

MINUTES of the meeting of COUNCIL held at Brockington, 35 Hafod Road, Hereford. on Friday, 16th January, 2004 at 10.30 a.m.

Present: Councillor P.E. Harling (Chairman)
Councillor J.W. Edwards (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, P.J. Dauncey, Mrs. C.J. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, T.W. Hunt, G.V. Hyde, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, J.B. Williams and R.M. Wilson

49. PRAYERS

The Very Reverend Michael Tavinor, the Dean of Hereford, led the Council in prayer.

At the request of the Chairman, the Council stood in memory of the late Councillor Reverend David Short, MBE who had died on 8th November, 2003.

Councillor T.M. James, the Leader of the Liberal Democrat Group and Councillor R.J. Phillips, the Leader of the Council paid tribute to Councillor Short.

50. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. Atfield, Burke, G Davis, Wilcox and A.L. Williams.

51. DECLARATIONS OF INTEREST

There were no declarations of interest made.

52. MINUTES

RESOLVED: That the minutes of the meeting held on 7th November, 2003 be approved as a correct record and signed by the Chairman.

53. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed a group of pupils from Ledbury Primary School and their teachers, who had come to see how the Council conducted its business.

He advised that the Boundary Commission for England had confirmed its recommendations for parliamentary constituencies in Herefordshire following a review and public inquiry during 2003. The Constituencies will be called Hereford

and South Herefordshire County Constituency (with 69,632 constituents) and North Herefordshire County Constituency (with 63,418 constituents). Changes include moving Golden Valley North and South Wards into the new Hereford and South Herefordshire Constituency and moving Old Gore Ward and all of Backbury Ward into the new North Herefordshire County Constituency.

He reminded Councillors of the need to maintain confidentiality when dealing with information that is not available to members of the public. This was both a legal requirement, to protect the interests of the Council, and also a requirement of the Code of Conduct. He advised that Councillors could inspect any confidential Council papers except in very limited circumstances when a need to know had to be demonstrated. Compared with other local authorities, the Council takes an absolute minimum of business in confidential session. It was therefore extremely disappointing in terms of maintaining trust within the Council and damaging in terms of the Council's interests when such information is disclosed to outside parties. He went on to say that recent correspondence sent to Councillors by one of the parties to the pending River Wye litigation provided clear evidence of such unauthorised disclosure. He agreed with the Chief Executive that an enquiry into the disclosure would be futile. He said he understood that there were many issues about which Members felt passionately, but that that did not excuse such breaches of confidentiality. Repetition would almost inevitably lead to the Council being unable to maintain its current record on openness. He asked for Councillors' co-operation in maintaining confidentiality in the future.

He announced that the Queen had recently approved the nomination of the Right Reverend Anthony Martin Priddis, Suffragen Bishop of Warwick for election as Bishop of Hereford in succession to the Right Reverend John Oliver who had resigned last November. The enthronement will take place sometime in June.

He also announced that the Divisional Commander of the West Mercia Constabulary at Hereford, Chief Superintendent Guy Rutter, will be taking up the post of Divisional Commander for the Shropshire Police Division from 1st March, 2004. He thanked him for his contribution to Herefordshire, especially in promoting partnership with the Council, as Chair of the Herefordshire Partnership Board, and wished him well in his new post.

He also took the opportunity to welcome the new Divisional Commander, Chief Superintendent Kevin Bentley who was currently the Temporary Head of CID for the West Mercia Constabulary.

Petitions

The Chairman had received a petition containing 847 signatures relating to genetically modified food which he passed to the Cabinet Member (Environment) for action.

54. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can 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 the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. No such questions had been received.

55. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Councillor Mrs. M.D. Lloyd-Hayes asked:

What mechanisms are in place for young people to influence decisions made by this Council?

The Leader replied, that there were currently no separate mechanisms for young people to influence decisions. They would use the routes open to any other member of the community. However, the Youth Service and other agencies support and encourage young people to use these routes through a variety of mechanisms such as youth forums. He acknowledged that it was difficult to engage young people and that the Council was not always seen as being as supportive as it could be.

In response to a further question from Councillor Mrs. Lloyd-Hayes, about provision of youth services in Hereford City, the Leader agreed that there was an urgent need to make progress on this issue.

Councillor A.C.R. Chappell asked:

It appears that the incidence of unacceptable and anti-social behaviour is on the increase across the County. A small minority causing harm and distress to law abiding residents. Will the Leader of the Council join me and the other political group leaders in a review with Police, Magistrates, Probation Service, Herefordshire Housing, and the Directors of Social Care and Education? The review to look at ways of implementing those opportunities that the Home Secretary has given Local Authorities to tackle these problems, but also to find ways where we can work more closely to give communities relief from anti-social behaviour?

The Leader replied that an Anti-Social Behaviour Order was a legal injunction and to break it was a criminal offence. He advised that the Community Safety Partnership in Herefordshire (now merged with the Drug Action Team) already has an implementation group across agencies that work on anti-social behaviour. He said that the Partnership would be willing to hold a briefing with key members and take any further action needed, and that this would be a practical way forward.

In answer to a further question from Councillor Chappell, he stated that eight Anti-Social Behaviour Orders had been granted in the County so far and that he hoped the Partnership would be able to meet to address these issues at an early opportunity.

56. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

57. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 20th and 27th November and 4th and 18th December, 2003.

In relation to Item 1.1 - Second Homes and Empty Property Council Tax Discounts, Councillor T.M. James welcomed the introduction of changes to the levels of Council Tax Discount on second homes and empty properties.

In relation to Item 1.2 - Review of the Constitution, The Leader proposed that the words "and Councillor Membership" be deleted from Recommendation (c) and the Appendix be amended accordingly. He urged Members to view the ward composition of Local Area Forums as a guide but said they could attend whichever

Forum they considered most appropriate depending on the items on the agenda.

In relation to Item 4.1(ii) - Index of Multiple Deprivation (IMD), Councillor Chappell, although glad that the South Wye area had lost its "deprivation" status expressed concern about the affect that would have on future investment in the area. The Leader advised that he had drawn similar concerns to the attention of the Boundary Commission but whilst these had been recognised the Commission had not felt it appropriate that they should determine the outcome of the Review.

In relation to Item 6.1(i) - Replacement Swimming Pool for North Herefordshire, Councillor B. Hunt, said by raising a motion on provision of a swimming pool at Bromyard, he and Councillor Dauncey had fulfilled a manifesto commitment to the people of Bromyard. He regretted that Bromyard was not chosen as a site for the new pool but understood why it was to be sited at Leominster. Council acknowledged the contribution made by Leominster Town Council and the various Parish Councils who had helped with fund raising or made a commitment of funding. Councillor R.V. Stockton advised that the scheme was very much on schedule with a target date for completion of June 2005. The Leader said that the specifications relating to energy efficiency had been approved by user groups and other consultees.

In relation to Item 7.1(i) - Edgar Street Grid Masterplan, there was some concern that there was no mention of preserving the historical heart of the City. Councillor G.V. Hyde, Cabinet Member (Economic Development, Markets and Property) assured Council that the preservation of the City's heritage was an integral part of the development. He recognised that the provision of a supermarket remained a controversial issue within the Council but was a way of raising much needed funds and should be retained within the masterplan.

In relation to Item 9.1(i) - Development Control Functions, in response to an allegation that the Council was not following Government policy of delegation of development control functions to parish councils the Leader said that he was not aware of any mass delegations. He knew of one local authority that had delegated small matters to parish councils but if any objections were received the matter was referred to the Planning Sub-Committee for determination.

In relation to Item 9.2(i) - Legionnaire's Disease, the Leader advised that he had received a letter from the Chairman of the Primary Care Trust thanking the Council for its handling of the outbreak. He had passed the letter to the relevant directorates so that staff would be made aware of the recognition their efforts had received.

In relation to Item 10.1(ii) - Car Parking Strategy and Charges, in response to a number of comments and questions relating to the provision of free parking or deferred price increases, the Cabinet Member (Highways and Transportation) advised that the Environment Scrutiny Committee would be agreeing terms of reference for the parking strategy review group at its next meeting. The Group would take account of all the points made.

In relation to Item 13.1(i) Response to the Consultation on the Government's Green Paper "Every Child Matters" - It was agreed that services could be integrated across Education, Social Care, Health, Youth Justice and the Youth Service.

In relation to Item 13.1(iv) - Council's Residential Care Homes Proposed Transfer to Shaw Homes - Councillor Mrs. L.O. Barnett, Cabinet Member (Social Care and Strategic Housing) apologised for not circulating a briefing note to all Members as promised. She said there would be a further meeting with Shaw Homes and the briefing note would be available after that.

RESOLVED: That the report of the meetings of Cabinet held on 20th and 27th November and 4th and 18th December be received;

- That (a) the level of Council Tax discount on second homes be reduced to 10% and the 50% discount on long-term empty properties be removed; and
- (b) that the Constitution be amended as follows:
- (i) Part 4 of the Constitution by deleting Standing Order 4.3.7 which deals with the appointment of Chairmen of Local Area Forums;
 - (ii) Part 10 of the Constitution by deleting Standing Order 10.1.5 which sets out provision for formal membership of Local Area Forums, and amend Standing Order 10.1.6 which deals with the appointment of Chairmen;
 - (iii) Appendix 20 of the Constitution by substituting Appendix 1 to set out the ward composition of Local Area Forums;
 - (iv) Appendix 15 (Councillors' Allowances Scheme) of the Constitution to delete Band 5, Chairman of Local Area Forums, £517 from the Scheme approved by the Council on 25 July 2003;
 - (v) Part 5 of the Constitution by adding "Regulatory Committee" to Standing Order 5.1.1 Appointment of Sub-Committees and Working Groups;
 - (vi) Standing Order 9.3.2.1 (Terms of Reference of the Regulatory Committee) of the Constitution by adding:

"To undertake responsibility for the Council's functions in relation to all liquor licensing, gaming permits, public entertainment licences and cinema licences under the Licensing Act 2003 as amended from time to time."
 - (vii) Standing Order 9.3 (Regulatory Committee) of the Constitution by adding:

"9.3.3 REGULATORY SUB-COMMITTEE

9.3.3.1 The Regulatory Sub-Committee will be responsible for determining individual applications for liquor licensing, gaming permits, public entertainment licences and cinema licences within Herefordshire."
 - (viii) Standing Order 12.7.3 (County Secretary and Solicitor) of the Constitution by adding:

"12.7.3.6 The County Secretary and Solicitor will maintain a Scheme of Delegation to officers for regulatory matters and is authorised to revise that Scheme from time to time."

and

- (ix) **the County Secretary and Solicitor be authorised to make any further consequential revisions to the Constitution as necessary.**

58. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 28th November, 2003.

RESOLVED: That the report of the meeting of the Planning Committee held on 28th November be received.

59. STANDARDS COMMITTEE

Mr Robert Rogers presented the report of the meeting of the Standards Committee held on 5th December, 2003 and corrected a small typographical error.

RESOLVED: That the report of the meeting of the Standards Committee held on 5th December, 2003 be received and the following recommendations approved:

- (a) **Mr David Stevens (Independent Member) and Mr John Hardwick (Town and Parish Council Representative) be appointed as members of the Standards Committee; and**
- (b) **the revised protocol for Member/Officer Relations as set out in the appendix to the report be adopted.**

60. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 8th December, 2003.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 8th December, 2003 be received.

61. REGULATORY COMMITTEE

Councillor R.I. Matthews presented the report of the meeting of the Regulatory Committee held on 9th December, 2003. In response to a query, he confirmed that the Council had lost an appeal lodged by Time Nightclub over refusal to grant an extension to its Public Entertainments Licence to 2.00 a.m. on Christmas Morning, 2003. He stated that the Committee had reached its decision despite officer advice to the contrary. He advised that the matter would be discussed at the next meeting of the Committee.

RESOLVED: That the report of the meeting of the Regulatory Committee held on 9th December, 2003 be received.

62. CASUAL VACANCY IN THE ST NICHOLAS WARD

Council formally received notice of the death of Councillor Reverend David Short,

MBE and noted the arrangements for filling the vacancy in St Nicholas Ward. In response to a query the Chief Executive advised that marked copies of the electoral register were available to those candidates who wished to receive them.

63. APPOINTMENT OF CHAIRMAN OF EDUCATION SCRUTINY COMMITTEE

The death of Councillor Short had resulted in a vacancy in the Chairmanship of the Education Scrutiny Committee. Group Leaders had proposed Councillor Ashton as Chairman. Councillor Ashton holds seats on both the Environment Scrutiny Committee and the Planning Committee. Although no immediate change was necessary, following the outcome of the by-election it may be necessary for these seats to be vacated in order that they can meet political proportionality requirements or to be re-allocated within the Liberal Democrat Group.

RESOLVED:

That (a) Councillor B.F. Ashton be appointed Chairman of the Education Scrutiny Committee; and

(b) the term of office will expire at the next annual Meeting of Council.

64. NEXT COUNCIL MEETING

The Chairman advised that the meeting of Council to be held on 5th March, 2004, at which the Council Tax levels for 2004/05 would be decided, would be held at the Shirehall, Hereford.

65. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the meeting of the West Mercia Police Authority held on 9th December, 2003. In response to a number of queries he said that he had asked for various statistics, including response times and crime figures, relating to Herefordshire to be reported separately. He also promised to research how the "Ion track" Itemiser Instant Drugs Analyser Units were used and get a breakdown on complaints against the police. He promised to include this information in his next newsletter. He understood that Parish Councils were routinely notified of meetings of the Police/Community Consultative Groups.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 9th December be received.

The meeting ended at 11.37 a.m.

CHAIRMAN