

Corporate Services

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TO: ALL MEMBERS OF THE COUNCIL

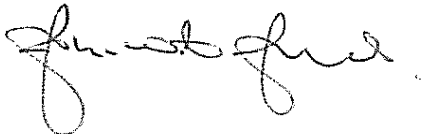
16 May 2013

Dear Councillor

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 24 May 2013** at Shire Hall, Hereford at 10.30 am at which the business set out in the attached agenda is proposed to be transacted.

Please note that due to restricted wi-fi availability at the Shire Hall, the agenda has been sent to Members in paper format. The agenda will still be available on the Mod.gov app but you will need to download the agenda in advance of the meeting if you wish to view it on your tablet device.

Yours sincerely



J JONES
HEAD OF GOVERNANCE AND MONITORING OFFICER

AGENDA

Council

Date: **Friday 24 May 2013**

Time: **10.30 am**

Place: **Shire Hall, Hereford**

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

For any further information please contact:

Geoff Hardy, Governance Services

Tel: 01432 383408

Email: ghardy@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Geoff Hardy, Governance Services on 01432 383408 or e-mail ghardy@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 RI Matthews
Councillor PJ McCaull
Councillor JW Millar
Councillor NP Nenadich
Councillor FM Norman
Councillor GJ Powell
Councillor R Preece
Councillor SJ Robertson
Councillor A Seldon
Councillor J Stone
Councillor DC Taylor
Councillor PJ Watts

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 RL Mayo
Councillor SM Michael
Councillor PM Morgan
Councillor C Nicholls
Councillor RJ Phillips
Councillor AJW Powers
Councillor PD Price
Councillor P Rone
Councillor P Sinclair-Knipe
Councillor GR Swinford
Councillor GA Vaughan-Powell
Councillor DB Wilcox

AGENDA

	Pages
1. PRAYERS	
2. ELECTION OF CHAIRMAN OF THE COUNCIL To elect the Chairman of the Council.	
3. APPOINTMENT OF VICE CHAIRMAN OF THE COUNCIL To appoint the Vice-Chairman of the Council.	
4. APOLOGIES FOR ABSENCE To receive apologies for absence.	
5. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
6. MINUTES To approve and sign the Minutes of the meeting held on 8 March 2013.	13 - 48
7. CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
8. TERM OF OFFICE OF LEADER OF THE COUNCIL To consider the recommendation of the Audit and Governance Committee to change the term of office of the Leader and any provisions regarding the removal of the Leader during their term of office	49 - 52
9. ELECT LEADER OF THE COUNCIL To elect a new Leader of the Council.	
10. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES To make appointments to the committees of the Council and outside bodies in line with the rules of political proportionality	53 - 62
11. APPROVAL OF ORDINARY MEETINGS OF THE COUNCIL FOR THE YEAR To note and approve the ordinary meetings of the Council for 2013/14 on: 19 July 2013 27 September 2013 13 December 2013 7 February 2014 7 March 2014 23 May 2014 All meetings to be held at 10.00 except for the annual meeting in May.	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

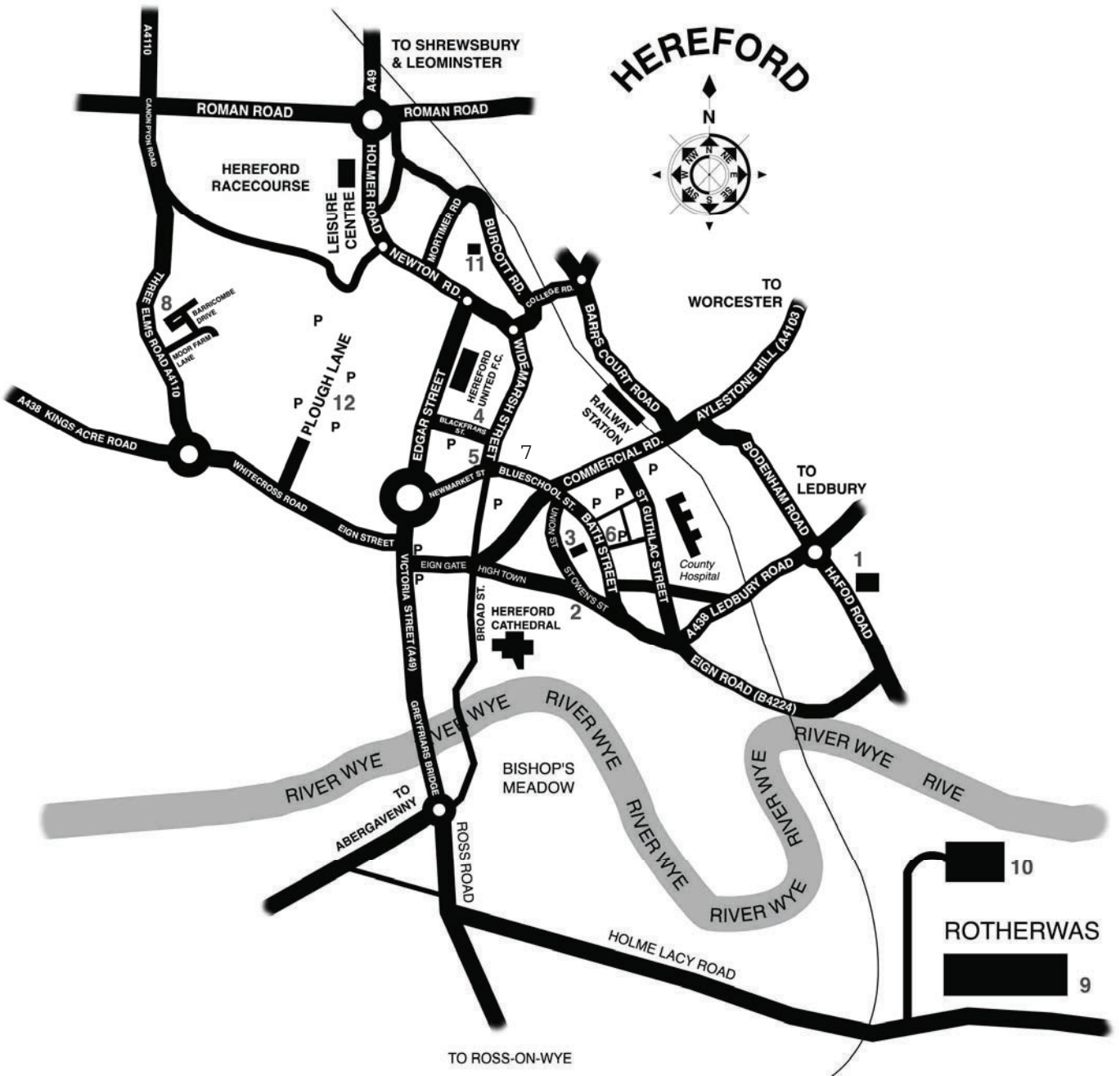
- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- A member of the public may, at a meeting of the full Council, ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties or which affects the County as long as a copy of that question is deposited with the Monitoring Officer eight clear working days before the meeting i.e. by 12:00 noon on a Monday in the week preceding a Friday meeting.

Public Transport Links

- The Shirehall is ten minutes walking distance from both bus stations located in the town centre of Hereford. A map showing the location of the Shirehall is found opposite.



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|---|--------------------------|----|-----------------------------|
| 1 | Brockington | 7 | Blueschool House (Planning) |
| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre (ICT) |
| 4 | Blackfriars (inc. Legal) | 10 | Amey |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

FIRE AND EMERGENCY EVACUATION PROCEDURE

IN CASE OF FIRE

(no matter how small)

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

ON HEARING THE ALARM

Leave the building by the nearest exit and proceed to assembly area on:

GAOL STREET CAR PARK

Section Heads will call the roll at the place of assembly.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at Council Chamber - Brockington on Friday 8 March 2013 at 10.00 am

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

Councillors: PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, 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, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, DC Taylor and DB Wilcox

84. PRAYERS

The Very Reverend Michael Tavinor led the Council in prayers.

85. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors:

AJM Blackshaw, AJ Hempton-Smith, GA Powell, GR Swinford and PJ Watts.

86. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor AN Bridges, non-disclosable pecuniary, item 12, Director of Northolme Community Centre.

Councillor ACR Chappell, items 11 and 12, non-pecuniary, member of Standards Panel in these cases.

Councillor P Rone, disclosable pecuniary, item 10(f), holder of various licences.

87. MINUTES

RESOLVED THAT: The Minutes of the meeting held on 18 February 2013 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Item 82 bullet point 4 “price rise” to be replaced by “increase”.

Item 82 bullet point 5 after “growth” add “which generates income”.

Item 82 bullet point 8 delete “despite the Budget restrictions”.

Item 82 under ‘Link Road’ bullet point 8 after “overspend” add “in adult social care”.

Item 82 under named votes for motion (c) “Councillor GA Powell” should read “Councillor GJ Powell”.

Item 83 Add a bullet point at the end “that the Council should be aiming for a ratio of 1 to 8 and adoption of a living wage”.

88. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the Council's new Chief Executive, Alastair Neill to his first Council meeting.

The Chairman in her announcements:

- Reported attending the first Herefordshire Winter Games, with the Vice Chairman.
- Reminded Members of the forthcoming Civic Service on 17 March.
- Reminded Members of the closing date of 15 March for nominations for the Herefordshire Diamond County Award.

The Chairman reported receiving a petition from Mrs Alison Shepherd on behalf of the parents of Barrs Court School asking the Council to commission further education college provision for 19 to 25 year old young adults with disabilities, which she handed to the Cabinet Member, Education and Infrastructure.

89. 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.

90. COUNCIL TAX RESOLUTION 2013/14

Councillor. AW Johnson, the Cabinet Member Financial Management, presented the report to Council and sought amendment to recommendation “e” on page 16 of the agenda to replace reference to the 2012/13 budget with reference to the 2013/14 budget. This was agreed. In concluding, Councillor Johnson moved that the recommendations be accepted, which was seconded by Councillor H Bramer.

In discussion the following points were made:

- The figures given in the annexe appear to include the grant to make up for the reduction in Council Tax benefits and not the precepted figures.
- The overspend figure is £130k more than that in December 2012 estimate.
- That reserves will be £2.3m below the minimum and assurance was sought for the next financial year in particular should service estimates turn out to be low.
- Under S. 27 of the 2003 Act (referred to in para 10.4 of the report) there is a need to include proposals to avoid reserves dipping below the minimum level.
- There were concerns that service levels could be seriously affected, given the financial state of the County Hospital.
- That the effect on services is not always a negative one and in some cases prompts better ways of delivering those services.
- The key objective of the budget was to protect the most vulnerable in the community.
- That the Council's statutory finance officer (S.151 Officer) has approved the report as meeting all necessary obligations.

RESOLVED UNANIMOUSLY THAT:

- (a) It be noted that the Council calculated the tax base 2013/14;
- 1) for the whole Council area as 64,260.18 band D equivalent dwellings;
 - 2) for dwellings in those parts of the area to which a parish precept relates as in the attached Annex 1(i);
- (b) in respect of Council Tax for 2013/14 that the following amounts be approved by the Council for the year 2013/14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011):
- (i) £333,068,881 being the estimated aggregate expenditure of the Council in accordance with Section 31A (2) of the Act, including all precepts issued to it by Parish Councils;
 - (ii) £251,658,953 being the estimated aggregate income of the Council for the items set out in Section 31A (3) of the Act (including Formula Grant);
 - (iii) £81,409,928 being the amount by which the aggregate at (b)(i) above exceeds the aggregate at (b)(ii) calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax Requirement for the year (including Parish precepts);
 - (iv) £1,266.88 being the amount at b(iii) above divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - (v) £2,499,081 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act;
 - (vi) £1,227.99 being the amount at (iv) above less the result given by dividing the amount at (v) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
- (c) That the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester Combined Fire Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992 (as amended).
- (d) That the Council Tax requirement for the Council's own purposes for 2013/14 (excluding parishes) be approved as £78,910,847; and
- (e) In respect of the Council's 2013/14 Budget a Council Tax of £1,227.99 be levied (at Band D).

91. LOCAL TRANSPORT PLAN

Councillor GJ Powell Cabinet Member, Education and Infrastructure, presented the report stating that it gave a window of opportunity to deliver schemes, encouraged communities to work together to demonstrate that change was possible. He thanked all Members, Parish Councils, interest groups and the public for contributing to the plan. The Cabinet Member stated that he was aware that the issues of maintenance, public transport, congestion and parking were the main concerns and that this plan could make a difference if Members and some 10% of the population were behind it.

In respect of particular themes, the Cabinet Member made the following observations:

Road Maintenance

The highways maintenance contract was currently going through a procurement process. The works to be carried out under the £1.6m government grant scheme were being commenced early, listings of which were on the Council's website.

Public Transport

This was about addressing rural isolation and seeking a more integrated, effective and efficient way to deliver a transport network across rural Herefordshire.

Congestion

Use of public transport, park and cycle, park and share and an increase in investment in the cycle network would have lifestyle benefits, in particular for those who start or end their journey to work or school within Hereford. A change by 10% of residents would make a difference. The week commencing 13 May would be "Choose How You Move" week.

Parking

Implementation of the new parking strategy, reducing commuter parking in the city or town centres.

The City and Towns

The 'Destination Hereford' plan recognises increased footfall from 2014. Measures would include a new 20 mph zone, improved pedestrian signage and contraflow pedestrian and cycle movement. Each town to be encouraged to develop its own town plan.

Rail

Installation of new lifts at Hereford Station. Consideration of increased park and ride facilities from Leominster Station. The Cabinet Member reiterated that the Council does not control the rail network, but would continue to support rail expansion where needed. The Rotherwas and Holme Lacy rail scheme concluded that demand, capital costs and subsidy, in excess of £10 per journey did not support progression, a view shared by Network Rail.

The Cabinet Member moved the recommendation be accepted, it was seconded by Councillor MAF Hubbard.

In discussion the following points were raised:

- That the plan addressed the 45% of car journeys that happen at peak times which are under 5km in distance.
- The Council needs to support a community shift in thinking how people get around towns.

Councillor PJ Edwards proposed an amendment to the resolution, to read :- “The Local Transport Plan (LTP) for 2013/14 to 2014/15 is approved, subject to greater consideration of rail traffic and reconsideration of the Hereford Edgar Street inner link road.” The motion was seconded by Councillor R.I. Matthews. In debate the following points were made:-

- The opinions of the 30% of residents in the county who live in Hereford are vital in respect of the £22-27m link road. Could this be done differently without increasing the Council’s mortgage? Could the housing developer pay for the costs of a link road?
- That the link road design was a flawed one, and needed to be addressed and not a case of whether a link road is needed or not.
- The link road was vital for the regeneration of the city and would open up access to the urban village, improve connectivity, reduce traffic, improve safety and facilitate the development of a new Police H.Q.
- There was only a limited window in which to reconsider the rail traffic issue of a network hub and Rotherwas link.
- The Rotherwas area is a key employment zone for the county and the Council should seek commitment from Network Rail to extend the service to Rotherwas.
- That the case for the rail scheme was not financially sound.
- That there is a planned reduction in journey times on the Hereford-Birmingham line of 12 minutes.
- That there is evidence that for every £1 spent on rail investment £4 to £5 is returned from business growth.
- That the rail freight capabilities for Rotherwas should not be overlooked as a freight train could carry up to 3k Tonnes per journey.
- Access to Rotherwas from the East and North is poor and a rail link would address this.
- Local M.P.s were pushing to extend use of the Hereford to Great Malvern line, which would include provision of passing loops rather than less efficient passing bays. Currently there is 11 miles of single track between Hereford and Ledbury and the line has been successfully defended against a downgrade to a community line already.
- There are community led plans involving the Moreton on Lugg rail head and this should prompt re-consideration.
- That cycle safety is a priority.
- There is a risk that the city will be physically divided separating the new from the old unless pedestrian access is upgraded and traffic reduced.
- There is inbuilt flexibility in the masterplan for the Rotherwas Enterprise Zone to retain entry by rail if needed.

The motion to amend was put to the vote and the vote was taken as follows:-

For:23 Against:27 Abstentions: 2

The motion to amend the recommendation was not carried.

The discussion continued and the following points were made:

- There was concern about the lack of mention of trees and their contribution to townscape, air quality and noise reduction.
- That meetings had taken place regarding trees with the Highways Agency in trying to get revision to the Agency's scheme
- That the EURO 5 emissions standard was not high enough and the Council should be aiming for the new EURO 6 standard.
- That EURO 6 was not due in for some time and therefore had not been looked into.
- There was concern with the closure of Garrick car park and the reduction in car parking spaces for those not able to cycle.
- Council noted that the new temporary parking facility at Edgar Street would provide 80 places, with further parking capacity elsewhere.
- That if parents can look at alternatives to taking children to school by car this would make a marked impact on traffic.
- Negotiations are ongoing with the NHS about staff parking in the area.

The motion was put to the vote and the vote was as follows:

For: 47 Against:5 Abstentions:1

RESOLVED: The Local Transport Plan (LTP) for 2013/14 to 2014/15 is approved.

92. ESTABLISHMENT OF HEALTH AND WELLBEING BOARD

Councillor PM Morgan, Cabinet Member, Health and Wellbeing presented the report, reminding Council that the Health and Wellbeing Board is a unique committee of the Council and therefore should not be viewed in the same way as the other committees and was not a forum for establishing Council policy. The Board had met in shadow form to date and the report set out the proposed governance arrangements for it as discussed so far.

The Cabinet Member moved that the recommendations in the report be accepted with recommendation "d" to state that the Vice-Chairman be appointed by the Board, the motion was seconded by Councillor JW Millar.

In discussion the following points were made:

- There was concern that there was no representative from a body dealing with palliative care.
- It was proposed that voting rights be extended to all members of the Board.
- That representatives from the youth, service users, arts and spiritual sectors were not currently included.
- Membership needed to be considered carefully and that careful consideration should be given to membership.

Councillor MAF Hubbard proposed a motion that the recommendations be amended:

1. Replacing the requirement that only core members be able to vote with all members of the Board being able to vote.
2. Adding a further recommendation, "g" that "in the first year the Board examines its own membership and to consider including users of the services."
3. Recommendation "d" be amended to reflect appointment of an independent chairman supported by Cabinet Members.

The motion was seconded by Councillor MD Lloyd-Hayes.

In debate, the following points were made:

- It was noted the report stated that once the Board is established it has the power to appoint further persons.
- That the number of issues requiring a vote should be few in practice.
- That this body was designed to operate at a strategic level and could commission the views of service users as and when necessary.
- Membership of the Board has evolved organically to date and the size of the Board has to be balanced against the work programme.
- That there was a representative from the community and voluntary sector already on the Board, which was omitted from the list.
- The members of the Board had chosen the restricted voting option.
- That as a committee of the Council it was appropriate for the Cabinet Member to be the Chairman.
- The Board has the option to co-opt as they think appropriate.
- That there was a Council-heavy voting presence in the proposed arrangements.
- That the members of the Board would not be paid any allowance or expenses.

Councillor MAF Hubbard withdrew the proposed amendment for an independent chairman.

The vote was then taken on the proposed amendments to the recommendations as follows:

First amendment: Replacing core members only being able to vote with all members of the Board being able to vote.

For:11 Against:36 Abstentions: Nil

Second amendment: Adding a further recommendation, "g" that "in the first year the Board examines its own membership to consider including users of the services."

For: 8 Against:36 Abstentions:3

The vote on the original motion was taken as follows:

For:33 Against:8 Abstentions:1

RESOLVED THAT:

- a) The Herefordshire Health and Wellbeing Board be formally established.**
- b) The draft terms of reference as appended be approved.**
- c) The Membership of the Board to consist of :-**

A STATUTORY CORE MEMBERSHIP of:

Two Herefordshire Councillors nominated by the Council's Leader
Herefordshire Council's Director of Adult Social Services (Post held by
the Director for People's Services)
Herefordshire Council's Director of Children's Services (Post held by
the Director for People's Services)
Herefordshire Council's Director of Public Health
A representative of Herefordshire Healthwatch

A representative of the Herefordshire Clinical Commissioning Group.

**SUCH OTHER PERSONS AS THE COUNCIL THINKS APPROPRIATE
namely:**

A representative of NHS Commissioning Board Local Area Team

A representative of a carers support organisation

The Chief Executive of Herefordshire Council

A representative of 2Gether NHS Foundation Trust

A representative of Wye Valley NHS Trust

A representative of West Mercia Police

A representative of the business community in Herefordshire

A representative of the care and community sector

- d) The Chairman be the Cabinet Member for Health and Wellbeing and the Vice-Chairman be chosen by the Board**
- e) Only the core statutory members of the Board have voting rights.**
- f) The Monitoring Officer be authorised to make any necessary consequential amendments to the Council's Constitution.**

93. ANNUAL REPORTS TO COUNCIL

The following Annual Reports were presented:

REPORT OF EXECUTIVE DECISIONS TAKEN UNDER THE URGENCY PROVISIONS

Item 10 A) The report was presented by Councillor JG Jarvis, the Leader of the Council.

It was moved by Councillor Jarvis and seconded by Councillor BA Durkin that the report be noted.

RESOLVED THAT: Council notes the content of this report.

REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE

Item 10B) Councillor J Stone, the Chairman of the Audit and Governance Committee presented the report and thanked the Vice-Chairman, Councillor JW Millar and the members of the Committee for all their hard work during a busy year.

Councillor Stone also thanked the members of the Standards Panel for their work, as since July 2012, the work of the Standards Panel has been in the remit of the Audit and Governance Committee.

Councillor J Stone moved the motion, seconded by Councillor JW Millar.

RESOLVED THAT: The report be noted.

REPORTS OF THE OVERVIEW AND SCRUTINY AND GENERAL OVERVIEW AND SCRUTINY COMMITTEES

Items 10C) and 10D) were presented together by Councillor A Seldon, the Chairman of the outgoing Scrutiny Committee and Chairman of the replacement General Overview and Scrutiny Committee. In presenting the reports, Councillor Seldon thanked the Council's Scrutiny Officer for her work and support.

Councillor A Seldon moved the motion, which was seconded by Councillor JW Millar.

RESOLVED THAT: The reports be noted.

REPORT OF THE HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

Item 10E) Councillor JW Millar presented the report and stated that although the Committee had only been in existence for a short while it was clear that not only did the right questions need to be asked but that the answers received needed to be triangulated and backed up with evidence. Councillor Millar thanked Councillor SJ Robertson, the Vice-Chairman of Health Overview and Scrutiny and the Committee as a whole in particular for the improvements based on the OFSTED work.

Councillor JW Millar moved the motion which was seconded by Councillor A Seldon.

RESOLVED THAT: The report be noted.

REPORT OF THE REGULATORY COMMITTEE

Item 10F) Councillor JW Hope MBE, the Chairman of the Council's Regulatory Committee presented the report and moved the motion. Councillor B.A. Durkin seconded the motion. A question was raised about the backlog of public path diversions.

RESOLVED THAT: The report be noted.

REPORT OF THE PLANNING COMMITTEE

Item 10G) In presenting the report, Councillor PGH Cutter thanked the Vice-Chairman Councillor BA Durkin and the members of the Committee for their hard work in this public facing committee of the Authority.

A discussion followed in which the following points were raised:

- That the Council is in something of a policy vacuum between the NPPF and our own SHLAA.
- There were concerns at the cost of Council refusing applications contrary to officer recommendations.
- Concerns at the lack of meetings held to discuss small area policies and other items.
- A seminar on trees would be held in the near future.
- The concern at the lack of a 2 year development land supply.

Councillor PGH Cutter moved the motion, which was seconded by Councillor JA Hyde.

RESOLVED THAT: The report be noted.

94. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR. MAF HUBBARD

Councillor J Stone, the Chairman of the Audit and Governance Committee, presented the report and moved that the recommendation be accepted, this was seconded by Councillor JW Millar.

RESOLVED UNANIMOUSLY: Council notes the breaches of the Code of Conduct by Councillor Mark Hubbard as detailed in the report.

95. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR. GA POWELL

Councillor J Stone, the Chairman of the Council's Audit and Governance Committee moved that the recommendation of the report be accepted, seconded by Councillor JW Millar.

RESOLVED UNANIMOUSLY THAT: Council notes the report.

96. 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.

97. NOTICES OF MOTION UNDER STANDING ORDERS

The Notice of Motion tabled as number two on the agenda was withdrawn by Councillor JG Jarvis.

In accordance with part 4 of the Council's Constitution and reflecting the views of Members, the Chairman then decided the meeting would continue on past its normal three hour duration.

Councillor RB Hamilton then sought alteration of the Notice of Motion tabled as number one on the agenda, by omission of the word 'can' after the words 'Full Council'. The amendment was agreed.

Councillor RB Hamilton then proposed the motion stating that he had a belief that all the people of Herefordshire had a right to see how Members voted. At present the public were unable to see how Members voted.

Councillor GJ Powell seconded the motion stating that Councillors were not elected to "sit on the fence" and that they were collectively responsible for the voting that takes place. In respect of those who abstain, by recording votes Members could then explain to their ward residents why they were unable to have a clear position.

In debate the following points were raised:

- That this measure could be seen as a party political device.
- There is provision in the Constitution already for named voting.
- There is a resource implication to the proposal.
- When future meetings are held in the Shirehall, it is anticipated there will be the facility for both webcasting and a voting system.
- The motion is a step forward to complete transparency.
- Ultimately abstentions by Councillors would be accountable 'through the ballot box' .

The motion was put to the vote and the votes were as follows:

For:33 Against:8 Absentions:1

RESOLVED THAT: The Council's Constitution be amended to require that all votes taken at meetings of Full Council be recorded by way of named votes, excluding votes on procedural motions.

98. LEADER'S REPORT

The Leader of the Council, Councillor JG Jarvis, presented the report of the meetings of Cabinet held since November 2012. In presenting the report, Councillor Jarvis was pleased to announce that five race meetings were now scheduled at Hereford Racecourse for this year. With regard to the City centre development, Debenhams would be taking over their new building before Christmas 2013 with an anticipated opening during Easter 2014.

Councillor JG Jarvis moved the motion, seconded by Councillor GJ Powell.

In the discussion the following points were raised:

- Paragraph 6.6, whether the grant sum would be subject to scrutiny.
- The Council has been held as an exemplar of good practice in this field and this is the second year the Council has received the grant.
- Paragraph 6.7, bullet point 2 the reference to CIL should correctly be termed " preliminary draft CIL "
- That the CIL Task and Finish Group are under extreme pressure to meet the timetable set for them.
- That the views of the Task and Finish Group will inform the final version of the CIL.
- That the Enterprise Zone governance arrangements should be considered by the Audit and Governance Committee.
- The Enterprise Zone contracts have been exchanged with the land to be occupied early this summer.
- There are 53% more potholes than normal with five times more 'Bellwin' claims being dealt with. The new Highways contracting exercise will be focussing on value for money.

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

99. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brig P Jones CBE presented the report of the meetings of the Hereford & Worcester Fire and Rescue Authority dated 3 February 2013.

RESOLVED THAT: The report of the meetings of the Hereford and Worcester Fire and Rescue Authority dated 3 February 2013 be noted.

The meeting ended at 1.45 pm

CHAIRMAN

Question from Ms C Protherough, Herefordshire

Question 1

Population Increase and Demographic Change by 2030

A recent report in Hereford Times (14 Jan) recorded that Hereford County hospital had to postpone some operations to cope with the continuing high demands of emergency care through the Accident and Emergency department, which was seeing a higher numbers of patients than expected, the majority with serious illnesses or injury

An increasing population, particularly of older people, is likely to result in more essential services for both emergencies and elective surgery, which have to be provided by a hospital based service

Councillor Jarvis asserted on 20 July 2012 that the existing hospital services will be able to cope with a population increase caused by the provision of 16,500 new homes, as proposed in the Local Development Framework, solely by reliance on the health and social care model of treatment of more people in the community.

What statistical evidence has been provided of likely projected need for emergency hospital beds, elective surgery and hospital births, taking into account overall population increase and demographic change by 2030, in further dialogue, if it has taken place since July 2012, between Herefordshire Council and the Health services on the implications of large scale population expansion on current hospital provision?

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

Answer to question 1

During a career spanning 30 years as a professional in health care including a deep knowledge and understanding of primary, emergency and elective care, I rarely experienced a time when resources were not under pressure because of increasing demand and expectation. No matter what we do I do not envisage a time when services will not be under pressure for one reason or another.

The hypothesis put forward by the question is based on an article in the Hereford Times and a rather simplistic assumption i.e. based on “an increasing population, particularly of older people” and that as a community we will continue to do more of the same, which is not the case.

It does not recognise some of the key aims described in the draft Core Strategy which are supported by the evidence base, such as the proposals to increase the number of young people who remain in, or return to the county, to increase the number of people of working age who are economically active, or the Health & Wellbeing Strategy shared by both health and local government to increase people’s health & wellbeing, support independence into older age, and increase the number of care based services provided in the home and community.

All the evidence base for the Local Plan, including the Joint Strategic Needs Assessment the production of which is overseen by the Health & Wellbeing Board, is now available for inspection on a dedicated website accessible through the planning policy pages of the Council's website (link <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/>).

In addition to this I would make the point that whilst I cannot speak for the NHS I anticipate that it will respond to the ongoing consultation should it feel the need and that any such feedback, as with all, will be welcomed.

Question from Mrs E Morawiecka, Breinton, Hereford

Question 2

The draft Local Plan Core Strategy

The draft document currently available refers on a number of occasions to the Infrastructure Delivery Plan. (i.e Page 60 draft Core Strategy to Cabinet 27.2.13 – particular transport proposals necessary to bring forward the Core strategy proposals are detailed in the Infrastructure Delivery Plan).

So that I, and members of the public, can understand the financial implications of the proposed Core Strategy, due to go to consultation on 4th March 2013, would the Cabinet Member responsible please advise me as to where I can find this Infrastructure Delivery Plan referred to in the draft Core Strategy and the Community Infrastructure Levy charging schedule?

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

Answer to question 2

As Mrs Morawiecka is aware, the public consultation commenced in accordance with our timetable on 4 March and will run until 22 April 2013.

I refer to my answer to public question number 1; the evidence base for the Local Plan, including the document referred to by Mrs Morawiecka is now available for inspection.

Supplementary Question

I note that the Core Strategy Infrastructure Delivery Plan refers in 1-10 to 1-18 about prioritisation of projects from “fundamental “ down to “desirable”. However, the ranking given to projects in the IDP differs from that in Appendix 1. i.e.the upgrading sewage treatment is described as fundamental in para.1-11 but is ranked a grade lower in Appendix1. Which ranking order should members of the public be considering during the current consultation and who agreed this prioritisation of the key infrastructure projects?

Cabinet Member Written Response

Thank you for drawing my attention to the discrepancy between the main text of the Infrastructure Delivery Plan and the associated appendix. I confirm that the main document was correct in identifying improvements to sewage treatment works as fundamental. The appendix has been amended to reflect the content of the main document.

The categorisation of priorities of infrastructure projects was undertaken by Cabinet members.

Question from Mr D Morawiecki, Breinton, Hereford

Question 3

s106 Agreements – Affordable Housing

The Department of Communities and Local Government in Dec 2012 gave new guidance on the financing of growth plans. Paragraph 22 states:

“the charging authority should also prepare and provide information about the amounts raised in recent years through s106 agreements. This should include the extent to which affordable housing and other targets have been met”.

Would the Cabinet member please advise me where I can find this report on s106 funding in recent years and delivery of affordable housing?

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

Answer to question 3

Although the advice from the Department of Communities and Local Government is relatively recent, Herefordshire Council already has in place a detailed set of monitoring arrangements in relation to Section 106 Agreements, and makes this information available through Annual Monitoring Reports which are published on planning policy pages of the council's website (Link: <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/monitoring/>).

Supplementary Question

S.106 Monies cannot be spent except as prescribed, for example, Three Dragons anticipates community infrastructure levy will be spent on schools when before it would have been S.106 monies funding education. How has this change in funding streams been factored into the delivery of the Infrastructure Delivery Plan?

Cabinet Member Written Response

I would refer you back to the Core Plan pages on the Council's website and if this does not answer your question please come back to me.

Question from Ms J Debbage, Hereford

Question 4

Northern Relief Road

With 500 new homes planned at Holmer West and most of the employment land being south of Roman Road, in the City or in the 'prime employment location' of Rotherwas, who is the Northern relief road being built to benefit considering that sustainable transport links across the City are planned as part of the Local Transport Plan and the problem of 'severance' across three parishes will be created?

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

Answer to question 4

There is not a Northern relief road. Any new road infrastructure provided to the north of Hereford will form an element of a relief road to the west of the city.

The road is described as a relief road in recognition of its important role for the county as a whole in relieving the centre of Hereford of traffic. This is in the context of housing and employment land growth proposals for Hereford. The additional capacity provided by the relief road, supported by other improvements such as the city Link Road for which we already have planning approval, will enable the council to allocate further road space to more sustainable forms of transport in the centre of Hereford as part of its transport plan.

However the benefits of this development for the county's roads network go far beyond improved traffic management and are fundamental to realising the ambition for the county to develop and maintain a successful economy as a whole. To achieve this we need more and better paid local jobs with good quality housing that meets everyone's needs. An improved roads and transport system, which includes greater use of sustainable transport options such as cycling, walking and public transport, is an essential piece in the overall jigsaw.

The aim of the relief road is to provide better links and increased connectivity rather than create severance; detailed design work will be undertaken as the project is advanced in order to identify and mitigate against any risks at a local level.

Question from Dr DA Penny, Hereford

Question 5

Relief Road

What are the costings for a proposed "relief" road for Hereford? What is any such road designed to relieve from, and who will benefit from the relief?

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

Answer to question 5

Preliminary cost estimates for a Relief Road were included in the 'Hereford Relief Road Study of Options', September 2010, available as part of the evidence base referred to in the answer provided to Public Question number 1.

For an outline of the reasons why the road is proposed within the draft Core Strategy, I refer to my answer to public question number 4 above, and emphasise again that the whole county will benefit from this improvement.

Question from Mr N O'Neil, Hereford

Question 6

Why strategically is the Northern Relief Road planned for construction before a river crossing that would serve the employment area of Rotherwas?

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

Answer to question 6

It is not; the draft Core Strategy promotes a western relief road in support of housing and employment land proposals for Hereford. This will include a river crossing and, with the Rotherwas Access Road already constructed, will provide access to Rotherwas. No decisions have been taken on the phasing of the links of the western relief road.

In addition to this it would be remiss of me not to mention the Connect 2 cycleway bridge that is currently under construction.

Question from Mr T Geeson, Chair of Breinton Parish Council

Question 7

Draft Core Strategy questionnaire

The last consultation Herefordshire Council undertook on the Local Development Framework resisted using a questionnaire. Therefore I welcome that the Council have

decided to once again provide questionnaires for members of the public to respond to the new consultation on the Draft Core Strategy starting on 4th March. Bearing in mind the way Herefordshire Council segregated questionnaire responses from written responses during the previous consultation, how will the Council be treating questionnaire responses versus written responses on this occasion?

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

Answer to question 7

I am pleased that Mr Geeson welcomes the decision to provide a questionnaire for the current Local Plan consultation exercise. This is in harmony with my determination to use this approach having listened to feedback, both positive and not so positive, on a range of consultations on differing subjects. I also sought the views of the Overview & Scrutiny Committee in this regard for which I thank it. I would encourage him and others to use the questionnaire, which has been developed with support from both the Plain English Campaign and the Consultation Society. In the event that some respondents submit supplementary comments by way of written responses - these will be read, analysed and reported by assimilating the feedback under the most appropriate heading in the questionnaire.

As indicated during debate at Cabinet on 27 February 2013, a detailed analysis of the questionnaire responses, together with any other representations received will be presented to Cabinet to enable these views to be considered in formulating the Cabinet's recommendation to Council.

Supplementary Question

I thank Cllr. Hamilton for his response. Bearing in mind the length and complexity of the questionnaires , if Ward Members and Parish Councillors decide to provide their own questionnaires will these be treated the same as the Council questionnaires, or differently?

Cabinet Member Written Response

I would strongly encourage everyone to use the standard questionnaire, where there is space for free text for additional comments. Whilst I would not encourage comments to be sent in by written text as it is harder to analyse respondents may choose to do this if they feel that the questionnaire does not capture their views. That said all the results will go back to the Council's General Overview and Scrutiny Committee in accordance with my offer to them, to report the outcome of the consultation and demonstrate how the feedback has informed things. If people want to use a questionnaire of their own I would encourage them to use to the official questions as the basis for this.

Question from Mrs V Wegg-Prosser, Breinton

Question 8

Local Plan Core Strategy – Economic Viability Assessment

Reference background papers for the Agenda Item on the Local Plan Core Strategy, *The Three Dragons report (February 2013)* is a detailed assessment of various development sites' potential to pay the Community Infrastructure Levy which will help to fund necessary infrastructure to deliver the Council's Local Plan Core strategy.

However, the report does not update the *Three Dragons and Roger Tyms Report (June 2011)* which provided an Economic Viability Assessment of the deliverability of the whole Local Plan Core Strategy.

I should be grateful if the Cabinet member responsible for the Local Plan Core Strategy could advise me where I can find the full Economic Viability Assessment (EVA) of the Local Plan Core Strategy intended for dissemination as part of the consultation process due to commence on March 4th 2013.

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

Answer to question 8

Both reports are available on the website referred to in my answer to Public Question 1 above. The two reports need to be read in conjunction; the second report tests the delivery of a range of development types and sizes which are comparative to the sites identified in the draft Core Strategy.

Question from Professor A Fisher, Hereford

Question 9

Strategic Housing Locations, Provision of Infrastructure and Conservation of Nature

The draft local plan warns that:

'The achievement of the housing target for the plan period will be challenging'

and that:

'there may be a need to phase the release of new development in specific instances in order to ensure that appropriate infrastructure is provided either prior to, or co-ordinated with, the development. This will be particularly the case in respect of major elements of infrastructure such as the Hereford Relief Road.' (p 36 of the draft Plan discussed by Cabinet on 27th February)

Conservation of critically important natural habitat in Herefordshire (specifically, the River Wye Special Area of Conservation) will also potentially affect the ultimate numbers of houses that can be delivered up to 2031:

'the requirements of the NMP [Nutrient Management Plan] may include the need to phase or delay the release of housing during the plan period.' (p36)

Which of the proposed Strategic Housing Locations are dependent on 'major elements of infrastructure' and/or the successful operation of the Nutrient Management Plan (please indicate what sort of infrastructure they are dependent on) and what is the maximum number of houses that could be brought forward at each of these strategic housing locations if either the necessary major infrastructure is not forthcoming or the NMP requires delayed release of housing during the plan period or if both conditions apply?

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

Answer to question 9

Each strategic housing site will require differing degrees of infrastructure development, and individual policies for the strategic sites set out criteria identifying key development requirements in each case. All those that feed into the areas of the Rivers Wye and Lugg covered by the Special Area of Conservation designation will ultimately be affected by the provisions of the Nutrient Management Plan. These matters will be ultimately decided and assessed through the determination of individual planning applications.

Question from Mrs P Churchward, Hereford

Question 10

Community Infrastructure Levy

DCLG Guidance for Community Infrastructure Levy (CIL) Dec 2012, and Herefordshire Council's own draft charging schedule (March 2013 appendix C) states at paragraph 1.6:

"development should be supported by an Infrastructure Delivery Plan, including the likely cost of providing that infrastructure. This plan should demonstrate the inability to provide the infrastructure through existing funding sources, hence the requirement to charge CIL".

Given that a Community Infrastructure Levy can only be charged when there is a shortfall between the total infrastructure costs of the plan (see above), would the Cabinet Member please provide the calculations regarding the shortfall that arises in Herefordshire resulting in the need for a CIL to be charged?

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

Answer to question 10.

The relevant information is contained within the Infrastructure Delivery Plan (IDP) that is part of the evidence base for the Core Strategy and can be found on the website referred to in my answer to Public Question number 1. It should be noted that the IDP is a 'live' document and projects can be added/deleted at any point.

Supplementary Question

Will the total draft C I L levies cover the shortfall in funding the plan?

Cabinet Member Written Response

We have never said that it would. This was not its purpose and this was set out in the consultation document and the background documents to it. The IDP is in preliminary draft , in the early stages of its development.

Question from Ms P Mitchell, Hereford

Question 11

Soundness of the Core Strategy: Influence of Public Consultations

The Planning Advisory Service is part of the Local Government Association and is directly funded by the Department of Communities and Local Government. It has produced a Soundness Checklist to help local authorities ensure that their Local Plans will comply with the Soundness Test required by the National Planning Policy Framework.

The Checklist makes it clear that to demonstrate that a plan is justified, the local planning authority must provide evidence of participation and the testing of alternatives. The Checklist advises that the evidence for both of these tests should include showing how consultation has influenced the plan.

The consultation report for the 2010 Hereford Preferred Option showed that 86% of consultees rejected the Hereford Movement Policy with the most frequent comment being 'disagree with need for relief road'

In spite of this, for the Revised Preferred Option consultation the Council simply restated that 'we will continue to propose a western relief road'. Despite not being provided with a revised option with respect to the road, the August 2012 report on the Revised Preferred Option consultation shows that the proposal remained very contentious:

'3.19 The biggest response to a single issue was the 650 written responses which commented upon the Hereford Relief Road. Around 53% of responses were either supportive of a relief road or had some limited concerns while 47% were undecided or disagree with the principle of a road. A wide range of issues were raised including concerns about the need for a road and the supporting evidence to finance and environmental issues. A significant number of responses expressed a preference for an eastern route while others did not consider that alternatives to a road through sustainable transport measures have not [sic] been fully explored.'

How will the Council demonstrate at the Examination in Public that its many consultations have influenced the current plan with respect to its most controversial element, the Hereford relief road?

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

Answer to question 11

I recognise that the issue of a Hereford Relief Road remains a matter of public interest. This should be expected on a plan of this scale and magnitude. The eventual examination of the Plan will consider many factors including the evidence base, detailed studies assessing the environment and economic impacts of different route options and the results of the final round of comments received by the Inspector following approval of the Plan by Council later this year. In this respect it would be usual for an Inspector to be considering a proposal supported by a raft of evidence and which itself is the subject of objection. Indeed it would be unusual for a proposal of this scale to reach examination/inquiry without a degree of objection.

Question from Councillor DC Taylor

Parish precepts

- 1 *Please can I be advised of the names and the number of Parish Councils that are increasing their precept for 2013/14 and also of those Parish Councils whereby the precept is to remain the same or is reducing in 2013/14.*

Answer from Councillor AW Johnson, Cabinet Member Financial Management

Answer to question 1

The table below identifies those 68 local councils that have increased their precepts, those 64 that have remained static, and those 8 that have decreased their precept together with the level of change for each.

It should be emphasised that through the use of local precepts local councils are able to help meet the needs of their communities, supporting much valued local facilities and services.

Parish Council Meeting	Precept required 2013/14	Last year's precept (2012/13)	Increase
Increased Precept			
Abbeydore & Bacton Group Parish Council	£7,200	£4,750	51.58%
Aconbury Parish Meeting	£120	£100	20.00%
Allensmore Parish Council	£2,000	£1,500	33.33%
Almeley Parish Council	£7,500	£7,250	3.45%
Aston Ingham Parish Council	£2,500	£2,200	13.64%
Aymestrey Parish Council	£2,876	£2,739	5.00%
Bartestree & Lugwardine Group Parish Council	£23,700	£23,000	3.04%
Belmont Rural Parish Council	£50,000	£45,000	11.11%
Bishop's Frome Parish Council	£22,000	£20,000	10.00%
Bodenham Parish Council	£9,945	£9,780	1.69%
Bredenbury & District Group Parish Council	£5,360	£4,250	26.12%
Breinton Parish Council	£8,200	£7,020	16.81%
Brilley Parish Council	£4,750	£4,000	18.75%
Bromyard & Winslow Town Council	£171,000	£168,000	1.79%
Burghill Parish Council	£13,977	£10,200	37.03%
Clehonger Parish Council	£12,000	£11,000	9.09%
Colwall Parish Council	£58,010	£56,873	2.00%
Malvern Hills Conservators (Colwall Parish Council)	£33,770	£33,040	2.21%
Cradley Parish Council	£25,000	£24,000	4.17%
Cusop Parish Council	£7,500	£6,500	15.38%
Dinedor Parish Council	£5,800	£5,600	3.57%
Dormington & Mordiford Group Parish Council	£12,945	£10,945	18.27%

Parish Council Meeting	Precept required 2013/14	Last year's precept (2012/13)	Increase
Dorstone Parish Council	£2,600	£2,300	13.04%
Eardisley Group Parish Council	£8,700	£7,700	12.99%
Eastnor & Donnington Parish Council	£3,600	£3,500	2.86%
Fownhope Parish Council	£20,000	£16,000	25.00%
Garway Parish Council	£10,574	£4,724	123.84%
Holme Lacy Parish Council	£15,000	£11,400	31.58%
Holmer & Shelwick Parish Council	£6,954	£6,575	5.76%
Hope Mansell Parish Council	£1,450	£1,000	45.00%
Hope under Dinmore Group Parish Council	£3,500	£3,300	6.06%
Humber, Ford & Stoke Prior Group Parish Council	£3,850	£3,500	10.00%
Kentchurch Parish Council	£6,500	£5,400	20.37%
Kilpeck Group Parish Council	£10,750	£7,750	38.71%
Kimbolton Parish Council	£5,500	£5,000	10.00%
Kington Rural and Lower Harpton Group Parish Council	£4,000	£2,200	81.82%
Kington Town Council	£64,000	£60,900	5.09%
Kinnersley and District Group Parish Council	£3,200	£3,000	6.67%
Lea Parish Council	£9,850	£9,600	2.60%
Leominster Town Council	£241,098	£229,011	5.28%
Llanwarne & District Group Parish Council	£2,000	£1,400	42.86%
Lower Bullingham Parish Council	£18,817	£10,639	76.87%
Luston Group Parish Council	£10,000	£9,000	11.11%
Lyonshall Parish Council	£10,000	£5,000	100.00%
Marstow Parish Council	£5,500	£5,000	10.00%
Mathon Parish Council	£6,442	£6,392	0.78%
Malvern Hills Conservators (Mathon)	£4,500	£4,400	2.27%
Monkland and Stretford Parish Council	£3,500	£2,900	20.69%
Moreton on Lugg Parish Council	£14,000	£11,000	27.27%
Much Marcle Parish Council	£4,919	£4,685	4.99%
Orcop Parish Council	£7,000	£5,000	40.00%
Orleton Parish Council	£15,300	£14,300	6.99%
Pencombe Group Parish Council	£8,500	£6,500	30.77%
Pixley & District Parish Council	£5,500	£5,000	10.00%
Putley Parish Council	£5,000	£4,500	11.11%
Pyons Group Parish Council	£6,195	£5,895	5.09%
Richard's Castle (Herefordshire) Parish Council	£3,150	£3,000	5.00%
Sellack Parish Council	£2,000	£1,750	14.29%
Shobdon Parish Council	£13,900	£9,950	39.70%
St. Weonards Parish Council	£3,630	£3,300	10.00%
Staunton-on-Wye and District Group Parish Council	£2,675	£2,500	7.00%

Parish Council Meeting	Precept required 2013/14	Last year's precept (2012/13)	Increase
Stretton Sugwas Parish Council	£4,200	£3,500	20.00%
Sutton Parish Council	£18,870	£18,500	2.00%
Titley and District Group Parish Council	£4,336	£3,921	10.58%
Upton Bishop Parish Council	£8,864	£8,364	5.98%
Weston-under-Penyard Parish Council	£7,000	£6,300	11.11%
Whitchurch & Ganarew Group Parish Council	£15,000	£9,000	66.67%
Wyeside Group Parish Council	£6,500	£4,200	54.76%
Static Precept			
Acton Beauchamp Group Parish Council	£2,800	£2,800	0.00%
Ashperton Parish Council	£3,150	£3,150	0.00%
Avenbury Parish Council	£3,500	£3,500	0.00%
Ballingham, Bolstone & Hentland Group Parish Council	£4,000	£4,000	0.00%
Birley with Upper Hill Parish Council	£2,000	£2,000	0.00%
Bishopstone Group Parish Council	£4,174	£4,174	0.00%
Border Group Parish Council	£7,500	£7,500	0.00%
Bosbury and Coddington Parish Council	£10,000	£10,000	0.00%
Brampton Abbots & Foy Group Parish Council	£2,000	£2,000	0.00%
Bridstow Parish Council	£5,225	£5,225	0.00%
Brimfield and Little Hereford Group Parish Council	£9,500	£9,500	0.00%
Brockhampton with Much Fawley Parish Council	£3,600	£3,600	0.00%
Callow & Haywood Group Parish Council	£5,500	£5,500	0.00%
Clifford Parish Council	£4,000	£4,000	0.00%
Credenhill Parish Council	£16,800	£16,800	0.00%
Dilwyn Parish Council	£11,545	£11,545	0.00%
Dinmore Parish Meeting	£0	£0	0.00%
Eardisland Parish Council	£15,750	£15,750	0.00%
Eaton Bishop Parish Council	£5,000	£5,000	0.00%
Foxley Group Parish Council	£1,750	£1,750	0.00%
Goodrich & Welsh Bicknor Group Parish Council	£5,600	£5,600	0.00%
Hampton Bishop Parish Council	£10,000	£10,000	0.00%
Hampton Charles Parish Meeting	£0	£0	0.00%
Hatfield and District Group Parish Council	£2,500	£2,500	0.00%
How Caple, Sollershope & Yatton Group Parish Council	£5,000	£5,000	0.00%
Huntington Parish Council	£650	£650	0.00%
Kingsland Parish Council	£10,000	£10,000	0.00%
Kingstone & Thruxton Group Parish Council	£8,000	£8,000	0.00%
Ledbury Town Council	£266,596	£266,596	0.00%
Leintwardine Group Parish Council	£15,000	£15,000	0.00%
Linton Parish Council	£6,000	£6,000	0.00%

Parish Council Meeting	Precept required 2013/14	Last year's precept (2012/13)	Increase
Little Birch Parish Council	£2,700	£2,700	0.00%
Little Dewchurch Parish Council	£7,500	£7,500	0.00%
Llangarron Parish Council	£5,000	£5,000	0.00%
Longtown Group Parish Council	£5,530	£5,530	0.00%
Madley Parish Council	£9,000	£9,000	0.00%
Marden Parish Council	£17,500	£17,500	0.00%
Middleton-on-the-Hill and Leysters Group Parish Council	£3,500	£3,500	0.00%
Much Birch Parish Council	£6,000	£6,000	0.00%
Much Cowarne Group Parish Council	£3,600	£3,600	0.00%
Much Dewchurch Parish Council	£3,500	£3,500	0.00%
North Bromyard Group Parish Council	£4,000	£4,000	0.00%
Ocle Pychard Parish Council	£2,850	£2,850	0.00%
Pembridge Parish Council	£18,000	£18,000	0.00%
Peterchurch Parish Council	£13,560	£13,560	0.00%
Peterstow Parish Council	£3,500	£3,500	0.00%
Pipe and Lyde Parish Council	£2,330	£2,330	0.00%
Ross Rural Parish Council	£3,000	£3,000	0.00%
Stapleton Group Parish Council	£5,000	£5,000	0.00%
Stoke Edith Parish Meeting (Chairman)	£0	£0	0.00%
Stoke Lacy Parish Council	£5,000	£5,000	0.00%
Tarrington Parish Council	£10,000	£10,000	0.00%
Thornbury Group Parish Council	£3,300	£3,300	0.00%
Walford Parish Council	£16,000	£16,000	0.00%
Wellington Parish Council	£21,500	£21,500	0.00%
Wellington Heath Parish Council	£7,400	£7,400	0.00%
Welsh Newton & Llanrothal Group Parish Council	£6,530	£6,530	0.00%
Weobley Parish Council	£10,555	£10,555	0.00%
Weston Beggard Parish Council	£1,000	£1,000	0.00%
Whitbourne Parish Council	£9,000	£9,000	0.00%
Withington Group Parish Council	£15,000	£15,000	0.00%
Woolhope Parish Council	£5,150	£5,150	0.00%
Yarkhill Parish Council	£4,000	£4,000	0.00%
Yarpole Group Parish Council	£10,385	£10,385	0.00%
Reduced Precept			
Brockhampton Group Parish Council	£8,000	£8,885	-9.96%
Ewyas Harold Group Parish Council	£16,590	£16,651	-0.37%
Hereford City Council	£724,960	£734,960	-1.36%
Kings Capse Parish Council	£6,680	£6,688	-0.12%
Ross on Wye Town Council	£196,500	£200,000	-1.75%
Stretton Grandison Group Parish Council	£1,750	£2,000	-12.50%

Parish Council Meeting	Precept required 2013/14	Last year's precept (2012/13)	Increase
Vowchurch & District Group Parish Council	£6,000	£6,200	-3.23%
Wigmore Group Parish Council	£15,000	£17,000	-11.76%

Question from Councillor DC Taylor

Financial Hit on Schools

- 2 *With the recent settlement from the Department for Education and the reduction in 2013/14 budget, can the Cabinet Member advise how this is going to impact on all the schools in the County and is the Cabinet Member aware of any redundancies needing to be made within the teaching staff at County schools?*

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

Answer to question 2

The schools funding picture is an increasingly complicated one as the educational landscape changes in line with national policies. It is worth noting that the Department for Education retain £33m from Herefordshire's 2013/14 Dedicated Schools Grant to support academy schools, which receive their funding direct through the Education Funding Agency.

For locally maintained schools, the overall schools budget in 2013/14 will stay at the same level on a per pupil basis before the addition of the pupil premium, although the actual level of each school's individual budget will vary according to pupil numbers on roll at the school. From 1 April 2013 the government has introduced a new national schools funding formula which, were it to have full immediate effect, may have significant impact on some individual schools. To protect schools from significant budget reductions, the government's Minimum Funding Guarantee is in place to ensure no school sees more than a 1.5% reduction in per pupil funding in 2013/14 budgets (excluding sixth form funding) compared to the 2012/13 school budget and before the pupil premium is added.

In addition to this change, and as in previous years, changes in pupil numbers will vary from school to school and since 88% of school funding is pupil related, schools that lose pupils will lose funding and will need to adjust their staffing appropriately. The council provides advice and support to locally maintained schools to help manage any necessary reduction in staff, which may include reductions through natural wastage, voluntary reductions in hours and redundancies are only as a last resort. This process is currently in hand with a very small number of school governing bodies and the final outcome is unlikely to be known until after Easter.

The council has no responsibility for, and does not collect data in relation to, staff reductions in academy schools.

Question from Councillor DC Taylor**Potholes**

- 3 *Due to the funding problem to repair the potholes in the roads of Herefordshire, could the Cabinet Member please advise me of the cost to the Council of insurance claims to repair vehicles that have been damaged as a result of inability to repair the roads.*

Answer from Councillor G J Powell, Cabinet Member Education and Infrastructure:

Answer to question 3

For incidents reported and registered between 1st April 2012 and 10th January 2013, there were 146 claims for pothole damage. Of these, 3 claims have been settled, 40 claims have been repudiated and 103 claims registered and are still being investigated. The cost of the three claims settled was £6,693.91; this figure includes one claim with an element of payment for personal injury in addition to vehicle damage.

Question from Councillor R I Matthews**Hereford Enterprise Zone Company**

- 4 *I understand that it is the Council's intention to set up a company to oversee the management of the Hereford Enterprise Zone.*

Can Members be assured that if such arrangements are put in place, that from Day One the minutes of the Board's meetings are made public, and that we look at the possibility of a small, cross-party group being formed, with an agreement in place that they be briefed by the full board on a regular basis?

Answer from Councillor RJ Phillips, Cabinet Member Enterprise and Culture

Answer to question 4

From the first meeting of the newly formed Enterprise Zone Company minutes of Board meetings (subject to any commercially confidential elements) will be made publically available on the Enterprise Zone website.

It is vitally important that all Councillors are aware of progress being made on this project that will have a beneficial impact across the county; as I have done to date, I will continue to keep all 58 members briefed on progress through the usual member briefing channels.

I would also wish members to be aware that the Enterprise Zone has established an Enterprise Zone Stakeholder Group to assist transparency and local engagement in the project. Chaired by the local Ward Member this group brings together businesses from within Rotherwas, the local Parish Councils, and other interested parties in a forum which encourages feedback on proposals and shares information for further dissemination.

Supplementary Question

Will Cllr. R Phillips agree to meet with Group Leaders to further discuss the possibility of forming a small cross-party working group to be briefed by the Board on a regular basis?

Cabinet Member Written Response

"I will ensure all elected members of the council are updated as I have outlined but any Group Leaders or any members wanting more detail can contact me."

Question from Councillor FM Norman

Consultation on Herefordshire Local Plan

5 *If the Council's consultation process on the Core Strategy is to have credibility, it must engage with, and be seen to engage with, all parts of the community, including those who are hard to reach.*

How should people without access to, or understanding of, the Internet respond to the consultation in hard-copy questionnaire or freeform letter format – when an informed response requires access to the policy documents - which are only supplied singly to parish councils and information points; and may also require access to the supporting evidence base which is only accessible online?

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

Answer to question 5

In addition to the Hereford, market towns and rural members' workshops, we held member briefing sessions on 28 February and 1 March 2013. Members were provided with information packs at these events; any members who did not attend an event will have received the information packs separately. These were designed to assist members in fulfilling their community leadership role in relation to the Local Plan in their wards, both generally and during the consultation period in particular. In addition to this we have taken on board suggestions e.g. to let members have copies of a presentation, and copies of questionnaires for distribution if they request them where there is a specific need.

As you will be aware, drop in sessions have been arranged for parish councils one of which took place on 6 March and a further one is scheduled for 20 March 2013; ward members were able to attend these events should they so choose.

As well as being available electronically, paper copies of the draft Core Strategy have been sent to all parish clerks; in addition the documents re available at all Customer Contact Centres, Libraries and Community Libraries.

Paper copies of the draft Core Strategy have already been sent to members of the general public who have requested it; the extensive evidence base is available on-line, which is the most accessible and cost efficient way of making information widely available, however hard copies can be provided on request.

Supplementary Question

I am concerned that this didn't really address the concern that every individual is able to access this report in order to make an informed response. Will the Council run full-day drop in sessions, including after hours, in each of the localities, where members of the public can view the relevant documentation, as well as summaries, and discuss the issues with officers and Members? Can they get assistance in filling in the questionnaires?

Cabinet Member Written Response

I am happy that the system is robust enough whether using the internet or not. In getting to this point we have held over 100 public events, with over 4,000 attendees. In addition to this earlier consultations have led to thousands of responses being received and are now in a different phase as this is the final stage of preparing the core strategy. We have listened carefully to what has been said about previous consultations including the views of the Overview and Scrutiny Committee and I invited them to comment on the process and took on board its views in full. They were satisfied with the process that we proposed and have now implemented.

All Members have had a briefing pack and the opportunity to attend drop in sessions to learn more where they were able to ask any questions. I believe that we all, as local Members and community leaders have a duty to engage with the public on such important issues. We have created the opportunity for any member to be supplied with any further information they may need. A great deal of information has already been published and any specific questions asked by members have been answered by the team by phone, email and so on. We have also been quick to respond to feedback from Councillors at the sessions held so far e.g by supplying full copies of the presentation for members to use in their wards and supplying paper copies of questionnaires as needed.

Question from SJ Robertson

Consultation on Herefordshire Local Plan

- 6 *With reference to the Core Strategy Consultation, I understand that there will be no officer support at Public Meetings throughout the 6 week period. At the Cabinet Meeting on Wednesday, 27th February 2013, the Cabinet Member agreed that the process was complicated, particularly with regard to the Community Infrastructure Levy, and that resources would be made available to the general public to help them understand the consultation process. Therefore,*
- (a) *Who made the decision not to allow officers to attend Public Meetings, particularly as there have been changes to the Core Strategy since the Revised Preferred Option was published in 2011?*
- (b) *Burghill, Holmer and Lyde parishes have been targeted for housing, a northern relief road and park and ride which will have a significant impact on the people residing in the parishes. Why have the residents, therefore, been denied their democratic right to have access to professional Officers at Public Meetings?*
- (c) *Are you happy that the Core Strategy will not be judged unsound as the wishes of local communities for officer representation at Public Meetings have been ignored?*

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

Answer to question 6

- (a) Following discussions with managers I have agreed that council staff will not be accepting invitations to attend public meetings or other similar events organised during the consultation exercise on the draft Core Strategy. Instead, staff will devote their time to the events directly organised by the council throughout the county. This approach reflects the mature phase that the Local Plan has now reached and that we are inviting specific comments on a draft proposal rather than developing a range of options as has previously been the case.
- (b) I refer to the answer I have given to Member question number 5.
- (c) Yes. I am satisfied that the Core Strategy will not be judged unsound and that the ability of local communities to engage with the consultation process is not prejudiced.

Supplementary Question

*I am concerned that this is the last stage and my Ward is affected heavily. Do you not feel that it is unfair and unjust to expect members to answer questions at public meetings on technical questions without a member being present (as has always been the case in the past) and not being privy to the background workings?
I would implore you on behalf of the people of Burghill Holmer and Lyde to reconsider your decision for officer attendance at public meetings?*

Cabinet Member Written Response

I attended over fifty percent of the meetings held during the last consultation personally. Many of the things we are talking about are the same as last time, housing numbers are the same, the road infrastructure is the same. I genuinely believe that the process that has been established is a reasonable one in this circumstances. I have reviewed this decision and my thinking a number of times and have nothing further to add.

Insofar as the suggestion that officers are needed to help respond to technical questions, there is no one person who could respond to them all given that the draft core strategy is so wide ranging. The draft core strategy has been put together by a wide range of people who all have expertise in different areas. We have therefore offered to answer any questions in writing. This will ensure that people get the best response.

Question from SJ Robertson**Sale of Lion Farm**

- 7 *Lion Farm, one of the Council's smallholdings, has recently been sold. I understand the barn conversions which the Council obtained planning consent for have not*

been sold as Property Services omitted to ensure that the Purchaser's Solicitors were made aware of a right of access.

- (a) How did this error occur and is the Council financially liable on the grounds of negligence?*
- (b) If so, for how much?*

Answer from Councillor PD Price, Cabinet Member Corporate Services

Answer to question 7

It would appear that a technical error has occurred in the contractual process and not as a result of any omission or negligence by the council; as a consequence the council carries no financial liability.

Negotiations are ongoing to remedy the situation and whilst these continue it would be inappropriate to comment further.

Question from JLV Kenyon

Cabinet Members skills

- 8 Given that we are nearly two years into a four year cycle I would like to know what skill sets and experience each Cabinet Member and Cabinet Support Member has in the roles they are carrying out so as a Council we can have confidence that those duties they are responsible for are carried out to their full potential.*

Answer from Councillor J G Jarvis Leader of the Council

Answer to question 8

As I am sure Cllr Kenyon will be aware from his two years as a ward member and through his membership of the Health & Social Care Overview & Scrutiny Committee, there isn't a 'person specification' for these roles. Members must draw on their experience and must continually develop their knowledge and skills to enable them to be effective whether in representing their constituents, or fulfilling any of a wide range of member roles within the council, from one we all hold as Corporate Parent to our looked after children through to membership of various committees or as an executive member. A skills audit is undertaken early in each administration to help inform the matching process.

We are extremely fortunate in being able to benefit from the contribution made by all members of the Cabinet Team who collectively bring a range of backgrounds, skills and experience that encompass the private sector, self-employment, the public sector as well as a wealth of voluntary activity. Underlying all this is the essential element of an absolute commitment to the future of this county and the people within it.

Whilst I cannot detail here the personal histories of each of my Cabinet Team, we are publishing on the 'Your Councillor' pages of the council website details of our own

attendance record at training and development events, and I would encourage all members to get involved in these sessions.

Supplementary Question

Where is the skills audit that was undertaken early in this administration? Is there a 'jobs for the boys' culture and I would ask the leader to look outside his own Party if he is really serious about sorting out the ever-worsening problems in our county.

Cabinet Member Written Response

The audit is done at the start of every administration and is part of the Council archive. I find exactly what experience is held. I currently have the most perfectly fitted Cabinet to the role as possible.

Question from EPJ Harvey

Consultation on Local Plan Core Strategy

9 *At Cabinet on 27th Feb Cllr Hamilton stated that he was genuinely listening to people's comments and concerns throughout the Core Strategy consultation, and fully expected that the draft Local Plan would change as a result. At that same meeting Mr Ashcroft said he was confident that the final version of the plan to be published in August/September of this year would be broadly the same as the draft being consulted upon now.*

I ask the following question in four parts:

- 9.1 *Who is correct?*
- 9.2. *What advice has this council received from the Planning Inspectorate concerning how much a Local Plan Core Strategy may change between final consultation and publication without risking the charge that the consultation is invalid or that the plan is unsound?*
- 9.3 *How does the council propose: to record the changes made as a result of this round of consultation; and, to assess their significance in the light of Planning Inspectorate advice?*
- 9.4 *What would be the impact on the Council's ability to secure developer funding for affordable homes and infrastructure, through S106 and/or the Community Infrastructure Levy, of a delay in progressing the Core Strategy - should this be found to be unsound at Examination in Public?*

Answer from Councillor R B Hamilton Cabinet Member

Answer to question 9

- 9.1 The comments are not contradictory. The draft Core Strategy is now well-advanced and reflects the outcomes of several rounds of consultation and wider debate since 2007. The draft that is now available for consultation is under-pinned by a very significant raft of information and evidence that has been informed by feedback

from a wide range of stakeholders. Nonetheless the ambition and approach is very much to be responsive to comments that either add value to the Plan or propose more appropriate policies that are supported by the necessary evidence.

- 9.2 The council has neither received nor sought advice from the Inspectorate on this point as appropriate guidance is already available in published documents, and has been followed. There is nothing unusual about this at this stage in the process.
- 9.3 Any changes proposed to the draft Core Strategy, resulting from consultation responses and/or new evidence will be published and reported to Cabinet when the plan is next considered. Should significant changes to the strategy be proposed at that time a judgement will be required to determine whether further consultation on the changes is necessary.

In addition to this Cllr Harvey will be aware that during my visit to the General Overview & Scrutiny Committee on 11 February 2013 when I assisted the committee with its work on the draft Core Strategy, I offered to return following the close of the consultation, once the results had been analysed and we had formed views regarding how these would influence the proposals to be put to the Cabinet and Council in July. I wish to again make it plain that all responses to the ongoing consultation will be welcomed and will help to shape the final proposals. Let us be under no illusion that we live in the real world and that it may not be possible to agree with all submissions; however, any suggestion that comments are a waste of time are not worthy of further comment.

- 9.4 The ability of the council to pool Section 106 agreement monies for wider projects ends on 31 March 2014. From this point onwards Section 106 agreements will relate only to site specific matters.

As Members will be aware the council has been pressing ahead with parallel work on the preparation of a Community Infrastructure Levy charging levy. Whilst that levy cannot be adopted until a Core Strategy has been adopted, I do not anticipate the Core Strategy being found unsound.

Supplementary Question

I thank the Cabinet Member for his response and all the officers and staff involved in bringing this consultation to that public at this stage. I am pleased to hear that change, even significant change, is not ruled out at this stage in the strategy development.

I certainly do not consider comments made at this stage to be a waste of time and will be encouraging all residents to engage vigorously with this consultation. Will he support Councillors with a hard copy evidence base, policy documentation and officer advice where Councillors wish to run all day drop in sessions for residents in their role as community leaders?

Cabinet Member Written Response

Any additional information that can be supplied will be, we will do whatever we can to support Members.

Question from EPJ Harvey**Neighbourhood Planning**

10 *IOC welcomes the Cabinet's eagerness to 'shift the balance of power' in terms of the driving force for future development in this county away from Herefordshire Council and towards local communities, through the significant role now proposed to be fulfilled by Neighbourhood Plans in the delivery of the Local Plan. We also welcome the increased share of 25% of monies generated through Community Infrastructure Levy which will remain with the parishes that have adopted Neighbourhood Plans which support development.*

Please will the cabinet Member clarify the following with regard to the role of Neighbourhood Plans:

10.1 *Will communities already targeted to receive strategic housing sites in the core strategy need only to endorse these proposals in their Neighbourhood Plans; or must they propose additional housing on top before they qualify for retention of 25% of their CIL?*

10.2 *Will any level of support for development in a Neighbourhood Plan for an area without a strategic housing site qualify that parish to retain 25% of the CIL?*

10.3 *How will the 5,300 houses proposed in the plan to be sited in the rural areas be apportioned against communities – both those committing to a Neighbourhood Plans and those not.*

10.4 *Since the core strategy identifies this as the means by which the county shall to continue to deliver housing in the event that its preferred approach, of large strategic housing sites, fails to deliver housing fast enough to meet the build trajectory predicted in the plan? How it is proposed to use the Neighbourhood Planning process to agree what fraction of the 30,000 additional sites, identified across the county in the SHLAA as developable and deliverable, that are located within each particular community, should be deemed to be part of the strategic rural housing allocation (the 5,300) and which be new and additional?*

Answer from Councillor R B Hamilton Cabinet Member

Answer to question 10

10.1 I am pleased that my colleague Cllr Harvey recognises and welcomes our support and determination to implement government policy to “shift the balance of power” from Herefordshire Council to local communities including through, among other things, neighbourhood planning where Herefordshire has already received national recognition for its proactive approach to this.

The 25% Community Infrastructure Levy (CIL) levy will apply in respect of any development where there is an adopted Neighbourhood Development Plan. This will include strategic and non-strategic sites within the Core Strategy and Neighbourhood Development Plan, together with any windfall development.

10.2 Yes.

- 10.3 Housing development within the rural areas will be delivered through a combination of existing commitments, windfall development and sites enabled through Neighbourhood Development Plans. The levels of growth within Neighbourhood Development Plans will be determined via local evidence, specific environmental characteristics, local needs and minded to the targets for proportionate growth within the Core Strategy. 122 villages have been identified within Policy RA1 to be the main focus for proportionate housing growth within the rural area.
- 10.4 Neighbourhood Development Plans will need to be based on evidence and the capacity highlighted with Strategic Housing Land Availability Assessment (SHLAA) will form part of that evidence. Local communities will also be encouraged, together with the assistance of the Neighbourhood Planning team, to undertake site assessments and selection in order to allocate land within their plan.

Supplementary Question

Since the Cabinet Member's response seems to indicate that the first 5,300 houses built anywhere in the rural areas will be taken to be delivering the strategic rural housing target and that this kind of organic serendipitous development represents the natural development behaviour of Herefordshire. Will the Cabinet Member say how far into the delivery of this 20 year plan he will leave it before judging that the housing trajectory is not being met, and re-directing the developers to the more than thirty thousand sites across the County identified in the SHLAA that are supposed to be developable and deliverable?

Cabinet Member Written Response

There is no simple answer to that question as there are lots of changes that would be likely to occur during the period in question. This is not to be taken as written in tablets of stone and will be reviewed as appropriate

MEETING:	COUNCIL
DATE:	24 MAY 2013
TITLE OF REPORT:	TERM OF OFFICE OF LEADER OF THE COUNCIL
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open.

2. Key Decision

This is not a key decision.

3. Wards Affected

County-wide.

4. Purpose

- On the recommendation of the Audit and Governance Committee to change the term of office of the Leader of the Council from the current term of four years to an annual election.
- To consider what provisions, are needed in the Constitution regarding the removal of the Leader of the Council during their term of office.

5. Recommendations

THAT:

- (a) **The Constitution be amended to state that the term of office of the Leader is one year with an option that the Leader may serve consecutive one year terms up to and not exceeding a maximum of four years;**
- (b) **The existing provisions in the Constitution in respect of the removal of the Leader remain in place;**
- (c) **The Constitution be amended to state that the Leader may also be removed from office by simple resolution of a Motion Without Notice at a meeting of Council following a change in political control of the council, as signalled to the Head of Governance, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the Council; and**
- (d) **Any other associated references in the Constitution be amended accordingly.**

6. Key Points Summary

- Under the provisions of the Localism Act, the Council has to include provisions in its Constitution dealing with the removal of the Leader of the Council during their term of office.
- The current Constitution at 2.5.1.4 e makes provision for removal of the Leader by resolution on notice at a Council Meeting. If the Council passes such a resolution, it will elect a new Leader at that meeting or a subsequent one.
- The Council also has to consider what length of office the Leader of the Council will be elected for.
- The Council is not obliged to alter the existing provisions which are that the Leader is elected for a term of four years at the annual meeting after a Council election.
- The Audit and Governance Committee has recommended that the Leader of the Council be appointed annually.

7. Alternative Options

- 7.1 That alternative criteria for the removal of the Leader during term of office be adopted.
- 7.2 That the term of office of the Leader remains at four years.

8. Reasons for Recommendations

- 8.1 Under Statutory Instrument 2012/1023, Local Authorities must make the provisions required by the new Section 9I of the Local Government Act 2000 as soon as reasonably practicable after the Instrument came into effect. This was 4 May 2012. Whilst the Council's annual meeting for 2012 took place after then, on 25 May, it was too short a lead in period to enable this question to be considered at that meeting. The Council's annual meeting for 2013 represents the earliest practicable opportunity to consider this question. The SI makes provision for the existing arrangements to continue until Council has considered the issues.
- 8.2 The issue of the length of term of office went before the Council's Audit and Governance Committee on 15 March 2013 and the Committee recommended that the term of office of Leader of the Council should be one year, with an option for the Leader to serve consecutive one year terms up to, and not exceeding, a maximum of four years.

9. Introduction and Background

- 9.1 The Local Government Act 2000 gave Local Authorities the ability to choose the term of office of the Leader. The Local Government and Public Involvement in Health Act 2007, however, inserted a new S 44A, 44C and 44D into the 2000 Act. S 44A prescribed that in all councils subject to whole council elections, the Leader is to be elected at the post-election annual meeting. S 44D prescribed that the Leader's term of office end on the post-election annual meeting which follows his election as Leader (i.e. effectively a four year term, of office). S 44C made provision for Local Authorities to include provisions for the removal of the Leader and election of a new leader.
- 9.2 The Council's Constitution at 2.5.1.1 and 2.5.1.4 reflects the provisions of S44D with a four year term of office for the Leader.
- 9.3 The Localism Act 2011 inserted additions to S9 of the Local Government Act 2000 as follows:

9I *Election and term of office of leader*

Executive arrangements by a local authority which provide for a leader and cabinet executive (England)—

- (a) must include provision with respect to the election of the executive leader, including provision for an election where there is a vacancy in the office of executive leader, and*
- (b) may include provision with respect to the term of office of the executive leader.*

9IA *Removal of leader*

- (1) Executive arrangements by a local authority which provide for a leader and cabinet executive (England) must include provision for the council to remove the executive leader by resolution.*
- (2) If a council passes a resolution to remove the executive leader, a new executive leader is to be elected—*
 - (a) at the meeting at which the leader is removed from office, or*
 - (b) at a subsequent meeting.*

9IB *Leader to continue to hold office as councillor*

- (1) A person who is the executive leader of a leader and cabinet executive (England) remains a member of the council during the period that the person is the executive leader.*
- (2) Accordingly, any enactment which provides for the person's earlier retirement as a councillor does not apply.*
- (3) This section does not affect anything by which the executive leader may cease to be a councillor otherwise than by retirement (including disqualification or resignation).*

9IC *No other means of removing leader*

- (1) This section applies to a local authority which operates a leader and cabinet executive (England).*
- (2) An executive leader may not be removed from office except in accordance with section 9IA or regulations under section 9ID.*

9.4 The Council is therefore obliged in law to have provisions in place with respect to the removal of the Leader and has discretion to make provisions with respect to the term of office of the Leader.

9.5 If no provisions are made in respect of the term of office, the existing provisions for the four year term will remain, but the Council must consider this issue.

10. Key Considerations

10.1 The principle of a four year term of office was pursued in the 2007 Act as promoting the “strong leadership” model under the last government.

- 10.2 The current government has chosen to move away from prescribing terms of office and leaving it at the discretion of individual councils as part of the localism agenda.
- 10.3 A four year term promotes stability within a majority administration and permits a Leader sufficient time to implement long and medium term policies with less difficulty.
- 10.4 A four year term does not however make allowances for changes within an administration throughout the term or changes to the overall political landscape, including reduction or loss of a majority, changes in political alliance or alignment.
- 10.5 Annual elections would give the ability to have a regular process of 'hand-over' in a more cohesive and planned manner.
- 10.6 Some Local Authorities have included provision that at the meeting at which the Leader is removed from office a new Leader must be elected to ensure continuity and the appointment of a new Cabinet seamlessly.

11. Community Impact

- 11.1 There is no community impact.

12. Equality and Human Rights

- 12.1 This decision pays due regard to our public sector equality duty.

13. Financial Implications

- 13.1 None.

14. Legal Implications

- 14.1 The Council is obliged to have in place provisions relating to the removal of the Leader. The Council may vary its position on term of office of the Leader, but is not obliged to do so.

15. Risk Management

- 15.1 No risks identified.

16. Consultees

- 16.1 Audit and Governance Committee.

17. Appendices

- 17.1 None.

18. Background Papers

- 18.1 None identified.

MEETING	COUNCIL
DATE:	24 MAY 2013
TITLE OF REPORT:	APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To exercise those powers reserved to Council at its Annual Meeting:

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees.
- (b) To approve the allocation of seats to political groups for the coming year and to received nominations from those groups.
- (c) To make appointments to the positions of Chairmen and Vice-Chairmen of committees.
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.

5. Recommendation(s)

THAT:

- (a) **the list of ordinary committees be confirmed and the allocation of seats on those committees to political groups be made as indicated in Appendix1;**
- (b) **the seats on other bodies to which the allocation of seats to groups falls to be made by this Council be as indicated in Appendix 2 and all other**

representation on outside bodies in accordance with the Appendix be decided by the Chief Executive in consultation with the Group Leaders;

- (c) the allocation of seats (if any) to the ungrouped member be agreed at the meeting;
- (d) the wishes of the political groups as to nominees to fill their respective allocations of seats be noted;
- (e) the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with Appendix 1;
- (f) the partial suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved.
- (g) the respective terms of reference for each committee or board remain unchanged.
- (h) any vacancies on committees or outside bodies arising during the year be filled by the decision of the Chief Executive following consultation with the Group Leaders and in accordance with the rules of proportionality and that the Constitution be amended accordingly.

6. Key Points Summary

- It is a legal requirement for the Council to review its political composition and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting.
- Certain committees are exempt from the rules of proportionality.
- Should Council wish to allocate seats on a different basis from that of political proportion, this can only be made where they are approved by Council without any Member voting against (known as a nem con vote by Council). **In this report it is proposed to take a nem con vote in respect of :The Regulatory Sub-Committee the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee.**
- The Constitution (at Part 4.5.3) provides that co-optees are appointed by the Council annually.
- The Constitution (at Part 4.1.5.2) requires that the Annual Council Meeting decides the terms of reference for Committees and agrees the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution.
- As the number of Members in each political group has remained unchanged since May 2011, the allocation of Members to committees and outside bodies remain unchanged.

7. Alternative Options

- 7.1 To draw up a different set of committees.
- 7.2 To allocate membership of the Council's committees otherwise than shown in Appendix 1.
- 7.3 To allocate representatives to outside bodies otherwise than shown in Appendix 2.

7.4 To alter the terms of reference of one or more committee.

8. Reasons for Recommendations

8.1 It is a requirement for the Council to review its political composition and how this is applied to appointments to committees and sub-committees of the Council at each annual meeting of Council, or as soon as practicable after that meeting.

8.2 The constitution requires the Council to review committees at the annual meeting and appointments to them are made at the annual meeting.

8.3 The constitution similarly requires the annual appointment of Members to outside bodies.

8.4 Currently the Constitution makes no provision for the filling of vacancies arising on committees and outside bodies during the year. The proposed resolution h) addresses this deficiency.

9. Introduction and Background

9.1 Under the terms of the constitution the Council is required to make these reviews and appointments annually.

9.2 The Appendices have been compiled in consultation with the Council's Group Leaders.

10. Key Considerations

10.1 The membership of the respective political groups is as follows:-

	Numbers in Group	percentage of 58 seats on Council
Conservative	30	51.7
Independent	14	24.1
It's Our County	10	17.2
Liberal Democrat	3	5.2
Total	57	96.5
One Councillor is not in a political group.		

This remains unchanged from May 2011 and therefore the rules as to political proportionality are being adhered to.

10.2 Notwithstanding this, the Council has to review the position at the annual meeting.

10.3 The outside bodies to which the Council makes appointments remain unchanged from the May 2011 position, but similarly have to be reviewed annually.

- 10.4 The issue of membership of the Health and Social Care Overview and Scrutiny Committee was dealt with prior to its creation on 15th October 2012 and membership of that committee and the General Overview and Scrutiny Committee is incorporated into Appendix1.
- 10.5 The Herefordshire Health and Wellbeing Board was brought into being on 1st April 2013. Whilst the Board had existed in shadow form for some time, the issue of political proportionality was only clarified by the Government relatively late on. It confirmed that the Board would not be subject to the rules of political proportionality. The Board is included in Appendix 1 as, although it contains Members, officers and outside representatives as statutory appointments, it is to be treated as a Council committee by virtue of the Health and Social Care Act 2012.

11. Community Impact

None

12. Equality and Human Rights

These recommendations pay due regard to the Council's public sector equality duty.

13. Financial Implications

None identified.

14. Legal Implications

- 14.1 Failure to appoint to committees and outside bodies could render them inquorate or unlawful.
- 14.2 Failure to obey the rules of political proportionality could similarly render a committee or body unlawful.

15. Risk Management

None Identified.

16. Consultees

- 16.1 Group Leaders

17. Appendices

- 17.1 Appendix 1 Proposed Council committees and membership.
- 17.2 Appendix 2 Membership of outside bodies.

18. Background Papers

- 18.1 None identified.

**GENERAL OVERVIEW AND
SCRUTINY COMMITTEE**

7 Con, 3 Ind, 2 IOC, 1 LD

(13 Councillors):

EMK Chave (IOC)
BA Durkin (Con)
DW Greenow (Con)
EPJ Harvey (IOC) (VC)
JW Hope MBE (Con)
RC Hunt (Con)
TM James (LD)
Brig P Jones CBE (Con)
RL Mayo (Con)
R Preece (Ind)
A Seldon (Ind) (C)
GR Swinford (Ind)
DB Wilcox (Con)

**HEALTH AND SOCIAL CARE
OVERVIEW AND SCRUTINY
COMMITTEE** (13 Councillors):

7 Con, 3 Ind, 2 IOC, 1 LD

PA Andrews (LD)
PL Bettington (Con)
WLS Bowen (Ind)
MJK Cooper (Con)
KS Guthrie (Con)
KLV Kenyon (IOC)
JG Lester (Con)
MD Lloyd-Hayes (IOC)
JW Millar (Con) (C)
GA Vaughan-Powell (Ind)
SJ Robertson (Ind) (VC)
J Stone (Con)
PJ Watts (Con)

**AUDIT AND GOVERNANCE
COMMITTEE**

5 Con, 2 Ind, 2 IOC, 1 LD

(10 Councillors):

CNH Attwood (Ind)
EMK Chave (IOC)
PG Cutter (Con)
AJ Hempton-Smith (IOC)
TM James (LD)
Brig P Jones CBE (Con)
PJ McCaull (Ind)
JW Millar (Con) (VC)
J Stone (Con) (C)
Vacant (Con)

PLANNING COMMITTEE

10 Con, 5 Ind, 3 IOC, 1 LD

(19 Councillors):

PA Andrews (LD)
AN Bridges (Ind)
PGH Cutter (Con) (C)
Brig. P Jones CBE (Con)

BA Durkin (Con) (VC)
PJ Edwards (Ind)
DW Greenow (Con)
KS Guthrie (Con)
J Hardwick (Ind)
JW Hope MBE (Con)
MAF Hubbard (IOC)
RC Hunt (Con)
JG Lester (Con)
A Powers (IOC)
RI Matthews (Ind)
FM Norman (IOC)
GR Swinford (Ind)
PJ Watts (Con)
Vacant (Con)

REGULATORY COMMITTEE:

5 Con, 2 Ind, 2 IOC, 1 LD

(10 Councillors):

CM Bartrum (LD)
PL Bettington (Con)
BA Durkin (Con)
JW Hope MBE (Con) (C)
RC Hunt (Con) (VC)
Brig. P Jones CBE (Con)
PJ McCaull (Ind)
C Nicholls (IOC)
FM Norman (IOC)
GA Vaughan-Powell (Ind)

HEALTH AND WELLBEING BOARD (not subject to proportionality rules)

PM Morgan (Con) (C)

CNH Attwood (Ind)

Other appointments to the Board are drawn from Council officers and outside bodies (in accordance with statute).

Outside Body	No of reps req'd	Representatives
Bishop of Hereford Bluecoat School Charity	one	Councillor J Kenyon
Bringsty Common Manorial Court	up to 2	Councillor G Swinford Councillor J Lester
Buchanan Trust	5 (one of which Cabinet Member responsible for smallholdings)	Councillor P Price Councillor P Edwards Councillor T James Councillor A Johnson Councillor Brig P Jones CBE
Citizens Advice Bureaux - Trustee Board	2	Councillor B Durkin Councillor M Hubbard
Civilian and Military Task Group	1	Councillor P Sinclair-Knipe
Cotswold and Malverns Transport Partnership	one place and the option to appoint up to 2 deputies	Councillor A Blackshaw
County Councils Network	up to 4	Councillor S Bowen Councillor T James Councillor J Jarvis Councillor R Phillips
Courtyard Trust Board	2	Councillor N Nenadich Councillor P Sinclair-Knipe
English Severn and Wye Regional Flood and Coastal Committee	1	Councillor R Hamilton
Enterprise Zone Board		Councillor R Phillips (Director), (Substitute – Leader of the Council); Chief Executive (Substitute - Deputy Chief Executive).
Halo Limited	2	Councillor A Atkinson Councillor P Watts
Hereford and Worcester Fire and Rescue Authority	6	Councillor D Greenow Councillor Brig P Jones CBE Councillor M Lloyd-Hayes Councillor B Matthews Councillor D Taylor Councillor P Watts
Hereford Cider Museum Trust	1	Councillor A Blackshaw
Hereford Futures Ltd	2	Councillor A Johnson Chief Executive, Herefordshire Council
Herefordshire Association for the Blind	1	Councillor K Guthrie
Herefordshire and Worcestershire Joint Members Waste Resource Management Forum	1	Councillor A Blackshaw
Herefordshire Children and Young Peoples Partnership Fourm (formerly Childrens Trust Board)	1	Councillor J Hyde

`Outside Body	No of reps req'd	Representatives
Herefordshire Early Years & Extended Services (EYES) Forum	1	Councillor S Bowen
Herefordshire Cultural Consortium	2	Councillor R Phillips Councillor P Sinclair-Knipe
Herefordshire Environment Partnership	1	Councillor RB Hamilton
Herefordshire Housing Limited	1	Councillor P Rone
Herefordshire Local Access Forum	3	Councillor P Edwards Councillor A Hempton-Smith Councillor J Hope MBE
Herefordshire Sports Council	2	Councillor R Phillips Councillor S Robertson
Hoople Ltd	2	Councillor P Price J Lewis, Assistant Director People' Policy and Partnerships.
Jarvis Educational Foundation	1	Councillor J Hope MBE
Kington Area Regeneration Partnership	1	Councillor T James
Kington Tourist Group	1	Councillor T James
Lady Hawkins' Community Leisure Centre Trust	1	Councillor T James
Leominster Area Regeneration Company Development Trust Limited	2	Councillor RC Hunt Councillor Brig P Jones CBE
Leominster Museum Committee	1	Councillor Brig P Jones CBE
Leominster Undenominational Educational Charity	2	Councillor Brig P Jones CBE Councillor J Stone
Local Government Association	4	Councillor J Jarvis Councillor B Matthews Councillor R Phillips Councillor P Price
Local Government Association - Rural Commission	2	Councillor Graham Powell Andrew Ashcroft, Assistant Director for Economic, Environment and Cultural Services
Lower Severn Internal Drainage Board	1	Councillor C Attwood
Lower Wye Internal Drainage Board	2	Councillor P Cutter Vacant
Malvern Hills Conservators	2	Councillor C Attwood Councillor P Watts
Malvern Hills Joint Advisory Committee for the AONB	2	Councillor P Bettington Councillor T Johnson

`Outside Body	No of reps req'd	Representatives
Marches Housing Association Limited	1	Councillor R Hunt
Mortimer Leisure Centre Ltd	1	Councillor O Barnett
Queenswood & Bodenham Lakes Group	3	Councillor A Blackshaw Councillor K Guthrie Councillor J Millar
River Lugg Internal Drainage Board	7	Councillor S Bowen Councillor M Cooper Councillor D Greenow Councillor J Hardwick Councillor J Hope MBE Councillor J Millar Councillor F Norman
Ross Charity Trustees	1	Councillor C Bartrum
Shopmobility - Hereford Liaison Group	1	Councillor A Bridges
Leominster Shopmobility	1	Councillor R Hunt
South Wye Regeneration Partnership	2	Councillor GA Vaughn-Powell Councillor P Rone
Sylvia Short Educational - Charity	2	Councillor P Price Vacancy (an officer)
Standing Advisory Council For Religious Education (SACRE)	3	Councillor C Attwood Councillor L Chave Councillor J Stone
Three Choirs Festival Association Ltd	1	Councillor R Phillips
VITAL Hereford LEADER Group	1	Councillor R Phillips
Wales and the Marches Common Land and Village Green Working Group	1	George Thompson, County Land Agent
Welcome to our Future	1	Councillor S Bowen
West Housing Market Area Partnership	2	Councillor RB Hamilton Councillor B Wilcox
West Mercia Police and Crime Panel	2 (1 appointment. 1 nominee for co-option.)	Councillor B Wilcox (appointment), Councillor S Bowen (co-optee)
West Mercia Energy - Audit Committee	1	Councillor PD Price
West Mercia Energy Joint Committee	2	Councillor J Jarvis Councillor P Price
West Midland Reserve Forces & Cadets Association	1	Councillor Brig P Jones CBE
West Midlands Employers	1	Pending nomination
Wye Navigation Advisory Committee	1 (and one named substitute required)	Councillor RB Hamilton (Substitute -Councillor B Wilcox)

Outside Body	No of reps req'd	Representatives
Wye Valley AONB	4	Councillor P Cutter Councillor B Durkin Councillor J Hardwick Councillor J Hyde