Bharier, Mr Robert Cook, and Mr David Stevens as Independent Persons to the Herefordshire Standards Panel, in accordance with the Localism Act 2011. This follows a recruitment period, and interviews which were held on 5 September 2012. The interview panel comprised Councillors Barnett, Robertson and Stone, and the Assistant Director – Law, Governance and Resilience/Monitoring Officer.	
Please note that as part of their new role, Independent Persons can be consulted by any members who are subject to a complaint under the new standards regime. They will be in attendance at this Council meeting, and there will be an opportunity for members to meet and chat to them informally before and after the Council meeting.	
14. APPOINTMENT OF TEMPORARY COUNCILLORS TO OCLE PYCHARD PARISH COUNCIL	83 - 86
To seek Council's approval for the temporary appointment of three Councillors to Ocle Pychard Parish Council to allow it to progress urgent business until either an election has been held or Councillors have been co-opted to fill some of the current vacancies which would allow the Council to become quorate.	
15. EMPLOYMENT PANEL	87 - 88
To receive the recommendations of the Employment Panel at its meeting on 13 September 2012.	