

MINUTES of the meeting of Council held at Town Hall, St Owen Street, Hereford. on Friday 28 September 2012 at 10.30 am

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

Councillors: PA Andrews, AM Atkinson, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, KS Guthrie, RB Hamilton, 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, RI Matthews, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GA Powell, GJ Powell, AJW Powers, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, DC Taylor and DB Wilcox

37. PRAYERS

The Very Reverend Michael Tavinor led the Council in prayers.

Following prayers the Chairman welcomed the new Councillor for the St Nicholas ward Councillor Anthony Powers as a new Member to the Council.

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors:

CNH Attwood	MJK Cooper
PGH Cutter	DW Greenow
J Hardwick	RC Hunt
G Lucas	PJ McCaull
R Preece	PJ Watts

39. DECLARATIONS OF INTEREST

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Councillor A Seldon, Non-Pecuniary, Agenda item 14, Ocle Pychard Parish Council.

DECLARATIONS OF INTEREST.

Councillor JG Jarvis, Non-Pecuniary, Agenda Item 8, Notices of Motion, member of the Hereford Futures Board.

DECLARATIONS OF INTEREST.

Councillor JG Lester, Non-Pecuniary, Agenda Item 14, Ocle Pychard Parish Council.

DECLARATIONS OF INTEREST.

Councillor PM Morgan, Non-Pecuniary, Agenda item 14, Ocle Pychard Parish Council.

40. MINUTES

RESOLVED: That the Minutes of the meeting held on 20 July 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

- **Minutes No: 29** – A Member commented that the proposals for Hereford City were fundamentally flawed; highlighting conflict with *ward* boundaries within the *Parish of Hereford City* which would *no longer be coterminous* causing confusion when elections were held.
- In response to a comment on the Minutes and that in future the minutes of Council should include any written responses for completeness. The Chairman advised that the query should be referred to the next meeting of the political group leaders.

41. CHAIRMAN'S ANNOUNCEMENTS

The Chairman in her announcements:

- Reminded Members of the cakes for sale at Council in aid of Macmillan's World's Biggest Coffee Morning.
- Informed Members that this year's Poppy Day Appeal would be launched at ASDA superstore on 27 October at 10.00 am.
- Reported on the Carers Annual Meeting that she attended, which was of great interest to her due to her background in this area.
- Reported on her attendance at the opening of the new head quarters of the Hereford Sea Cadets at Wyeside opened by the Deputy Lord Lieutenant, Mr Clive Richards OBE.
- Reported on her attendance at the launch of the Scenic Bus Route which travels between Ross-on-Wye and Hereford by way of King's Thorn.
- Expressed her pleasure at attending the Community Games for people with learning disabilities held at Hereford Leisure Centre to mark the 2012 London Olympic and Paralympic Games.
- Congratulated the Council's Markets Team who were runners up in the category of 'Market Team of the Year' at the national competition organised by the National Association of British Market Authorities.
- Referred to the exciting events held over the summer, which included the royal visit by Her Majesty the Queen, the Three Choirs Festival and the Olympic Torch passing through Hereford.
- Informed Members of the reception held on 19 September for the Herefordshire Paralympic Athletes at Point4 and advised of the public home coming welcome for the Paralympians to be held in High Town on Saturday 29 September.
- Reminded Council that this was the last Council meeting for Chief Executive Chris Bull who would be leaving Herefordshire Council on 12 October. The Chairman thanked Chris Bull for all his work as joint Chief Executive for Herefordshire Council and Herefordshire Primary Care Trust.

42. 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.

43. 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.

44. NOTICES OF MOTION UNDER STANDING ORDERS

Notice of Motion One – Development of the old Cattle Market Site

Submitted by Councillors: MAF Hubbard, EPJ Harvey, C Nicholls, S Michael, J Kenyon, MD Lloyd-Hayes, EMK Chave, A Hempton-Smith, and FM Norman.

Councillor Hubbard proposed the Notice of Motion. After consultation with the Monitoring Officer the Chairman ruled the Notice of Motion out of order.

Councillor Hubbard accepted the ruling of the Chairman but stated that the Notice of Motion had been registered in July and any concerns should have been raised at that stage. Members of Council accepted there were concerns with the Notice of Motion but agreed that any concerns should have been raised prior to the agenda being published.

Notice of Motion Two – Investigation of Possible Amalgamation of Hereford Futures and the Enterprise Zone.

Proposed by Councillor RI Matthews and seconded by Councillor TM James

Councillor Matthews addressed Council and advised that the Cabinet Member Enterprise and Culture, had altered the final paragraph of the original motion before Council, which was agreed by Councillors: Matthews and James.

Altered Final Paragraph:

That a full review take place regarding the Council's support to economic development and enterprise including the funding of Hereford Futures, the Economic Development team, Local Enterprise Partnership, Hereford Business Board, Enterprise Zone and any other relevant bodies with the aim of obtaining considerable financial savings for the taxpayer, achieving a far more effective and appropriate structure to deliver the County's economic priorities.

The following comments were made in debate:

- A Councillor expressed concern that the amendment might have lost the meaning from original motion. The Cabinet Member had been asked to visit Ledbury in order to implement the economic strategy in in the town, as it had significant industry along with young people and families, good road and rail links and broadband in the town.
- The IOC Group Leader stated the focus seemed to be on Hereford City, which appeared too dominant compared to the market towns, and believed there needed to be an organisation which served the County as a whole. This comment was supported by other Members.
- The Leader stated the purpose was to look after business across the county and it was important to ensure everything was in place to carry this out.
- Members expressed concerns about what was happening in the city centre, the fact that there were a number of empty shops and that shop owners and the public were not being kept informed or seeing any benefit regarding the proposals for the city centre.
- The Cabinet Member spoke in support of the motion stating Herefordshire's economy was based on small and medium sized businesses, which would support the economy of the County. Greater focus on EU funding and refocusing

on what businesses wanted and what support they could expect to receive was also needed.

Councillor Matthews stated he was delighted with the cross party support for the notice of motion and moved the motion.

RESOLVED:

That a full review take place regarding the Council's support to economic development and enterprise including the funding of Hereford Futures, the Economic Development team, Local Enterprise Partnership, Hereford Business Board, Enterprise Zone and any other relevant bodies with the aim of obtaining considerable financial savings for the taxpayer, achieving a far more effective and appropriate structure to deliver the County's economic priorities.

Notice of Motion Three – Commitment to the Introduction of Support to Staff, Volunteers and Families to Adopt Healthy Lifestyles

Submitted by Councillor RB Hamilton and seconded by Councillor PM Morgan

Councillor Hamilton proposed the notice of motion as outlined in the agenda stating the success of the County depended on having a healthy, committed, focused and well-motivated workforce.

Councillor GJ Powell proposed an amendment to the motion, which was seconded by Councillor Edwards.

Amendment to Motion:

To make a clear commitment to active travel arrangements across the County using the Council's public health role to promote and fund sustainable forms of active travel across the County.

In debate the following points were made:

- Councillor Hamilton supported the amendment.
- It was stated that it was important to remember that rural communities relied on vehicles to get around and provide support to elderly residents.
- In supporting the motion it was asked that pressure was put on supermarkets to promote healthy lifestyles.
- Councillor Robertson, as a Council representative on the Sports Council, supported the motion and proposed that the Council have a sports champion to promote health and sport.
- In supporting the comments on community transport in rural areas, it was stated footpaths and bridleways equally needed to be maintained for community use.

The Cabinet Member Education and Infrastructure stated there were a number of ways of making travel by bus easier, which included being able to take a bike onto a bus for a part cycle part bus journey. The comments on footpaths and bridleways were also noted.

It was moved and seconded that the amended motion be now put.

RESOLVED:

To make a clear commitment to active travel arrangements across the County using the Council's public health role to promote and fund sustainable forms of active travel across the County.

45. LEADER'S REPORT

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

Members made comments on the following items:

- Planning for the Future, agenda page 45 – it was requested that all Members were kept regularly informed on issues regarding the Waste Plant. In response the Cabinet Member Major Contracts, stated that things were moving forward and negotiations were being carried out. In addition it was asked if some of the meetings of 'Your Community, Your Say' meetings could be held in the day time for some of the more elderly residents.
- Herefordshire's People, agenda page 45 paragraph 2 – in congratulating the exam results of looked after children it was requested that Members were kept informed of the progress of looked after children as corporate parents. In response to a question on exam results and that a letter was sent to the Minister, the Cabinet Member stated that the local colleges were aware of the issues, however, it was the responsibility of the school to address the issue of which exam board they used.
- Carers in the County Consultation page 46 paragraph 4 – in referring to the consultation on the website it was asked that it be remembered that not everyone had access to the web.
- Council Tax Benefit Scheme page 46 paragraph 5 – assurance was sought that people were being made actively aware of this benefit.
- Hereford Racecourse, agenda page 46 paragraph 6 – it was stated that the impact of the racecourse closing impacted locally as well as nationally and it was requested that Members be kept informed on events and a Member briefing be provided at the earliest opportunity. In response the Leader stated that a timetable had been set and he was working towards a formal agreement in the near future. It was hoped that racing could be resumed in 2014.
- Borders Broadband Project page 46 paragraph 8 – In responding to the points raised the Cabinet Member Education and Infrastructure stated he was aware that the original figure had been £6m however, Broadband Delivery UK (BDUK) had underestimated the rurality of the area and increased the budget in order to achieve what was needed for the County. The Council had decided to match fund to ensure a strong broad band network for the future. Members congratulated the Cabinet Member on what had been achieved with the Border Broadband Project. With regard to the percentage of the County that would be covered by Broadband, the Cabinet Member stated that BDUK were expected to provide high speed broadband to up to 90% of the County. Presently the take up of high speed broadband was 7-8%. He stated that there would be no exclusion, once completed, for lower speed and there were new technologies and bursary schemes to fill any gaps.
- Affordable Housing page 46 paragraph 7 – in response to a question on disused buildings, the Leader asked all Councillors to notify the Cabinet Member of any disused properties that could be reused. In response to a question on the true number of people in need of housing, the Leader stated that officers were working to obtain accurate figures and asked the Cabinet Member to provide a short note for Members.
- In response to a question on a major procurement process being carried out, the Leader advised that all Members were informed and was part of the root and branch review. The forthcoming meeting of the Overview and Scrutiny Committee would provide the opportunity to discuss the issues.

- Finally in noting this was the last Council meeting for Chris Bull as Chief Executive, Members thanked him for the excellent job he had done for Herefordshire in his time as joint Chief Executive for Herefordshire Council and Hereford Primary Care Trust.

The Leader announced to Council that two directors of Stanhope were in attendance at Council and thanked them for attending the meeting.

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

46. THE ANNUAL COUNCIL MEETING

Councillor Stone, Chairman of the Audit and Governance Committee presented the Monitoring Officer's report o the Annual Council meeting. Councillor Stone supported the report and stated that he felt that currently Council was trying to deal with too many issues at the annual meeting and that more time needed to be given to civic matters. He added that the Committee supported the recommendations.

In debate it was noted:

- Annual Council was an important occasion to welcome visitors from out of the County.
- Annual Council provides the Chairman with the opportunity to recognise the achievements of people within the County.
- It was noted the annual reports from Committees, the Leader's report and questions from Members and the public should no longer be considered at the Annual meeting. It was suggested that consideration be given to a pre-end of year report. The Chairman requested the suggestions be considered by Group Leaders.

RESOLVED

THAT:

- a) **The business to be discussed at the Annual Council meeting in May be amended as shown in Appendix 1 to the report; and**
- b) **The Monitoring Officer be authorised to make any consequential amendments to the Constitution.**

47. REVIEW OF OVERVIEW AND SCRUTINY STRUCTURE

The Chairman of the Overview and Scrutiny Committee presented the report of the Monitoring Officer on the Review of the Overview and Scrutiny Structure and made the following comments:

- Emphasised that the Lamb report proposed the way forward for the Council.
- At a recent meeting Members had expressed the view that a three Committee structure should be adopted, the Chairman stated he believed a two Committee structure should be adopted comprising of one Overview and Scrutiny and one Health Committee.
- Essential to ensure Cabinet and Overview and Scrutiny worked well together and the Lamb report proposed a working group build upon this.

- It was suggested that the Chairmen of the Task and Finish Groups hold more public meetings.
- It was proposed that the structure of a two Committee system be reviewed in 12 months.

Councillor Robertson proposed an amendment to the recommendations for a three Committee structure to include an Environment Committee based on the away day discussions held by Committee Members in April this year. The amendment was seconded by Councillor Bowen, who stated it would provide strength and depth to the scrutiny process.

In debate the following comments were made:

- The IOC Group Leader reiterated that the role of the Committees was to scrutinise and not to Monitor and felt that a two Committee structure was enough for Members and their workload capacity, particularly for those Members working full time.
- The Independent Group Leader urged Members to support a three Committee structure to include an Environment Committee to deal with issues such as transportation and highways.
- The Liberal Democrat Group Leader supported a two Committee Structure.
- The Cabinet Member Education and Infrastructure reminded Members that they had been consulted regarding changes and Group Leaders had recommended that Members support the recommendations.

The amendment to the recommendations was lost.

In response to questions to Chairmanship the Leader announced that:

Councillor Seldon would be the Chairman of the Overview and Scrutiny Committee and Councillor Harvey would serve as Vice-Chairman.

Councillor Millar would be the Chairman of the Health Scrutiny Committee and Councillor Robertson would serve as Vice-Chairman.

RESOVED

THAT:

- a) the recommendations of the report on the Overview and Scrutiny (O&S) Function as set out at pages 3-4 of Appendix 1 to this report be adopted;**
- b) the authority to exercise the Authority's statutory health scrutiny functions be delegated to the Health and Social Care Overview and Scrutiny Committee;**
- c) the Terms of Reference of the General Overview and Scrutiny Committee and the Health and Social Care Overview and Scrutiny Committee be as set out at paragraph 23 of the report;**
- d) each Overview and Scrutiny Committee consist of 13 Councillors and seats on each Committee be allocated by political proportionality as set out at paragraph 13 of the report appointments to those seats to be confirmed by Group Leaders;**

- e) the change to two Overview and Scrutiny Committees take effect from Monday 15 October 2012.
- f) Council approve the appointment to the office of Chairman and Vice-Chairman of the General Overview and Scrutiny Committee and the Health and Social Care Scrutiny Committee;
- g) statutory co-optees serve on the General Overview and Scrutiny Committee;
- h) the operating principles set out at paragraph 18 of the report form the basis of the new scrutiny model;
- i) the rules of proportionality be not applied to Task and Finish Groups appointed by either of the two Overview and Scrutiny Committees;
- j) the Head of Governance be designated as the Authority's statutory Scrutiny Officer; and
- k) the Monitoring Officer be authorised to make any consequential amendments to the Constitution.

48. GRANT OF DISPENSATIONS UNDER THE LOCALISM ACT 2011

Councillor Stone, Chairman of the Audit and Governance Committee presented the report of the Monitoring Officer to Council on the granting of dispensations under the Localism Act 2011 and moved the adoption of the recommendations.

RESOLVED

THAT:

- a) the power to grant dispensations under Section 33 (2)(b)(d) and (e) Localism Act 2011 or any subsequent amendment be delegated to the Audit and Governance Committee;
- b) the power to grant dispensations under Section 33 (2)(a) and (c) Localism Act 2011 or any subsequent amendment be delegated to the Monitoring Officer with a right of appeal to the Audit and Governance Committee; and
- c) Council Procedure Rules be amended by the addition of:

“4.1.25 Exclusion of Members with Disclosable Pecuniary Interests

Where a Member is prevented by virtue of a Disclosable Pecuniary interest from participating in a meeting, that Member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted”

And the insertion of the words “clause 4.1.25” in clauses 4.1.2.1 and 4.1.22.1

49. APPOINTMENT OF INDEPENDENT PERSONS TO THE HEREFORDSHIRE STANDARDS PANEL

Councillor Stone, Chairman of the Audit and Governance Committee rose to address Council on the Appointment of Independent Persons to the Herefordshire Standards Panel. Councillor Stone expressed his thanks to independent panel members Mr Bharier and Mr Stevens for the guidance they would provide the new panel members over the next 12 months and thanked them for their attendance at the Council meeting.

RESOLVED: That it be noted and approved the appointment of Mr Jake Bharier, Mr Robert Cook and Mr David Stevens as Independent Persons to the Herefordshire Standards Panel, in accordance with the provisions of the Localism Act 2011.

50. APPOINTMENT OF TEMPORARY COUNCILLORS TO OCLE PYCHARD PARISH COUNCIL

Councillor Jarvis, Leader of the Council presented the report of the Head of Governance Services on the Appointment of Temporary Councillors to Ocle Pychard Parish Council and moved the adoption of the recommendations.

RESOLVED

THAT:

- a) **Council agreed to the appointment of the following Councillors as temporary members of the Ocle Pychard Parish Council until such time as an election has been held and the new Councillors have taken up office or failing enough nominations being received, the co-option of three Councillors:**

Councillors: JG Lester, PM Morgan, A Seldon; and

- b) **the Assistant Director, Law, Governance and Resilience, be authorised to make the necessary order with effect from 28 September 2012.**

51. EMPLOYMENT PANEL

Councillor Jarvis, Leader of the Council, rose to address Council with the recommendations of the Employment Panel which met on 13 September 2012. The Leader made the following comments:

- The Employment Panel received evidence of the current salary trends for the Chief Executive appointments to authorities similar to Herefordshire, which informed the recommendation to Council.
- Council is required to approve the salary a part of its published Pay Policy Statement under the Localism Act 2011.
- Should Council approve the salary the Employment Panel will proceed with the recruitment process and make a recommendation to Council on a suitable appointment in due course.
- Under the Constitution during the interim period an officer needs to be appointed to carry out the functions of the Chief Executive. It was suggested that the Deputy Chief Executive is the appropriate person.

Council debated the funding for the post and the need to look at the public sector and the salary boundaries and pay. Council noted the new post would only be responsible

for Herefordshire Council and not a joint Chief Executive as previously. Discussion was held on whether any savings would be achieved and Members were reminded that those working in the public sector, particularly those working health, received considerably more salary than this post was offering. Following a vote there were:

For	18
Against	11
Abstentions	03

The Leader moved the adoption of the recommendations of the Employment Panel.

RESOLVED

THAT:

- a) **the proposed remuneration for the post of Chief Executive be within a range of £140,000 to £145,000; and**
- b) **the Deputy Chief Executive fulfil the functions of the Chief Executive under the Constitution on an acting basis pending an appointment to the post of Chief Executive.**

INFORMATION ITEM - OLD CATTLE MARKET SITE, HEREFORD

The Leader announced to Council that preparatory work for the start of demolition work on the old cattle market site would commence on 1 October 2012.

The meeting ended at 1.30 pm

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL – 28 September 2012

Question from Ms B Mark, Orleton, Herefordshire of Councillor RB Hamilton Cabinet Member Environment, Housing and Planning

Question 1

Local action during flooding

There is much going on to bring in localism but our Parish Council is frustrated that they are left almost powerless when flooding hits Orleton. Localism is about trusting locals, and when flooding hits the county, county resources are stretched. A partnership between local and county, at these times, would seem to be a sensible thing to work toward. Once an area has been proved to be susceptible to flooding could we ask that Highways gives permission for Parish Councils to protect home owners, and road users, by putting up flood signs or even closing severely flooded roads until the flood subsides? There could be a phone-in centre where all the actions of local PC are collected so Highways can monitor road floods and actions.

With all the work the county council is putting into monitoring flooding and ideas of alleviating floods hopefully such actions will be needed less and less. But while flooding persists action has to be fast and local people can do this much better.

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

Answer to question 1

We are currently consulting with parish councils on how Herefordshire Council can work better with communities to both assist with the local response to flooding and to help increase local resilience. I very much welcome the suggestions made and will certainly consider them alongside other representations.

As part of the consultation, I have already begun to visit key flood sites throughout the county, and I will ensure that Orleton is included over the coming weeks, in order to better understand the issues faced by local people.

I would also encourage other Parish Councils to get in touch if they would like to meet with me to discuss how we can improve on how we manage the impacts of flooding.

In addition to this the Council offers all Town and Parish Councils assistance in the creation of Town/Parish Community Resilience Plans in line with the Cabinet office's Strategic National Framework on Community Resilience. I am aware that the Council's Resilience team are currently awaiting a reply from Orleton Parish Council for a date to meet with the newly appointed Community Resilience Co-ordinator, in order to create a plan and to validate this with a table top exercise. I would see this as an opportunity for the Parish Council to discuss the specific issues raised in the question.

Question from Mr P Mitchell, Herefordshire of Councillor H Bramer, Cabinet Member Major Contracts

Question 2

Demonstration of optimum value for money solution for the PFI procurement of the energy from Waste CHP scheme

Would the Cabinet Member responsible provide an assessment explaining and demonstrating that the chosen procurement option and chosen technical CHP solution at Hartlebury offers the best value for money to the tax payers of Herefordshire. Specifically addressing -:

- How he has determined and ensured the optimal technical CHP solution at Hartlebury (against other CHP alternatives considered) to achieve minimum NPV (best value to Council tax payers) for this project within a single tender PFI contract.
- Why he has not considered / adopted commissioning independent technical support to specify, competitively tender and project manage then operate the energy from waste CHP plant on behalf of the Council.
- How within this contractual arrangement he is safeguarding the public purse by independently validating the offered energy from waste CHP technical solution also demonstrating that this delivers lowest NPV or best value for money solution.
- How he has avoided well recognised adverse long term cost implications historically repeatedly delivered under many and varied other public PFI contracts and which are now generally consider as a poor value method of project implementation.

Answer from Councillor H Bramer, Cabinet Member Major Contracts

Answer to Question 2

These matters have not yet been finally determined by this council. Value for money assessments will inform a report to Cabinet expected later this financial year, in accordance with the decision made by Cabinet on 16 February 2012.

Supplementary Question

Councillor Bramer's response to my concerns and requested clarification of how the Council were to overcome likely difficulties achieving implementation of the optimum solution to ensure best value for money of the preferred energy from waste CHP solution via its stated PFI contract mechanism were simply not addressed.

I am reasonably confident that the Council Waste Strategy document has probably identified and directed the correct best value for money residual waste disposal solution.

However having reviewed the developers proposal he does not include any CHP application his solution and will not therefore satisfy the specified or preferred solution and will certainly not deliver potential best value for money solution for the Council Tax Payer.

In referring to the plant as an energy from waste CHP the developer is misrepresenting the scheme which has no CHP, and in its absence merely exports available generation to the grid at low thermal efficiency. Meaning that nearly 70% of the potential available heat energy from the scheme is simply discarded.

This heat would have otherwise have been significantly recovered had a suitable CHP application been included in the proposal, producing a very beneficial and significant revenue stream to the project which should be available to offset the capital cost of this scheme and produce a better lower cost solution to the Council Tax Payer.

The Council should postpone sanctioning the developers proposed solution until it has ensured that the developer has determined and included the most technically suitable and financially beneficial CHP application available into the scheme. Otherwise it will not ensure the best value for money solution”

Cabinet Member Response

Councillor Bramer thanked Mr Mitchell for his question and stated that he would take on board his comments.

**Question from Mr P Linnell, Eardisland, Herefordshire of Councillor RB Hamilton
Cabinet Member Environment, Housing and Planning**

Question 3

Affordable Housing

On the evidence base for the LDF, please indicate the likely percentage of the identified affordable housing need which will be met by the implementation of the proposed LDF strategies and policies in full. Please show all data sources and calculations, and indicate estimates of the worst, best and most probable cases along with the assumptions these estimates are based on.

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

Answer to question 3

The percentage of affordable housing which will be sought through the policies of the LDF is yet to be finally determined and will be established based on evidence of housing need and viability. The evidence base will partly be drawn from the affordable housing viability report available on the Council website; work currently underway on economic viability will inform the development of affordable housing targets to be set out in the Draft Core Strategy which is due to be published in the new year.

Question from Mr A Fisher, Hereford of Councillor PD Price Cabinet Member Corporate Services

Question 4

Democratic accountability in the contracting out of statutory council services.

According to the Project Mandate for the Council's 'root and branch reviews' of the services it provides, all services are included in the review, with the aim of shrinking the Council budget by 30% and leading eventually to new governance structures.

Which are the laws and regulations applying to the contracting out of statutory council services that ensure continued (and improved) democratic accountability both during and in the culmination of this review process? (Please list the laws and regulations and the statutory services to which they apply.)

Answer from Councillor PD Price Cabinet Member Corporate Services

Answer to question 4

The Root and Branch Review programme is designed to fundamentally review everything that the Council does and will, over an 18 month period, set out what services we will deliver over the next decade to meet the priorities for the County.

We also have an obligation to council taxpayers and residents to consider best value and to understand what alternatives there are to direct service provision by the Council. There will be an option appraisal for each Review about which services are provided in the future and how – there is no presumption in favour of outsourcing services, what matters is what solution provides the best outcomes for residents at a price we can afford to pay.

Any recommendations from the Reviews relating to the future provision of services will be consistent with relevant UK and European legislation and this will be included in the report to Cabinet as appropriate.

The general legislative framework for accountability in all decision making process is contained in the Local Government Act 1972, the Local Government Act 2000 and specifically in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Question from Ms P Mitchell, Hereford of Councillor PD Price Cabinet Member Corporate Services

Question 5

Statistically robust opinion surveys of a representative sample of the County's population for the Root and Branch Reviews of services provided by Herefordshire Public Services

The Council propose to learn residents' views on the provision and contracting out of all services (and on the Interim Local Transport Plan) through a 'community engagement exercise', 'Your community - your say', comprising evening meetings, a web forum, twitter and a facebook page. In addition 'there may be some supplementary locality based consultation on aspects of certain Reviews' (report to Cabinet 5th April 2012).

Will the Council be undertaking any statistically robust opinion surveys in connection with the Root and Branch Reviews designed both to be properly representative of the county's population (and including 'hard to reach' groups) and capable of being weighted according to the respondents' stake in the service in question?

Answer from Councillor PD Price Cabinet Member Corporate Services

Answer to question 5

The 'Your community your say' exercise, as the question indicates, is being undertaken through a variety of mechanisms which includes the 'Quality of Life Survey'. This was run earlier in the year, is statistically robust and representative of the county's population. It is weighted by age, gender, household size and locality. The headline results are available online (www.herefordshire.gov.uk/factsandfigures) and further reports will be released in due course. 'Hard to reach' groups are being specifically included in the qualitative part of the 'Your community-your say' engagement in September and October.

Supplementary Question

In the 2012 Quality of Life survey, were respondents asked to comment on the quality of the services they received or which ones they would be happy to lose?

Response by the Cabinet Member

The Quality of Life Survey is a back stop. The team is engaging and using the Quality of Life Survey as the starting point of consultation and everybody will have the opportunity to input into the survey.

MEMBER QUESTIONS TO COUNCIL – 28 September 2012

Question from Councillor GA Powell of Councillor JG Jarvis, Leader of the Council

Cattle Market

- 1 I have been charged by shop owners and their staff in Hereford city to put the following question to council.

As the former Cattle Market site in Hereford has now been unoccupied for some considerable time, would the cabinet consider allowing the public to park on part of the site providing much needed car parking capacity in Hereford city centre until its development is ready to commence bearing in mind that part of Garrick House car park is under repair?

Answer from Councillor JG Jarvis, Leader of the Council

Answer to question 1

Thank you for bringing this question forward on behalf of shop owners and their staff. There is no evidence of a lack of car parking capacity in Hereford city. However, we will bear this request in mind. I intend to provide a verbal update to this question at the Council meeting.

Question from Councillor GA Powell of Councillor GJ Powell, Cabinet Member Education and Infrastructure

Traffic Lights at ASDA

- 2 *On the weekend of 15 September the traffic lights at ASDA in South Wye failed, this enabled the traffic to flow freely, and everyone took their turn. I ask Herefordshire Council and the Highways Agency to turn these lights off for a trial period of three months with the hope that they will remain permanently turned off after this time.*

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

Answer to question 2

I am aware of this incident and have received several reports as a result of which I will make representations to the Highways Agency, as the responsible body for this matter.

I would also like to point out that the traffic lights do aid pedestrians and other vulnerable road users who often lose out as traffic dominates. In addition there is the access to side roads and the ASDA store which needs to be taken into account as well.

Supplementary Question

Would the Cabinet Member ensure that pedestrian concerns are taken forward as a matter of urgency.

Cabinet Member Response

Yes, this had been noted in the written response. There was also a need to be aware of traffic movement in the side roads for pedestrians.

Question from Councillor PJ Edwards of Councillor GJ Powell, Cabinet Member Education and Infrastructure

Sustainable Travel Funding

- 3 *Please advise why Ward Councillors were not formally informed of the Broad Street Sustainable Travel funded scheme being delayed / cancelled as reported in the Hereford Journal & will consideration now be given to making the River Wye Tow Path more safe & user friendly to encourage more environmental forms of travel in and out of the City?*

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

Answer to question 3

The Central ward Member was made aware of our proposals; a decision on the best use of this funding to support sustainable travel has yet to be taken and I will of course liaise with the relevant ward members in reaching that decision.

Supplementary Question

I was seeking to ensure better communications between Cabinet Members and the whole Council. I understand the Broad Street Plans are on hold.

Cabinet Member Response

Regarding the spend to date, when the consultation was carried out the results of those in favour and those opposed were even. What has been done is to simply defer the scheme. What has been spent on administration is approximately £200k. The work is still valid and when the scheme is revisited the work that has been done to date will be used.

Question from Councillor DW Greenow of Councillor PM Morgan, Cabinet Member Health and Wellbeing

Animal Health & Welfare

- 4 Since the foot and mouth outbreak in the country animal health has vastly improved in the livestock industry thanks to more stringent policing by the animal health department.

We have in Hereford a dedicated group who have built up a valuable store of information across the County of Herefordshire and this is used to maintain the high standards that we currently have in this Country which enables a strong export market for our livestock. Our livestock market in Hereford is thriving and expanding and the standards are very high. This is due to the efforts of our auctioneers but also the animal health staff who keep an astute eye on the welfare of all animals in the market thus ensuring buyers of the high quality of the livestock.

It is rumoured that this department is to be shut down and the work taken over by officers from Worcestershire and Warwickshire Councils. If this were to be true I am concerned that Herefordshire will lose valuable knowledge and experience.

Can you confirm that this will not happen and that we will retain this extremely valuable service thus maintaining our high standards which I believe is significantly higher than most counties?

Answer from Councillor PM Morgan, Cabinet Member Health and Wellbeing

Answer to question 4

It is good to know that the excellent work undertaken by Herefordshire Council's Animal Health & Welfare (AH & W) team which are part of its Environmental Health & Trading Standards Service (EH&TS) is recognised and appreciated by market users and constituents of Herefordshire and beyond. It is also excellent news that the livestock market goes from strength to strength.

I am happy to state that any rumours currently circulating about the immediate future of the AH & W team are unfounded.

Council will be aware however, that all services will be subject of an on-going review through the Rising To The Challenge (RTTC) process. EH&TS including AH & W are part of this process and are currently involved in the wider service review entitled Housing, Economic and Regulatory Services (HERS.) Part of that process is to examine each and every activity we currently perform and to determine whether it should stop, continue unaltered or change in order to ensure that the Council's key priorities and outcomes will be delivered. This work will be complete in the Spring.

Question from Councillor WLS Bowen of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

Affordable Housing

- 5 *How many planning applications for houses and flats are live but not built?*
- *What can be done to encourage the building of these houses and flats?*
 - Bullet point disallowed – Constitution 4.1.15.4 c: the answer to the question will be substantially the same as the previous answer. See public question 3.
 - *How many applicants for affordable housing on the Home Point register have defined and definite links to Herefordshire?*

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

Answer to question 5

As of April 2011 (the latest published Annual Monitoring Study) there were outstanding planning permissions for 2057 dwellings (1671 were not started and 386 were under construction).

- Once planning permission is granted the planning system can do little to ensure the permission is commenced. However should the developer so request further advice can be given with respect to the possible revision/amendment to the detail and form of any approved scheme. Having said that, I understand the issues and will have a look at what, if anything, could be done to improve the situation. I will be very pleased to hear any ideas or suggestions that the Councillor or other Members may wish to make.
- The Council's current policy in the Unitary Development Plan and Planning Obligations Supplementary Planning Guidance in respect of the provision of affordable and market housing is unchanged. The Core Strategy will include planning policies which will require that an appropriate proportion of affordable dwellings are provided, based upon evidence of housing need and economic viability.
- Of the total of 4,893 applicants registered with Home Point at the end of September, 4511 had defined and definite links to Herefordshire.

Supplementary Question

Is the Cabinet Member aware that if changes are made this could make affordable housing in Herefordshire null and void.

Cabinet Member Response

Yes the Cabinet Member was aware and will need to take this into account for any future plans.

Question from Councillor WLS Bowen of Councillor PD Price, Cabinet Member Corporate Services

Finance – Hoople Ltd and The Council

- 6 *Can we be assured that the Council and Hoople Ltd have actually made genuine savings rather than made costly investments, which appear to save the Council money but in reality may have cost us dear?*
- *Can the various transactions be clearly defined and explained?*

Answer from Councillor PD Price, Cabinet Member Corporate Services

Answer to question 6

The Council has assured the savings from the arrangement with Hoople Ltd and built these into the agreed budget over the last two years.

In 2011/12 the savings reduced from the contract totalled £467k, whilst in 2012/13 a further saving of £413k were delivered (fully compliant with the approved business case).

In addition savings have also been delivered to our health partners - £152k in 2011-12 and £16k in 2012-13.

To deliver the recurrent savings one off staff redundancy costs of £82,633 were incurred by the Council.

The savings form part of the base budget and can be identified in the service level agreements being delivered by Hoople Ltd.

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

Flooding

7 On Monday 24 September, the Merton Meadow car park was flooded. This, despite spending several million of public money on a flood alleviation scheme in mitigation. Please would the Cabinet Member explain:

- *Why the flooding occurred so soon after the flood alleviation scheme has been completed?*
- *What are the implications for gaining Environment Agency permission for the housing that is planned for the site?*
- *How will this affect future insurability of any housing that is developed on this site?*

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

Answer to question 7

I would begin by pointing out that the Yazor Brook Flood Alleviation Scheme has operated four times successfully since its completion and that the scheme was designed to prevent the Yazor Brook from overflowing.

Although the flood alleviation scheme at Credenhill operated as planned during Sunday and Monday of this week some flooding did occur in Merton Meadow car park during this time. This does not represent a failure of the flood alleviation scheme – as it operated as envisaged during this flood event and prevented more severe flooding to houses and businesses west of Edgar Street and in the ESG area in Hereford.

The Yazor Brook Flood Alleviation Scheme at Credenhill has enabled Hereford Futures to bring forward plans for the delivery of an Urban Village housing and other development in the vicinity of Merton Meadow. It has always been known that any scheme on the Merton Meadow will need to include flood storage capacity. This means that detailed plans arising from any planning application will need to ensure that appropriate on site flood mitigation measures are in place to ensure that any new properties are flood free. This would be a factor that insurance companies would no doubt take into account when assessing risk and Hereford Futures has been in discussions with the insurance industry over several years in order to plan for this.

Work continues through Hereford Futures to develop the detailed proposals for development in the area in consultation with Welsh Water and the Environment Agency.

The Council will consider this issue carefully as the development comes forward and through the planning application process.