

MINUTES of the meeting of Council held at The Shire Hall, St Peter's Square, Hereford HR1 2HX on Friday 26 September 2014 at 10.00 am

Present: Councillor J Stone (Vice –Chairman in the Chair)

Councillors: AM Atkinson, CNH Attwood, JM Bartlett, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, ACR Chappell, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell, TL Widdows and DB Wilcox

24. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, LO Barnett, PJ Bettington, DW Greenow, JW Hope MBE and J Knipe.

(The Chairman indicated that because of the large agenda he intended to take agenda item 16 after agenda item 9 followed by agenda item 15 before returning to agenda item 10 and the subsequent items.)

25. DECLARATIONS OF INTEREST

Agenda item 8: Notices of Motion

Notice of Motion 1 - Rotherwas Rail Link

Councillor AN Bridges declared a non-pecuniary interest as an employee of Network Rail.

Councillor RJ Phillips declared a non-pecuniary interest as a Director of the Enterprise Zone.

Notice of Motion 3 – Car Parking

Councillor JW Millar declared a non-pecuniary interest as signatory to the original contract.

Councillor SJ Robertson declared a disclosable pecuniary interest because relatives owned a car park adjacent to the hospital and left the room for the duration of this item.

Agenda item 9: Youth Justice Plan

Councillor AJM Blackshaw declared a non-pecuniary interest as Vice-Chairman of West Mercia Police Audit Committee.

Councillor RJ Phillips declared a non-pecuniary interest as Justice of the Peace and a Youth Panel member.

Councillor DB Wilcox declared a non-pecuniary interest as a youth magistrate.

Agenda item 10 Review of the Implementation of the Licensing Policy and Cumulative Impact Policy – Licensing Act 2003

Councillor MAF Hubbard declared a pecuniary interest as he was applying for a licence.

Councillor JLV Kenyon declared a Disclosable Pecuniary Interest as a licensee and left the meeting for the duration of this item.

Councillor RL Mayo declared a pecuniary interest as a licence holder.

Councillor P Rone declared a pecuniary interest as a holder of various licences.

Agenda item 13: The Ross-on-Wye Community Governance Review

Councillor AM Atkinson declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

Councillor CM Bartrum declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

Councillor PGH Cutter declared a non-pecuniary interest as a member of Ross-on-Wye Town Council and Chairman of the Working Group that undertook the review.

Councillor JA Hyde declared a non-pecuniary interest as member of the Working Group that undertook the review.

Councillor RL Mayo declared a non-pecuniary interest as a member of Ross-on-Wye Town Council.

26. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 July 2014 be confirmed as a correct record and signed by the Chairman, subject to the paragraph at the second bullet point of Minute no 19 being amended to clarify that the question related to what assets were included in the book balancing, not only smallholdings.

27. CHAIRMAN'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda papers.

The Chairman added that Herefordshire Council had been presented with a bronze award for payroll giving. This was wonderful recognition for the support provided by employees to UK charities.

28. THE PLEDGE TO CHILDREN AND YOUNG PEOPLE LOOKED AFTER BY HEREFORDSHIRE COUNCIL

Council was invited to endorse the Pledge to Children and Young People looked after by the Council.

The Cabinet Member – Young People and Children’s Wellbeing introduced the item which offered council an opportunity to learn more of the work being undertaken with Children and Young People, the work of the Children in Care Council and of Children’s Champions.

Three young people attended the Council meeting to present the film ‘It’s Our Turn’, made by some Herefordshire young people in care with professional film makers, , comment on their experiences and answer questions. They explained how young people had been engaged in designing the pledge and the aspiration that every young person had the same opportunities as others and was supported to realise their potential.

Members complimented the young people on their presentation and wished them well for the future.

An assurance was sought that systems were in place to ensure that the pledge was delivered. The Cabinet Support Member Young People and Children’s Wellbeing outlined actions being taken to ensure that the voice of young people was heard including the role of the Children in Care Council. She acknowledged the need for review if there were shortcomings.

The Chairman recorded Council’s thanks to the young people, staff, Cabinet Member and Cabinet Support Member.

RESOLVED: That the Pledge to Children and Young People Looked After by Herefordshire Council at Appendix 1 to the report be adopted.

29. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers together with the supplementary questions asked at the meeting and the answers to them is attached to the Minutes at Appendix 1.

30. NOTICES OF MOTION UNDER STANDING ORDERS

Council considered the three Notices of Motion that had been received.

Notice of Motion one – Rail Link to Rotherwas

The Leader moved an amendment which was seconded by Councillor GJ Powell.

The amendment was as follows:

“The proposals submitted by the Independent Group, comprising a re-instated rail link to Rotherwas with passenger station and rail freight facility, are not currently supported by a business case.

The Council is due to discuss these proposals at a meeting of key stakeholders in October. The key stakeholders invited to this meeting include train operating companies, Network Rail, the Managing Director of the Hereford Enterprise Zone and the scheme promoters.

The Council agrees to review the merits of progressing an appraisal of the business case for these proposals following the meeting with the key stakeholders, having regard to the level of support.”

The Leader stated that his Group did not oppose the development of rail facilities. Public transport proposals that relieved congestion and benefitted the environment were to be welcomed and merited consideration. However, the original motion would involve expending £600k to undertake a feasibility study and the estimated cost of completing the rail facility was at least £10m. There was no business case and it was irresponsible to commit to such expenditure without business support.

A high level feasibility study could be produced for £10k which would show whether further expenditure was justified. The meeting on 7 October with key stakeholders would inform such a study. Council should await the outcome of that meeting and the high level feasibility study, if in the light of the meeting that was considered worthwhile to undertake one, and then consider how it wished to progress.

In debate the following principal points were made:

- It was contended that the estimated costs quoted by the Leader were out of date. The project was deliverable at a fraction of those costs.
- Councillor GJ Powell commented that, when he had been Cabinet Member with responsibility for transport, the proposer and seconder of the original motion had requested him to explore the possibility of a rail link in March 2012. He had been keen to establish whether there was evidence of demand and whether such a proposal would be affordable and sustainable. Because of the cost of a feasibility study a high level business study had been undertaken. The Jacobs report had been produced in 2012. The findings were that the infrastructure costs would be £10.7m, with an annual revenue subsidy of £2.5m equating to £15.78 per passenger. Network Rail Wales had considered the capital estimates to be low. Given the cost of the development plan proposed in the original motion, evidence should be obtained from stakeholders to establish if the position had changed since the 2012 Jacobs report before proceeding.
- The matter had been under discussion since 2012. There should be no further delay.
- It was confirmed that the Enterprise Board had agreed to protect the land at Rotherwas for a rail development if that were proved to be feasible.
- The Local Enterprise Partnership's (LEP) support for the scheme was required if it were to progress. More evidence would need to be obtained before that support could be sought and the LEP could endorse any submission for funding to the Government. The national focus was currently on connectivity with the High Speed Rail project. A strong case would be needed for any other development.
- The infrastructure bids to the LEP should have included a rail facility at Rotherwas as a priority.
- It was disappointing given the emphasis on the need for a business case for this project that Councillors had not been provided with the latest submissions in relation to the draft Core Strategy and had not seen any infrastructure delivery plan.
- A rail link had used to exist to Rotherwas and, with the development of the Enterprise Zone, reconsideration of a rail link proposal was surely merited.
- The original motion did not commit the Council to the project. It sought support not finance. In response to this it was reiterated that a development plan as proposed in the motion would cost £600k.

- The Council needed to demonstrate its commitment to the proposal in principle and to progressing it soon. This would help to generate evidence for the business case.
- The Local Transport Plan identified projects in Leominster and Ross as priorities for which support had been sought through the Local Enterprise Partnership not rail. If rail were now to be prioritised a business case was required.
- London Midland had indicated that it would support a rail facility at Rotherwas because it would generate extra revenue. It would not require extra trains. The Council would not have to provide a subsidy. Network Rail would be responsible for the track. In response to this assertion the view was expressed that the letter from London Midland contained a number of caveats and could not be considered to represent a commitment to support a proposal.
- The local Chamber of Commerce had discussed a rail link some 5-6 years ago and there had not been support for it.
- The nature of the businesses in the Rotherwas Enterprise Zone did not require a rail facility. There had been no requests from businesses located there for a rail link.

In conclusion the Leader stated that the amendment was not opposing a development; it was simply requesting that any decision should await the meeting with stakeholders on 7 October.

The amendment was defeated with 23 votes in favour of it and 26 votes against it.

In debating the original motion the following principal points were made:

- Councillor Matthews proposed the motion. He stated that a business plan could be prepared for £200k. The population of Hereford was due to increase, putting pressure on the highway network. The railway would provide an environmentally sustainable mode of transport and reduce pressure on roads in the City, not least on the two bridges. It would provide a valuable link to the enterprise zone and help economic growth. Businesses and local MPs were supportive. The proposal would be consistent with the LTP key objectives as set out at paragraph 1.1 of the Strategic Overview: reducing congestion in Hereford City and increasing accessibility by less polluting and healthier forms of transport than the private car.

Preparations needed to be made now to cope with the transport demands that would be generated by housing development and the proposed University.

- Councillor Bridges commented that the letter from London Midland had clearly indicated support for the proposal. The development would extend employment opportunities at Rotherwas to people in Worcestershire and Shropshire. It would encourage visitors to the City. It was cost effective and sustainable. Rail development in Pembrokeshire was bringing growth to the local economy. Permitting retail units at Rotherwas would similarly generate revenue. London Midland had found that local rail use was rising 10% year on year and was predicted to rise by 59% in the next 10 years. Network Rail and the operator would meet the running costs.

A motion that the question be now put was carried.

The original motion was carried with 29 votes in favour of it, 18 against it and four abstentions.

RESOLVED: that the executive take urgent and positive action, by working with the appropriate rail authorities and other interested bodies, to produce a development plan to deliver these improvements. This plan and an associated funding proposal should be placed before the council at the earliest opportunity so that it can be progressed through the Local Enterprise Partnership and government funding routes with the minimum of delay.

Notice of Motion 2 – Fairer Funding For Schools

Councillor JW Millar, Cabinet Member Young People and Children’s Wellbeing, proposed the motion. He noted that Council had previously approved a motion in favour of fairer revenue funding. This motion related to the need for fairer capital funding.

RESOLVED UNANIMOUSLY: to press government for fairer funding for Herefordshire schools.

Notice of Motion 3 – Hospital Car Parking

Councillor GJ Powell, Cabinet Member – Health and Wellbeing proposed the motion which was seconded by Councillor KS Guthrie.

It was stated that the contractor was neither taking account of local conditions, nor setting charges that were reasonable for the area. New guidance had been issued that stated that NHS organisations were responsible for the actions of private contractors who ran car parks on their behalf. The local NHS should be urged to apply the new parking principles as quickly as possible.

It was noted that the Health and Social Care Overview and Scrutiny Committee had made representations on the matter.

RESOLVED UNANIMOUSLY: That it be requested that the NHS patient, visitor and staff car parking principles as published by the government on 23rd August 2014 be applied in Herefordshire.

31. LOCAL TRANSPORT PLAN

Council was invited to approve extension of the current Local Transport Plan (LTP) until after the Council’s Core Strategy is adopted, or to 31 March 2016, whichever is the earlier.

The Cabinet Member – Infrastructure presented the report. He listed schemes that had been completed to date and future projects.

In response to comments the Cabinet Member acknowledged the importance of consultation with Members. As part of the consultation process he intended to hold a seminar at which consideration could be given to the content of the new LTP alongside the Annual Plan for the Public Realm Services Contract with Balfour Beatty Living Places. He requested that Members informed officers of matters of concern to them in advance of the seminar so these could be taken into account.

RESOLVED UNANIMOUSLY: That the current Local Transport Plan (2013/14 – 14/15) time period be extended until after the Core Strategy is adopted, or to 31 March 2016, whichever is the earlier, to enable a refreshed Local Transport Plan to reflect the adopted Core Strategy.

32. YOUTH JUSTICE PLAN

Council considered the Youth Justice Plan.

Councillor JW Millar – Cabinet Member Young People and Children’s Wellbeing presented the report.

He agreed to provide a written response on how the new Probation Service fitted into the Youth Justice Plan.

In the light of Council’s decision to endorse a pledge to children and young people looked after by the Council, concern was expressed that of the total case load of the Herefordshire Youth Offending service team 45% were looked after children from Herefordshire and other counties. In response the Cabinet Member stated that work was being undertaken to reduce this figure.

RESOLVED UNANIMOUSLY: That the Youth Justice Plan attached at appendix A to the report be approved.

33. REVIEW OF THE IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003

Council considered the adoption, for consultation, of the draft licensing policy to be used by Herefordshire Council in carrying out its functions under the Licensing Act 2003 and of a draft special licensing policy for the cumulative impact of premises in the vicinity of Hereford City.

Councillor A Seldon, Chairman of the Regulatory Committee, presented the report.

RESOLVED: That the draft policies appended to the report, incorporating amendments proposed at paragraph 11 of the report, be approved for consultation.

34. A REVISED 'STATEMENT OF PRINCIPLES' POLICY UNDER THE GAMBLING ACT 2005.

Council was invited to approve the draft Gambling Act Policy Statement of Principles for consultation.

Councillor A Seldon, Chairman of the Regulatory Committee, presented the report.

RESOLVED: That the draft Gambling Act Policy Statement of Principles, as appended to the report, be approved for consultation.

35. ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - REGULATIONS AFFECTING SEX ESTABLISHMENTS AND APPROVAL OF DRAFT SEX ESTABLISHMENT POLICY

Council was invited to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 and approve a draft sex establishment licensing policy for consultation.

Councillor A Seldon, Chairman of the Regulatory Committee presented the report.

RESOLVED:

That (a) Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009

be adopted; and

- (b) the draft sex establishment licensing policy appended to the report, incorporating the amendment proposed at paragraph 18 of the report, be approved for consultation.

36. THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW

Council was invited to consider the recommendations of the Audit and Governance Committee on 9 September 2014, following the Ross-on-Wye Community Governance Review.

Councillor JG Jarvis, the Chairman of the Audit and Governance Committee, presented the report.

RESOLVED: That with effect from 1 April 2015 ('the effective date'):

- (a) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;
- (b) The new parish shall be known as 'Ross-on-Wye';
- (c) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;
- (d) The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;
- (e) There shall be a parish council for the new parish of Ross-on-Wye;
- (f) The name of that new council shall be 'Ross-on-Wye Parish Council';
- (g) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;
- (h) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;
- (i) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;
- (j) The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;
- (k) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;
- (l) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;
- (m) All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council;
- (n) From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town

Council provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council;

- (o) That no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council;
- (p) The Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the Reorganisation Order') (to be substantially in the form set out in Annex 3 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007; and
- (q) The Electoral Registration Officer be requested to commence preparatory electoral administrative work from 15 October 2014 as a consequence of the above changes; and that the Reorganisation Order shall have effect from that date for those purposes.

37. REVIEW OF POLLING PLACES, POLLING DISTRICTS, AND POLLING STATIONS

Council was invited to approve a new scheme of polling places, polling districts and polling stations.

The Assistant Director, Governance presented the report.

A number of members identified minor anomalies that they considered required further consideration. The Assistant Director invited all Members to submit further comments on the proposals if they had concerns. These would be considered and a further report made to Council if necessary.

RESOLVED: That the polling districts, polling places and polling stations scheme as set out in Appendix B to the report be approved, subject to further review of any details if necessary.

38. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of council in July.

In discussion the following principal points were made:

- Concern was expressed about ongoing issues with the roll out of the Maas360 IT system. The Cabinet Member – Corporate Services acknowledged shortcomings with the system and that it was intended to implement better arrangements following the election. In the meantime arrangements had been made to provide an opportunity for everyone to sort out issues on an individual basis with IT staff.
- The Leader acknowledged a comment on the brevity of his report.

- It was asked in respect of Hereford United Football Club whether the Council would undertake a schedule of dilapidations so that buildings were kept in the appropriate condition. The Assistant Director, Governance replied that the leases provided that buildings were maintained in the condition that they had been in at the commencement of the current leases.
- In response to a question, the Cabinet Member Young People and Children's Wellbeing agreed to revisit the recommendations made following a scrutiny review of safeguarding to ensure that the recommendations were being implemented as had been agreed.
- In relation to Hereford Racecourse the Cabinet Member – Contracts and Assets commented that there was no intention to permit house building on the course. The state of dilapidation was being kept under review. It did not currently merit action. It was suggested that careful attention need to be given to the next review of the lease. The Leader commented that he and the Cabinet Member were mindful of the situation and would inform Members if there were any particular issues.

RESOLVED: That the report be noted.

39. 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 asked at the meeting and the answers to them is attached to the Minutes at Appendix 2.

The meeting ended at 1.25 pm

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

Question from Mr M Sandaver, Herefordshire

Question 1

Road repairs

Why are the roads in such an appalling condition and repairs not carried out?

Answer from Councillor P Rone Cabinet Member Transport & Roads

Answer to question 1

Whilst severe weather conditions over several winters in recent years have taken their toll on the 2000+ miles of road in Herefordshire it simply isn't the case that repairs are not carried out. The council is investing an additional £20 million from its own funds over this and next financial year to improve the condition of the county's roads. The council has also been very successful in securing additional funding from central government through the Belwin, severe weather and pothole funds which will see investment in road repairs this year total almost £40 million. This is the largest maintenance programme the county has ever seen. Whilst there is still work to be done, repairs are being carried out across the county in order of priority. In the year to end of August almost 50 miles of roads in the county have been fixed and 1689 defects/potholes were repaired.

Question from Mr M Watson, Herefordshire

Question 2

Hereford United Football Club

Can Herefordshire Council confirm that the officers and any external agents acting and negotiating on behalf of the Council with Hereford United FC have used their best endeavours to protect the public interest in respect of the assets in the matter of Hereford United FC?

Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 2

Yes the council is satisfied that every effort is being made to protect the public interest.

PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

Question from Mr W Morrell, Herefordshire

Question 3

Hereford United Football Club

Can Herefordshire Council confirm that the development agreement covering the Edgar Street football ground and associated facilities entered into by the Council and the Club specifically excludes any party from employing external consultants delivering unnecessary services and incurring unwarranted costs thereby failing to secure best value for the public interest and that the Council have secured the right and obligation to approve or dismiss these imported costs?

Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 3

The council has the right to dismiss imported costs.

Question from Mr C Morris, Leominster

Question 4

Hereford United Football Club

Can the council comment on the seeming habit of discussing vital community issues such as the freehold of the Edgar Street Leases in un-minuted meetings with out of town businessmen, and will the council commit to minuting all future meetings on these subjects?

Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

Answer to question 4

No discussions have taken place regarding the freehold ownership of the Edgar Street football ground site.

All formal meetings of the council comply with the access to information rules within the constitution. Informal meetings, where no decisions are taken, do not require formal minutes to be maintained.

PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

Question from Mrs E Morawiecka, Breinton

Question 5

5 Year Housing Land Supply

Herefordshire Council planning officers repeatedly state at Planning Committee meetings that Herefordshire has no 5 year housing land supply, despite the fact Herefordshire Council is looking to submit a sound Core Strategy to the Planning Inspectorate within the next few months, having spent well over £4million on developing this local plan. Since November 2013 the calculations have been promised, with the latest comment by the Director for Economy, Communities and Corporate (General Overview & Scrutiny meeting 6th January 2014) stating that a planning inquiry would inform the position on the 5 year housing land supply in Herefordshire and it was minuted at the time that “a further written response would be given to Dr. Williams (of CPRE), along with the calculations used”. As officers have recently understated one parish council’s planning permissions since 2011 by 400%, would the Cabinet member please provide the 5 year housing land supply calculations as promised to Dr. Williams, including the exact breakdown of planning permissions granted since 2011, by ward?

Answer from Councillor PD Price, Infrastructure

Answer to question 5

A revised 5 year housing land availability assessment was included as part of the package of documents submitted to the Secretary of State on 22 September 2014 on the Herefordshire Local Plan. This document will be made available on the council’s website shortly.

The revised assessment indicates that the county will have a 5 year housing land supply on the adoption of the plan. This assessment includes an appendix listing sites which have extant planning permission.

Supplementary Question

Would the Cabinet Member please provide the current 5 year housing land supply calculations as previously promised to Dr Williams of CPRE over 8 months ago, including all planning permissions, by ward, granted since April 2011 to date.

Answer from Councillor Price

Supporting evidence for the Core Strategy submission will be put on the website . I will ask the Assistant Director to ensure questions and answers to them are added to the website. I will respond in writing with the 5 year housing land supply calculation.

Written response

PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

The council's website (<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base>) has been updated to provide information on the current housing land supply calculations; this information has also been provided to Dr Williams.

The calculation does not require a listing of all permissions granted, by ward, since April 2011. However the council's website has a search facility which enables users to conduct ward based searches for planning applications and view the decision made.

Question from Ms P Mitchell, Hereford

Question 6

Progressing the Southern Link Road through the Planning System

What steps are required for the Council to secure planning permission for the Southern Link Road and what is the projected timetable for taking them?

Answer from Councillor PD Price, Infrastructure

Answer to question 6

The council will select a preferred route for the Southern Link Road once consideration has been given to all consultation feedback that has been received during the recent public consultation over the summer. Once a preferred route has been confirmed a planning application, together with appropriate technical and environmental assessments, will be prepared and submitted to the council's planning department. It is anticipated that the submission of a planning application will take place in December this year. Once submitted, the council, as the local planning authority, would carry out statutory consultations and notifications during January and then assess the application before making a recommendation to the Planning Committee. Until the scale and nature of the planning considerations which may be raised during the statutory consultation period are known it is not possible to put a definitive timescale to this assessment period but, in line with planning guidelines and past experience, it is anticipated this would be between nine and thirteen weeks.

Supplementary Question

What is the relationship between the Southern Link Road and the Western Relief Road?

Answer from Councillor Price

The Southern Relief Road is a stand alone project that represents value for money in its own right. The Western Relief Road will join it in due course 2018/22. Funding has successfully been secured for the Southern Link Road which forms part of the whole road package.

PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

Question from Mrs V Wegg-Prosser, Breinton

Question 7

South Wye Transport Package

Regarding the congestion on roads coming in to Hereford from the South, and South West, if there is evidence to show that the A49 is 'at capacity', (Cabinet Minutes, July 2014), why is there a recommendation in the South Wye Transport Package proposals to ensure that all Heavy Goods Vehicles use this same A49 into Hereford, rather than the A465?

Answer from Councillor PD Price, Infrastructure

Answer to question 7

The South Wye transport package proposals have been the subject of public consultation over the summer months and the council is currently considering all feedback received in relation to these draft proposals. Whilst a decision has yet to be taken regarding these proposals, this option was included as a possible approach to improve conditions on the A465 Belmont Road. The rationale for inclusion in the draft proposals for consultation was to seek views on restricting HGV numbers on the A465 by directing them to the strategic network (A49) via the new southern link road. This would be a higher standard of route more suitable for HGVs and could help improve conditions for pedestrians and cyclists on Belmont Road.

MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**Question from Councillor RI Matthews**

Question 1

Smallholdings

A few weeks ago the executive decided to defer a decision in regard to the possible sale of the council smallholdings. There are quite a few tenants with young families and considerable overheads who are on short-term farm business tenancies, some with less than eight months remaining. I understand that verbal offers of extensions to their contracts have been made, but have not been formally confirmed in writing. It goes without saying that this is an intolerable situation, and I am aware that a large number of members are extremely concerned about the unprofessional and unsympathetic manner in which this matter is being handled. Could you please tell the tenants, and members, as a matter of urgency what you are doing to address this unacceptable situation?

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 1

A decision on the future of the council's smallholdings is now scheduled for June 2015; this is to enable a business case, assessing the options, to be fully developed to inform that decision. In the meantime the smallholdings estate will continue to be managed in accordance with the current policy. Officers are in communication with tenants to ensure they are kept informed.

Supplementary Question

Will officers keep in touch with tenants, some of whom are at the end of the tenancy and have young families to keep and overheads to meet, to address their concerns and provide help?

Answer from Councillor Bramer

Officers are dealing with tenants' concerns. Twelve month extensions to tenancies are being offered because of the delay in reaching a decision.

Question from Councillor ACR Chappell

Question 2

Bath Street

With reference to the recent decision to dispose of the Bath Street site can the Cabinet Member confirm:

- a) Before the decision was taken, what other sites were investigated?

MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014

- b) With the Cabinet supporting the Southern Relief road, what consideration was given to providing a site, through developers money, for a joint emergency services centre on the line of the Rotherwas access road and Southern Relief road?
- c) With a 1000 homes due to be built up against the access road and increasing development at Rotherwas, and the intention of continuing these roads to form part of the by-pass, why was Bath Street handed to the Fire Authority?
- d) The Bath Street site, the ambulance station site in Ross Road and the present fire station site, provide enough space for 300 homes, thus relieving green field space from development. Will the Cabinet member re-consider his agreement with the Fire Authority?

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 2

The Fire & Rescue Service (FRS), who are the lead on this project, will be able to advise what other sites they investigated; however it is understood that the Bath Street site has been demonstrated to be the best possible site to serve the city from a fire and rescue point of view. This was validated by response modelling and a sequential test of options.

The decision to dispose of the site, taken in April, (report available on the council website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2683>), was in line with the council's agreed accommodation strategy, having been declared surplus to operational needs. The agreement the council has reached with the FRS provides the opportunity for a land swap deal whereby the FRS develop the existing Bath Street site, demolish the buildings and hand part of it back to the council for business user car parking for children's safeguarding staff. In return the council will receive the existing FRS site levelled to the ground. The council will then be able to dispose of this site at will.

The council will continue to work with developers and other partners to identify suitable sites to meet all the needs of the county whether housing, employment or maintaining essential emergency services.

Supplementary Question

As there is no rush to have a new fire station will the Cabinet Member review his decision as there is a great deal of disquiet in the City with regard to the loss of the Bath Street property? Now we know the link road will be built will he also look at the police sports ground on Widemarsh Street?

Answer from Councillor Bramer

The Fire and Rescue Service made clear that Bath Street is its preferred option and that the current fire station is not fit for purpose. I therefore do not intend to revisit my decision.

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Question from Councillor ACR Chappell

Question 3

'Pauper' Burials

Can the Cabinet Member advise:

- a) How many 'Paupers Funerals' has the Council paid for this year and what is the total cost?
- b) Of these, how many were for Homeless people, and how many were for other people who had been considered vulnerable?
- c) Hereford Hospital Trust also has responsibility for 'Paupers Funerals' for patients who die in their care. Is there an increase in the county of 'Pauper Funerals', and is the Cabinet Member satisfied that there is enough dignity shown in these cases?

Answer from Councillor P Morgan Cabinet Member Corporate Services

Answer to question 3

- a) The council has paid for five public funerals so far this year, at a cost to the council of £4,012. Although involved in a number of other cases, these were referred either to a family member or the NHS.
- b) Of these five people none were homeless; all could be viewed as vulnerable, for example being older people living on their own or with medical, addiction or social problems.
- c) There has been no identifiable increase in the council referred public funerals; we do not hold information in respect of those for which the NHS has responsibility. I am satisfied that, for those funerals which the council is responsible for, the deceased are treated with respect and dignity. A service is carried out in all cases, and an officer from environmental health attends every funeral.

Supplementary Question

Will the Cabinet Member look at ways to seek to ensure that those who most need to do so use the service and are not discouraged, for example, by terminology?

Answer from Councillor Morgan

In my written answer I used the term "public funeral". It is not an easy issue but we will do the best we can.

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Question from Councillor GA Vaughan Powell

Question 4

Waste PFI

The findings of a key parliamentary committee questions the viability of the PFI project deal in respect of the Hereford/ Worcester incinerator plant at Hartlebury, where in their view the technology being used could soon be out of date. Can you assure members and taxpayers that when this plant is operational it will be cost effective and viable for many years to come?

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 4

Yes. A financial and options appraisal was carried out as reported to Cabinet in December 2013. This supported the view that an Energy from Waste (EfW) plant was the most cost effective and viable solution to treat the council's residual waste for the next 25 years.

Supplementary Question

Councillor Vaughan Powell reserved her right to submit a written supplementary question.

Question from Councillor AJW Powers

Question 5

Core Strategy

I understand that an unchanged Pre-Submission version of the Local Plan Core Strategy (LPCS) was submitted on Monday, but that it was accompanied by a schedule of proposed amendments. I also understand that legal advice, as to whether these amendments should be judged 'minor' or 'major', was sought from London.

You will recall that at the last Full Council meeting in July my Notice of Motion specifically required that any amendments made to the LPCS, over and above such 'minor' amendments as were agreed by Council in July 2013 to be delegated to officers, were to come before Full Council for approval; and that this NoM was passed by a unanimous vote.

Can the Cabinet Member please provide details of the Schedule of Amendments to the LPCS submitted on Monday, and give his assurance that these do indeed amount only to 'minor' amendments according to the July 2013 conditions?

Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 5

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The schedule of changes proposed to the plan, available on the council's website at <http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Id=50007571&Opt=0> and included with the submission, originate from comments received during the final round of consultation on the plan (May – July 2014). They are minor and do not affect the substance of the plan as approved at council in July 2013. The council's appointed barrister in this matter has confirmed the changes proposed are both minor and appropriate.

Supplementary Question

Having now looked at the amendments I can see that but at least is surely more than 'minor' in its strategic and financial implications. That is the inclusion in the Policy HD2 bullet point on education of the words "tertiary facilities", which surely includes the new university project. The officer report states: "the series of minor changes have no direct financial impact".

Was the London barrister who advised on this so-called "minor" amendment specifically made aware of the new university project, with its plans to accommodate up to 5000 students, and thus of what these two words "tertiary facilities" really entail?

Why was it necessary to employ a costly London barrister when, only four days after submission of the Core Strategy, this meeting could and should have been allowed to judge whether any of these amendments were in fact more than 'minor'?

Answer from Councillor Price

Councillor Price agreed to provide a written answer.

Written answer

The schedule of proposed minor changes was discussed with the council's appointed barrister as part of his wider role in providing assurance and guidance on the submitted plan and its associated documents.

As part of this role the barrister was aware of the comments in respect of the university and provided his assurance on the minor change on that aspect together with the wider schedule of minor changes.

Question from Councillor AJW Powers

Question 6

Local Transport Plan

Two years ago this Council unanimously resolved "to make a clear commitment to active travel arrangements across the county using the council's public health role to promote

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and fund sustainable forms of active travel across the county.” At this meeting we are being asked to approve an extension to Local Transport Plan (LTP) 3, but have been given no details on finance or scheme delivery for 2015-16.

Will the Cabinet Member please tell us:

- a) what progress has been made on the 2012 commitment?
- b) how the proposed extension to LTP3 would build on this?
- c) what schemes –whether new or existing - will be advanced through an extended LTP3?
- d) what are the sustainable transport and active travel elements in the Marches LEP-funded Hereford City Transport Package and South Wye Transport Package?
- e) How would these too be advanced during an extended LTP period?

Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 6

- a) Great progress has been made with the promotion of sustainable and active travel. Additional funding of £5 million was secured through the Government’s Local Sustainable Transport Fund and together with existing funding has enabled a range of infrastructure improvements and behavioural change initiatives to be implemented. The “Choose How You Move” campaign has supported through promotions, advice and incentives to individuals, communities, schools and businesses to change travel behaviour. New and improved cycling and pedestrian infrastructure has been delivered in many locations including the Greenway (Connect 2) bridge and path from the city centre to the Hereford Enterprise Zone at Rotherwas and the upgrading of Newmarket Street to integrated the Old Market development with the city centre providing a much enhanced pedestrian environment.
- b) The extension of the current local transport plan would provide the policy context to allow us to continue our commitment and enable the delivery of similar schemes to promote sustainable and active travel over the coming year.
- c) It is proposed to continue to deliver the Choose How You Move behavioural change campaign and deliver cycling and pedestrian infrastructure improvements. Specific schemes are included in the annual programme based upon existing prioritisation processes and consultation upon the public realm annual plan which will take place over the coming months prior to the programme being confirmed for 2015/16.
- d) The sustainable transport elements of the Hereford City transport package comprise upgrades to Blueschool Street, Commercial Square and Commercial Road and development of a transport hub at Hereford rail station. The sustainable transport elements of the South Wye transport package have recently been the subject of public consultation and subject to considering this feedback, may comprise pedestrian crossing facilities on the A465, extension to cycle routes and improved access to public transport.

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- e) The development and design of sustainable transport elements of would be taken forward during the coming year alongside work to take forward the road elements of these packages.

Supplementary Question

How much will be budgeted for these schemes, how will they be funded and how much of the LEP funding for transport infrastructure go to the sustainable travel elements?

Answer from Councillor Price

I will provide a written answer.

Written Answer

These schemes have not yet been programmed, this will be progressed through development of the Annual Plan for 2015/16 which has been subject to consultation during October 2014.

Indicative funding for the schemes includes: Local Transport Plan Integrated Block Grant - £1.069M indicated for 2015/16 (by Department for Transport), from Local Growth Deal Fund - £5.4M allocated to the City Link Road Package, from pre-committed devolved major transport scheme funding of £800K. The details are yet to be programmed but funding via the LEP includes the £5.4M local growth deal and £800K from pre-committed funds. These contributions will be used to progress the Hereford City Link Road Package which will include further development of the package elements comprising upgrades to Newmarket Street and Commercial Road and development of a transport hub at Hereford Rail Station.

Question from Councillor AJW Powers

Question 7

Marches Local Enterprise Partnership

The Marches Growth Deal refers to requirements that, as part of this deal, the Local Enterprise Partnership strengthens its governance, agrees monitoring and reporting arrangements, and produces “an assurance framework with the Government by September 2014” on processes that will guide local decision-making and ensure value for money.

As the local authority designated to lead the LEP on governance matters what progress has Herefordshire Council made on these requirements?

Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

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Answer to question 7

The decision taken at Cabinet on 31 July (available on the council's website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2756>) authorised the establishment of a joint executive committee in respect of the Marches Local Enterprise Partnership (LEP). This decision has been mirrored by our LEP partners Shropshire and Telford & Wrekin Councils. The first meeting of this body is in the process of being convened.

Supplementary Question

The formation of a joint executive committee does not in itself amount to the “assurance framework” on the use and accountability of tax-payers’ money that the Government is requiring. Why, for example, have no minutes of LEP Board Meetings been published on the LEP website since 2011 - or has the Board not met since then? Haven't we been here before with Hereford Futures and ought we not to be learning lessons from that experience?

Answer from Councillor Johnson

I will provide a written answer.

Written Answer

Herefordshire Council is the governance lead in respect of the Marches LEP joint executive committee; Shropshire Council remains the accountable body for the Marches LEP.

The Marches LEP is developing an accountability and assurance framework in accordance with the government guidelines (which are themselves in draft form currently). This framework will be formally approved by the Marches LEP joint executive committee before the end of the financial year. The Marches LEP website is currently being reviewed and it is intended that board agenda's and decisions will be made available on that website.

Question from Councillor WLS Bowen

Question 8

Accommodation Strategy

Can the Cabinet Member please confirm:

- a) What is the total cost of refurbishing the Shire Hall for the use of Herefordshire Council?
- b) What will be the total cost of refurbishing the Plough Lane site?
- c) What is the expected receipt from the sale of Brockington?
- d) How much has been spent on Hereford Town Hall?

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- e) If the Shire Hall received a new, energy efficient heating system.

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 8

- a) The works are not fully complete, current forecast total scheme spend is to budget being £2.8m
 - b) The works are not fully complete, current forecast total scheme spend is to budget being £4m
 - c) £1.5m. It should also be noted that there will be significant revenue savings generated by moving operations from this building.
 - d) The Town Hall is not scheduled for refurbishment within the current accommodation strategy.
 - e) The refurbished area is now served by two new highly efficient condensing boilers. The rest of the Shire Hall remains serviced by existing boilers which will be upgraded in future phases.
-

Supplementary Question

Please could you inform us as to the costs of the Union St building containing legal services and the costs and timing of the renewal of the car parks surrounding the Shire Hall. How much will be saved by the disposal of Brockington and do you really think it is good value for money?

Answer from Councillor Bramer

I will provide a written answer.

Written Answer

The costs of the civic hub phase 1 (which included 33/35 Union St and its annexe) were £1.61m. This figure was included in the £2.8m figure given in response to question a) above.

The works to the car park at Shire Hall are estimated to be £52,000. Work will start once agreement has been reached with other parties who have rights of use at this car park; agreement is expected to be reached before the end of the calendar year.

The disposal of Brockington, in accordance with the council's agreed accommodation strategy, represents value for money. The site was surplus to the council's operational requirement and offered an opportunity for further rationalisation of the retained estate. The council has a significantly reduced need for corporate accommodation having reduced its headcount by over 40% in the last four years and adopted space standards of ten employees to every six workstations. The disposal of Brockington was approved in 2009, reconfirmed in 2011 and 2012, and a budgeted capital receipt and revenue saving built into the medium term financial strategy. The annual revenue costs of the Brockington premises were in the region of £170k. As over 50% of the premises expenses of the Shire Hall are met by third party income that is secure in the long term and a revenue budget was already in place, the operational savings from the disposal of Brockington are

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realisable in full. The disposal represents a significant capital receipt to the council with the council further benefitting from additional council tax receipts from the residential development proposed for the site.

Question from Councillor EPJ Harvey

Question 9

Waste PFI

At the budget-setting council meeting back in February I asked: “How is this council to have confidence today that the capital borrowing proposed for the Energy from Waste Incinerator at Hartlebury in Worcestershire is delivering the best value solution for Herefordshire’s waste disposal needs for the next 25 years ...?”

Cllr Bramer responded: “The council can be confident that the capital borrowing represents the best value option for the county because the analysis and appraisal of options in both the Joint Municipal Waste Management Strategy and cabinet report has been completed in accordance with relevant government guidance.”

On 3rd September the Public Accounts Committee of the House of Commons published their report into DEFRA oversight of 3 PFI waste contracts (including that of Herefordshire & Worcestershire). In conclusion, this report stated that:

- a) DEFRA’s “support of PFI to build waste management infrastructure may result in long term contracts that are too inflexible for a sector where technology is continually evolving and the amount of waste produced can be hard to predict.” And suggested that DEFRA “should consider including other forms of support to help local authorities to manage their waste in ways that are flexible enough to deal with changes in technology and waste levels to ensure local authorities are not locked into projects that provide more capacity than is required and are very expensive.”
- b) “Local authorities need better advice on negotiating PFI contracts, particularly on technical aspects such as when to secure finance, and compensation arrangements.” and suggested that “The Department should make better use of its position and expertise to support local authorities in negotiating PFI contracts and achieve value for money for local taxpayers.”
- c) DEFRA “has made decisions on this programme focused entirely on the need to meet the EU target without due regard to the impact of its decisions on local authorities.” and suggested that “The Department needs to balance the need to meet the EU target at minimum cost, with making sure that its decisions serve taxpayers’ interests as a whole and do not result in additional costs for local authorities. The Department should place more weight in its decision-making on the cost to the public in the round when it considers withdrawing its support to individual projects.”

Would the Leader please indicate where, if at all, this council disagrees with any of the Select Committee's findings quoted above.

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Answer to question 9

The council does not disagree with the findings quoted.

Members should however note that the National Audit Office (NAO) report and subsequent Parliamentary Select Committee findings are focused on Defra's oversight of PFI contracts.

Herefordshire Council and Worcestershire County Council were pleased to help the NAO with their study, met with them in November/December 2013, and were then in regular contact throughout the period of the study and production of the report.

It is a matter for Defra to respond to the findings of the Parliamentary Select Committee report, rather than the two councils.

Supplementary Question

Will the Leader, on behalf of his whole cabinet, assure this council that the Energy from Waste incinerator, without any early prospect of combined heat and power capacity, satisfies the statutory definition of being the BEST VALUE SOLUTION for HEREFORDSHIRE's (I stress Herefordshire) waste disposal needs for the next 40 years.

Answer from Councillor Johnson

I will provide a written response.

I am satisfied that the energy from waste project was demonstrated as the best value option for Herefordshire, as reported to Cabinet in December 2013. This was supplemented by the variation business case reported to the Audit and Governance Committee on 29th September 2014 which included an updated financial assessment by Deloitte.

Question from Councillor MD Lloyd-Hayes

Question 10

Memorial Trees

Recently in my ward two trees were felled during building development. They were dedicated to two young students who had tragically lost their lives. What mechanism does the council have to prevent the felling of such trees which enable family and friends to visit and remember their lost ones?

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Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 10

I understand that the basis of this question relates to the removal of two memorial trees in the grounds of a school to accommodate a series of access improvements. I also understand that the situation is being remedied in a sensitive way following discussions between the school, the ward member and the families concerned.

In its discharge of its planning functions the council can control works to trees in conservation areas and to other trees covered by tree preservation orders. It has no direct powers to control works to non-protected trees and which have been planted as memorials. However applicants and agents can be invited to submit information on planning applications with regard to memorial trees so that the ward members, the planning officer and where appropriate the Planning Committee can be aware of their presence within a planning application site.

Supplementary Question

Will applicants and agents be invited to submit information on planning applications with regard to memorial trees as a matter of course?

Answer by Councillor Price

I will suggest to the Planning Service that this as part of the planning application.