

MINUTES of the meeting of COUNCIL held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 2 November 2007 at 10.30 am.

Present: Councillor J Stone (Chairman)

Councillors: WU Attfield, LO Barnett, CM Bartrum, DJ Benjamin, AJM Blackshaw, WLS Bowen, H Bramer, RBA Burke, ACR Chappell, ME Cooper, PGH Cutter, H Davies, GFM Dawe, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, TW Hunt, JA Hyde, TM James, JG Jarvis, G Lucas, RI Matthews, TMR McLean, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, PD Price, SJ Robertson, A Seldon, RV Stockton, JK Swinburne, AP Taylor, DC Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

34. PRAYERS

The Very Reverend Peter Haynes led the Council in prayer.

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: PA Andrews, SPA Daniels, MAF Hubbard, P Jones CBE, MD Lloyd-Hayes, A Seldon. RH Smith and JB Williams.

36. DECLARATIONS OF INTEREST

Councillors: WU Attfield and ACR Chappell declared a personal interest as School Governors in Item 5.1 (ii) Wyebridge Academy of the Cabinet report. Councillor PJ Edwards declared a personal interest in Item 8 Notice of Motion as chairman of Strategic Monitoring Committee.

37. MINUTES

RESOLVED: That the minutes of the meeting held on 27 July 2007 be approved as a correct record and signed by the Chairman.

38. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Council of the loss of two former Councillors, John Guthrie in September and Basil Baldwin in October 2007. Council stood for a minutes silence in remembrance.

The Chairman welcomed back Councillor Roger Hunt who had been absent with ill health and reminded Members of the Civic Service, which is to be held on Sunday 9 March 2008 at the Cathedral followed by afternoon tea at the Town Hall.

Congratulations were expressed to a former member of staff Mike Jones, who worked in the Highways and Transportation department, on his recent retirement after completing over 41 years service in local government.

Congratulations also went to Nigel Thomas from the Emergency Planning department of the Council who won the Business Continuity 'Student of the Year 2007' award out of 1,200 eligible students. Nigel won three days BCI approved training at the Cotswold Conference Centre worth approximately £4,000.

The Chairman advised Council that he wrote to the Fire and Rescue Authority and the Police Authority thanking them for the work they did in keeping the county moving during the floods in July 2007.

The Chairman received a petition from Miss Rigby MBE of Wormelow relating to traffic problems in Wormelow Village, which he handed to the Cabinet Member (Highways and Transportation).

39. 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 Head of Legal and Democratic Services more than six clear working days before the meeting. One question had been received and was included in the agenda. The question, together with a summary of the response, is set out below:

Question from CJ Grover, Bromyard, Hereford.

At the Cabinet meeting of 14 December 2006 an Action Plan for Bromyard Downs was approved and the results of this action plan were to be presented to the Cabinet in April 2007. It was the Bromyard Downs User Groups' written representations to the Council in May and October 2006 that the Downs were being mismanaged by Brockhampton Group Parish Council that caused this consultation paper to be prepared. Despite the User Group being the main participants they were not included in the list of consultees, however this omission was verbally corrected at the meeting. At no time since the Cabinet meeting of 14 December has the Council contacted the User Group about the Action Plan apart from a non-committal response in the spring to a request for information. It is apparent that nothing has happened which is an unusual situation since approval for the Action Plan was a decision of the Cabinet made 11 months ago. Will the Council give an explanation at the meeting today for the lack of action and give an assurance they will resolve the situation within three months?

Answer from the Head of Legal and Democratic Services

The Council have sought Counsels advice, a reviewed scheme is being drafted and it is anticipated that this will be available for consultation by March 2008 to all interested parties.

At this point the meeting was interrupted at 10.45 am and resumed at 11.10 am.

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

Councillors may ask questions of Cabinet Members and Chairmen of Committees so long as a copy of the question is deposited with the Head of Legal and Democratic Services at least 24 hours prior to the meeting. A list of questions, set out in the order in which they had been received, was circulated at the beginning of the meeting. Councillors may also, at the discretion of the Chairman, ask one additional question on the same topic. The questions and summary of the answers are set out

below.

Question from Councillor A Gray

What is the Cabinet Member doing about the acute shortage of Affordable homes in the County and given its importance why was this Monday's seminar on the subject cancelled?

When will this Council consider releasing some of its own land for such housing to reduce risk of Social landlords attempting to build on Allotments and public open spaces?

Answer from Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing)

The recently adopted Unitary Plan sets out a target for affordable homes provision of 2,300 affordable homes over the plan period 1996 – 2011 (15 years). The UDP contains policies to assist the delivery of affordable housing including a requirement for 35% affordable housing to be delivered on sites over set thresholds (35% on sites of 6 or more dwellings in rural areas and Kington Market Town and sites of 15 or more dwellings in Hereford and the remaining Market Towns)

We know that in the period leading up to the adoption of the plan, the affordability gap has widened, increasing the numbers of people who are unable to afford to access affordable housing, whether through outright purchase, shared ownership or for rent. This means that there is an emergent need to provide more affordable housing in now and in forthcoming years. Furthermore, although 2006/07 has seen an overall increase in the number of new build affordable homes completed this remains below the rate required to meet the UDP target.

In delivery terms, there is clear evidence that more affordable housing is emerging through the use of planning policies set out in the Unitary Development Plan, policies that will be enhanced and strengthened in the emergent Local Development Framework. Annual monitoring over the remainder of the plan period will review this situation.

Looking to the future, the preparation of the Local Development Framework (LDF) will be an opportunity to review the effectiveness of the UDP affordable housing policies. This will need to take into account the Regional Spatial Strategy Phase 2 Revision housing policies, including an indicative minimum target of 800 affordable houses per annum up to 2026 to be provided in Shropshire and Herefordshire – likely to equate to around 300 homes p.a. for Herefordshire itself, significantly more than currently being provided. The issue for the county as a whole will be how to ensure delivery of these targets when currently only about half of all applications for housing fall above the current UDP thresholds for affordable housing provision – i.e. when the 35% target kicks in. A current Housing Market Assessment being carried out for Shropshire and Herefordshire will help inform this issue and the review of affordable housing targets and thresholds and ultimately, the new policies in the LDF.

The New Growth Point status for Herefordshire will involve an increase in the rate of new housing built in the county, in line with RSS targets, and this will include the provision of affordable housing.

Strategic Housing, working in partnership with planning have been negotiating the affordable housing elements of key sites throughout Herefordshire with negotiations either completed or ongoing for the delivery of 830 affordable homes through

planning gain. 112 of these are estimated to be delivered during 2007/08 with a further 718 over approximately 3 years from 2008 onwards. Members will be aware but should be assured that the Edgar Street Grid development will also include a significant provision for affordable housing which will add to the numbers for delivery in Hereford City quite substantially.

Cabinet has approved Strategic Housing's development programme for affordable housing delivery for this financial year funded both through the use of Housing Capital reserves and schemes the Council are supporting which have been awarded funding directly from the National Affordable Housing Programme grant administered by the Housing Corporation. In total, Strategic Housing has set a target of 220 affordable homes to be acquired and built during 2007/08. 51 of these affordable homes are due to be delivered using Housing Capital reserves totalling £4.1 million and the remainder through a mix of planning gain, Housing Corporation funding and other activities. Strategic Housing has achieved incremental improvements in recent years in the number of affordable homes delivered each year.

Strategic Housing also tackles empty properties and targets have been set to deliver 100 homes being brought back into use during 2007/08. This represents an important contribution to increasing the supply of homes in the County, including for private renting.

Strategic Housing is currently supporting affordable housing development proposals from Housing Association partners for 386 affordable homes the majority of which have received in principle support from the Housing Corporation and, which it is hoped, will be delivered during the period 2008-2011.

With much of the development centred on Hereford City and the market towns, we mustn't forget rural communities where the need for affordable housing is evident but where delivery is more difficult due to the lack of appropriate sites. In tackling this, Strategic Housing is conducting consultation events in 9 parishes during 2007/08 where local communities will be given an opportunity to identify potential sites to deliver the identified need for affordable housing. 15 parishes will be surveyed during the year to assess the affordable housing needs of the local community. To assist this focus on resolving the rural shortage, the Council, in partnership with Community First and local Housing Association partners, is funding a Rural Housing Enabler. The Rural Housing Enabler gives focussed attention to helping local parishes realise their ambitions for affordable housing.

In summary, therefore, whilst we are seeing increasing delivery of affordable Housing in Herefordshire we know there is more to be done. Increased allocations of funding for Affordable Housing have been announced regionally and we need to ensure Herefordshire gets its share. The acceptance of Hereford as a New Growth Point reflects Herefordshire's commitment to meeting the challenge given to local authorities by government to increase the supply of housing. Through the Local Development Framework we will be ensuring there is adequate reflection of the local housing needs in the County and the tools to deliver the much needed affordable housing

Question from Councillor RI Matthews

The majority of elected Members first heard about the possibility of a large number of staff being made redundant from within the Environment Directorate when they read about it in the press. Can you tell us why we were not all briefed about this very sensitive issue before it was released to the local media?

Answer from Councillor DB Wilcox, Cabinet Member (Highways and Transportation)

My understanding is that the information was not placed in the hands of the press by the Council but by others who became concerned following the initial consultation. Two staff meetings were held early last month and the Director of Environment advised of the possibility of job cuts at these meetings held in the Town Hall on 2 and 5 October. Group Leaders were informed on the day of the last meeting, namely 5 October and it was only after the last briefing to Environment staff that a substantive response was given to the media formally by the Council. I trust Members will agree with the concept that it is important for staff who may have been affected to hear the details first.

I know that the Director wishes to work with the Unions in a constructive dialogue to bring the matter to an acceptable conclusion whilst achieving the original objective. From my talks with the Director of Environment, I can assure Members that no final decision has been made and that further meaningful discussions will be held before any such decision is taken.

Twenty-three Managers from the Environment Directorate spent two not three days away from the office to formulate proposals that will result in approximately £1.8m of savings.

The use of Away Days to examine a large-scale change is a recognised feature in both public and private sector operations. It avoids interruptions of working from the usual office base and allows staff to concentrate on significant issues over a concentrated period of time. It needs to be used, and is only used sparingly within the Council, but I suggest it was entirely appropriate that this should have been held away from the office on this occasion.

The cost of using the Colwall Park Hotel as a conference venue was £1,566. Members will be aware of the financial difficulties faced by Colwall since the closure of the bridge to vehicular traffic. The choice of the Colwall Park Hotel was designed to provide at least some relief from the present financial difficulties experienced by that business and the village at large.

Supplementary question from Councillor RI Matthews

With regards to the media and sensitive issues such as this, elected Members should be informed and not read about it in the press. There should be accommodation within the Council for this and not go outside as it gives the wrong perception to staff.

Answer from Councillor DB Wilcox, Cabinet Member (Highways and Transportation)

I hope Members agree that staff should be advised first. Staff were informed on 2 October and Group Leaders were advised on 5 October. With regard to the use of the hotel, in this instance there was a need to get away from Council premises and in this case the Director was quite right to take staff away and use alternative premises.

Question from Councillor SJ Robertson

Why does the Council not draw down funding when building new schools from organisations such as the Football Foundation to assist with the costs of providing sporting facilities i.e. sports halls, football pitches, changing rooms etc?

Answer from Councillor JA Hyde, Cabinet Member (Children's Services)

In principle the Local Authority is keen to draw in funding from other bodies to augment capital investment in existing and in new schools. In Sutton new school £200k will be contributed by the community to facilities in the school, which one would envisage would be of benefit to both school and community.

In recent years the success in drawing money from the Football Foundation or, since Kingstone High School sports hall, from the lottery has been absent despite bids being made e.g. at John Kyrle High School, Weobley High School and St Mary's RC High School.

Supplementary Question from Councillor SJ Robertson

I would like your assurance that every effort is made to look at these outside streams for extra funding.

Answer from Councillor JA Hyde, Cabinet Member (Children's Services)

Yes, they will be sought after.

Question from Councillors JD Woodward and DJ Benjamin

We are seeing an increase in the number of large properties in the city being subdivided into single roomed houses of multiple occupation supposedly for single people. This is changing the character of our urban areas bringing with it such problems as lack of parking and overcrowding. Homepoint has identified the need for one bed roomed flats – not bedsits. What is the Cabinet Member doing to alleviate this severe problem?

Answer from Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing)

There is a significant demand for accommodation for single people in the county. Bedsit accommodation with shared facilities is an affordable option for those embarking on the first step of independent housing in the private rented sector.

Large properties lend themselves to multiple occupancy as they are too large and expensive for many single families and the returns for landlords can be higher. Private Sector Housing works closely with the Planning Department in the identification of these properties, undertaking joint inspections when necessary and we both apply Planning and Housing Law when contraventions are found. We also liaise with the Fire Service and with Building Control who now have some responsibility for new conversions. Prohibition notices closing high risk (Houses in Multiple Occupation) HMO's have been issued where fire risks have been found to be substantial.

National HMO Licensing is now in place and the County of Herefordshire also has additional HOM Licensing, which means that all HMO's in Herefordshire need to be licensed. The Local Authority can impose conditions in the licence for example, set limits in terms of occupancy levels to prevent overcrowding. The licensee must also be a fit and proper person. Members who suspect a property has been illegally converted into a House in Multiple Occupation can contact Private Sector Housing for advice if required.

Landlords can increase their revenue and avoid National Licensing by converting their properties into self-contained flats, which are outside the scope of National Licensing.

Homepoint does demonstrate a demand for 1 bed accommodation and the Housing Development Officers in Strategic Housing are successfully negotiating with private developers for additional 1 bed or single person accommodation through the planning gain system where sites are above the threshold to secure 35% affordable housing. The level of provision requested is based with reference to the level of demand evident within the area of the development and with a view to ensuring a mix provision (in terms of size/type/tenure) across the development in line with planning policy guidelines.

In the main and settlement villages there are additional considerations. The provision of 1 bedroomed property is not considered to be sustainable as development opportunities are harder to come by. Therefore, there is an increased focus on providing 2 beds rather than 1 beds and arrangements are sought with the developing RSL to allow single households to apply for these properties. This will become an increasingly common approach to meeting the needs of single person households in a bid to increase longer-term sustainability of tenure both in the city and throughout Herefordshire.

Supplementary Question from Councillor JD Woodward

How many houses have we got which have been converted and how many have mandatory licences?

Answer from Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing)

I will provide an answer to Councillor Woodward at the end of the day.

Question asked by Councillor PJ Edwards

Who took the decision to withdraw the Council's intranet access for use by Members on their Council home computers and why was this communication tool withdrawn?

Answer from Councillor JP French, Cabinet Member (Corporate and Customer Services and Human Resources)

Historically not all Members had access to the intranet, although this was technically possible and a number of Members did make use of the facility particularly the information library and contacts list which were heavily used.

(This was actually an individual arrangement with the previous Members ICT Support Officer).

Since the new Council was elected in May a new system, together with a full programme of induction, familiarity and installation of standard packages has been available to Members.

I am pleased to report that shortly 55 out of 58 Members will be making use of ICT as a key communication tool compared to 34 in the previous Council.

Under the previous system Members were subject to inconvenience if the network was not available. The way in which they now access the Council's systems enables them to be independent of a network connection and provides increased security.

(As an aside in October 2007 new filtered out 7,300, 000 spam items).

However, this new system currently precludes use of the intranet but I can reassure Cllr Edwards that officers are currently examining ways in which access to the intranet could be re-established.

Questions asked by Councillor PJ Edwards

Is the Cabinet Member aware of Hereford City's Urban Streetscene image needing urgent attention i.e. rusting dog waste bins and litter bins with fly posters attached, part painted street sign attempted restorations, vinyl strip type letter signs now vandalised overnight, signs daubed in graffiti, reported missing signs not replaced, proliferation of temporary signage which could legitimately be withdrawn, etc?

Answers from Councillor DB Wilcox, Cabinet Member (Highways and Transportation)

The Council recognises the importance of looking after the local environment and takes a comprehensive approach to dealing with these types of issues.

Hereford like many other cities and towns throughout the United Kingdom is subject to mindless anti social behaviour by a small minority and focuses its limited budget and resources attempting to clear fly posters, graffiti and litter quickly. It also works closely with the police to identify and prosecute offenders.

Specifically with regard to graffiti any reported offensive graffiti is cleared with 24 hours and non offensive graffiti as soon as practicable. Also where in the past where the Council has had limited power and success in clearing graffiti off private land/premises Herefordshire Council is currently operating a six month graffiti pilot to clear graffiti of private premises so that the street environment is not blighted with graffiti for long periods. The pilot, which is funded by LPSA2 money, has so far been successful in removing graffiti from the public view and the service has been received very positively.

Hereford City streets are inspected on a regular basis to identify street furniture that has been damaged or requires replacement. When it is seen that items require work it is carried out. There is a replacement programme for dog bins, litter bins and road/street signs but as can probably be appreciated there is a relatively small budget to replace and repair such items for the whole of the county and replacement and repairs are carried out on a priority/need basis.

It is to be noted that the Highways and Transportation Department alone is unable to identify all matters that require attention and requires assistance from the public and Councillors in identifying areas and items of concern. It requests that all matters of concern are reported to Streetscene on 01432 261800 or by email to streets@herefordshire.gov.uk and all reports will be actioned for attention as soon as possible. The Highways and Transportation Department is not complacent and is aware of the importance of the image of Hereford and that much more needs to be done. Herefordshire Council is committed to Hereford City being clean and well maintained.

From the question it is unclear as to what type of temporary signage is being queried. I presume temporary roadwork signage is being questioned. Normally any temporary roadwork signs are removed on completion of works and again if Members are aware of any that remain it is requested they are reported to Streetscene as above.

Supplementary question Councillor PJ Edwards

I would ask that additional resources be provided to put pride back into Hereford.

Answers from Councillor DB Wilcox, Cabinet Member (Highways and Transportation)

Agree it is an on going battle and resources are being applied to various areas. Environment Scrutiny Committee will be looking at highway maintenance.

When will these be reviewed so that we can restore an element of pride into Hereford and Herefordshire?

I am very proud of Hereford and Herefordshire and will continue to work to improve the streetscene within the resources available to me. The work of the department is reviewed regularly by the Environment Scrutiny Committee and will undertake continual improvements within the budgetary constraints.

Where rural road signs may be hidden by exceptional hedge growth, when will these be attended to?

With regards to the obstruction of rural road signs by hedge growth any reports are dealt within the timescales stated in the highway maintenance plan. We are currently undertaking an awareness campaign to local landowners and householders making them aware of their responsibilities to maintain the hedges to an acceptable standard.

Why is it that when Council Members have requested action they either do not receive a timely response (if at all) or where a positive response is received, it sometimes takes months for action to take place on the ground?

Normal practice is to respond to all Councillors' queries as quickly and efficiently as possible, with all such requests for action being prioritised on a needs basis. However, to put the issue in context there are approximately 9,500 requests for routine maintenance annually and it is not possible to address all the concerns raised. If Members' requests have been overlooked, or they have not received a satisfactory response, I shall be willing to take those issues with the relevant officers if specific examples can be given to me.

Questions asked by Councillor AT Oliver

In the light of the severe flooding earlier this year, across the County and neighbouring Counties, may we be assured that this Council will put a greater emphasis on ensuring that new housing development in this County does not take place on flood plains and areas prone to local flooding?

Answer from Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing)

This issue is being addressed on two levels: planning policy and planning development control. The planning policies, which will be coming forward as part of the Local Development Framework will all be assessed against known constraints including flood plains. At the Development Control level all planning applications, which affect land in Flood Zone 3 are now required to have a Flood Risk Assessment before they are accepted as valid planning applications. In Flood Zone 2 this

requirement is applied more flexibly depending on the nature of the proposed development and the known history of the site.

Supplementary question Councillor AT Oliver

I am pleased with the reassurance. There are areas of frequent flash flooding; can a similar emphasis be given to those areas?

Answer from Councillor JG Jarvis, Cabinet Member (Environment and Strategic Housing)

Identifying the sites is more difficult and the flash flooding usual relates to drainage, which needs to be kept in mind.

Question asked by Councillor AT Oliver

Under the Warm Homes and Energy Conservation Act 2000 there is a statutory commitment to remove every vulnerable household in England occupied by the elderly or infirm from fuel poverty by the end of 2010.

What steps has Herefordshire Council taken to ascertain the number of households in the County which are entitled to support under the Act, bearing in mind that many of the households affected will be tenants of Herefordshire Housing?

Answer from Councillor LO Barnet, Cabinet Member (Social Care Adults and Health)

Background

The Warm Homes and Energy Conservation Act 2000 required the Secretary of State to publish and implement a strategy for reducing fuel poverty. The Government responded by writing the UK fuel poverty strategy 2001. As part of the strategy the Government set a target to end fuel poverty for vulnerable households by 2010. Fuel poverty in other households in England will also be tackled with a target that by 2016 no person in England should have to live in fuel poverty.

A household is considered to be fuel poor when it needs to spend more than 10% of its income to fuel to heat the home to an adequate temperature.

Where are we now?

Since 1999, the Council's Private Sector Housing has been running an energy efficiency grant scheme - SEES (Special Energy Efficiency Scheme) to improve the insulation and heating efficiency of private homes. Between April 1999 to October 2007, 9100 properties had energy efficiency grants. Herefordshire residents have also benefited from energy efficiency grants under the Government fuel poverty grant scheme, Warmfront and energy supplier discount initiatives.

Despite this positive activity, findings from a House Condition Survey conducted in 2005 throughout all tenure in Herefordshire, revealed that an estimated 8,540 dwellings of all private sector stock (10.7%) were in fuel poverty.

In order to tackle fuel poverty in a coordinated manner, an affordable warmth strategy has now been developed for Herefordshire through consultation and 2 workshops with a wide range and number of stakeholders. The strategy was officially launched on July 31st 2007.

Six main aims were established. All information from the workshops has since been collected and organised in the form of the Affordable Warmth Action Plan. This constitutes the working part of the strategy.

The action plan will initially be implemented over a 3-year period with short, medium and long term targets and annual review.

The action plan sets targets giving priority to the most vulnerable households and it is hoped that much progress will be made to increasing the provision of affordable warmth in the county. Despite this, it is highly unlikely that fuel poverty in Herefordshire will be eradicated for vulnerable households in line with Government targets by 2010.

This situation is common to other rural authorities similar to Herefordshire where there is an aging population, rural isolation, and a large percentage of hard to treat properties with solid walls which are off the gas network.

Housing Associations, including Herefordshire Housing, have a responsibility for meeting their own targets towards eliminating fuel poverty. Most housing associations have insulation measures in place but are still working on high efficiency boiler replacement programmes.

Question asked by Councillor AT Oliver

Is the Council able to re-assure Members that it has a viable accommodation strategy for the near future, and provide an outline of the current strategy? In particular, is the lease at the Plough Lane premises to be renewed?

Have any additional costs to the Herefordshire Connects programme, resulting from accommodation charges been factored into the IT budget?

Answer from Councillor H Bramer, Cabinet Member (Resources)

Officers are currently working on a report for Cabinet to consider that will outline the strategic options available to the Council for accommodation. The report will consider the Council's likely future accommodation needs and potential solutions. It will come forward for formal consideration once the lease position on Plough Lane has been confirmed. Scottish and Newcastle have offered the first floor to the Council on a lease basis and negotiations are continuing to extend the lease on the whole building until 31st December 2010 which will provide adequate time to deliver the agreed accommodation strategy.

There are currently no additional accommodation costs arising from Herefordshire Connects although there has been a reallocation of space within the existing accommodation. Herefordshire Connects is a corporate rather than ICT programme and any additional costs once ascertained would be met from within the accommodation strategy and associated charges.

Supplementary question Councillor AT Oliver

Can the Cabinet Member confirm if there is any purpose built building for Council staff?

Answer from Councillor H Bramer, Cabinet Member (Resources)

All options are being considered and a report will be coming forward shortly.

Questions asked by Councillor WLS Bowen

Are you aware that President Truman had a notice on his desk stating "The Buck Stops Here"?

As regards responsibility for the IT Department and its expenses – on which Director's desk does the buck stop?

On which Cabinet Member's desk does the IT Department buck stop? Have they considered their position?

Why is it that the so called "full enquiry" into happenings in the IT Department is so limited in scope and fails to search for answers regarding the vital matter of procurement?

Answer from Councillor RJ Phillips, Leader of the Council

I am absolutely clear about where the buck stops as I believe is Council.

I need to remind all Members that there is an on-going independent review and I will not comment or speculate on the outcome of that review or its anticipated recommendations. It is a matter of public record that the Director of Corporate and Customer Services has within her remit the ICT Division and is, in turn, as with all Directors responsible to the Chief Executive. The relevant portfolio holder is the Cabinet Member (Corporate and Customer Services and Human Resources) and she in turn is responsible to Cabinet.

It is not a so called "full enquiry". It is an independent review which has the support of both Cabinet and the Audit and Corporate Governance Committee and which I hope would have the support of full Council. The terms of the review are comprehensive and cover all of the matters raised in the two Special Reports of the Director of Resources. Six out of the seven principal points in the Terms of Reference specifically address elements of the procurement process.

Supplementary question Councillor WLS Bowen

Can we be assured in future we have greater scrutiny?

Answer from Councillor RJ Phillips, Leader of the Council

Members will have been sent the Terms of Reference for Mr Crookall and I share Members' concerns that procedures are followed correctly in the future.

Questions asked by Councillor WLS Bowen

Do you agree that the last Council's Members' Development Group did a good, useful and productive job in a totally non-political format and outlook? Why is there no sign of an effective Members' Development Group being set to work by this Council?

Is it, perhaps that the last one was too independent and forward thinking? How many newly elected Councillors were mentored and properly helped to understand the workings of the Council?

Answer from Councillor JP French, Cabinet Member (Corporate and Customer Services and Human Resources)

"Yes. The former Members' Development Working Group provided a strong base from which to build an Induction Programme following the last election and to consider the approach to Members' development to meet the challenges and changes in local government, for example:-

- scrutiny and its expanding role
- the implications of the White Paper
- diversity
- understanding Local Area Agreements
- Comprehensive Area Assessment, etc.

The Group Leaders have agreed to the establishment of a Members' Development Policy Group to provide strategic direction comprising of themselves, the Cabinet Member Corporate and Customer Services and Human Resources

This group has met once and agreed its Terms of Reference and to the co-option of one additional front line Member from each of the three largest Groups.

At its first meeting it considered the review of the Members' Induction Programme, the results of the Member Communications Survey undertaken prior to the Election and current planned Member events

In addition to the induction programme organised by the Council, the Group Leaders decided the provision for mentoring was the responsibility of the political groups. I know our Group provided this support but I cannot comment on behalf of other Groups.

Supplementary question Councillor WLS Bowen

Perhaps the present Policy Group is limited based on the previous Member Development Group being non-political? Perhaps there should be more robust mentoring for new Councillors?

Answer from Councillor JP French

No I do not think the Policy Group is limited. Comments on mentoring should be fed back through the political groups.

Questions asked by Councillor GFM Dawe

Councillor Roger Phillips said at Cabinet meeting on 10th September 2007 that (refer to item 3: Rotherwas Archaeology Options for the preservation of the Ribbon and completion of the Rotherwas Access Road) that if the matter of the Ribbon was called in by Environment Scrutiny Committee, it would then be sent to Cabinet, and if there was disquiet about the matter during this process, a special full Council meeting would be called to debate the Ribbon and the Rotherwas Access Road. There was a call-in by Environment Scrutiny Committee and there was disagreement about the matter at the Environment Scrutiny meeting of 24th September 2007. Fundamental issues were not even addressed. Six voted for the amended motion and four against. Why then, has a special meeting of the full Council not been called?

The Scrutiny process has been incorrectly administered. Scrutiny is supposed to provide a balance for Cabinet decisions.

It was confirmed at the meeting of 24th September 2007 that there were no discrete budgets for Scrutiny Committees of Herefordshire Council, to allow them to call witnesses. In the 'Local Government Act 2000; Guidance to English Local Authorities'. Chapter 3 "Overview and Scrutiny under executive arrangements", refer to the 2nd paragraph:

"The guidance includes a combination of description of the main statutory provisions

*of the Local Government Act 2000 (c.22) (the Act) and subordinate legislation (both that which is in force and that which the Secretary of State intends to make); **statutory guidance to which local authorities must have regard**; and illustrative and good practice examples.” (My emphases) Please refer to item 3.46 which is statutory.*

Why then, has Herefordshire Council not conformed to statutory guidance?

Answer from Councillor RJ Phillips, Leader of the Council

My understanding of the 10th September, 2007 was that if Environment Scrutiny did not endorse the decision of cabinet then I would consider convening full Council. Environment scrutiny committee endorsed the decision of Cabinet therefore there was no need to convene Council.

The guidance as correctly stated is statutory but a local authority can depart from such guidance if it has good reason to do so. The Councils constitution was approved in July 2001 and has been reviewed on a regular basis since then having regard to such guidance and changes in the law and practice. If a discrete budget were set aside it may limit the appointment of experts to assist the function of scrutiny once that budget is expended. This may put other Scrutiny functions at a disadvantage. The Council have operated a flexible approach to Scrutiny to support it within the resources of each Directorate and that gives the Council flexibility of approach in such matters. There is a variety of practices amongst local authorities and a significant number do not have discrete budgets.

The constitution in respect of Scrutiny as suggested by CRWG at its meeting on 1st October, 2007 is being reviewed and regard will be had to current best practice as part of that review. Any future amendments to the constitution in this regard will be made through CRWG, Cabinet, Strategic Monitoring Committee and ultimately approval by a future Council.

Questions asked by Councillor AM Toon

Following my question at the last Council meeting and the response recorded on page 19 of this agenda, can the Cabinet Member of Children’s Services advise me of:

Can you provide me with the dates in September when the public consultation took place as stated in item 1 of the Cabinet Members response?

Have parents of Aylestone and Bishops feeder schools been consulted?

Have the schools, parents and governors of the above schools been advised of the proposal to reduce their admissions places by up to 100 in order to get the right social mix at the proposed new Wyebridge Academy?

Where is the evidence for falling rolls at only 2 north city schools?

Who is really in control of this project?

Answer from Councillor JA Hyde, Cabinet Member (Children’s Services)

Further public consultation was substituted by local meetings, and sharing of visioning documents with Wyebridge Sports College. A public consultation meeting (on the 10th December) before the Outline Business Case is signed-off by

Partnerships for School will follow the similar event which took place on the 4th July.

Wyebridge Sports College and its feeder primary schools have been involved in the project so far, and the Sponsor has recently initiated meetings with the 6th Form colleges in Hereford. Headteachers and Chairs of Governors have also been invited to a number of meetings with the Sponsor and Local Authority. On 4th October the Governors of Bishops of Hereford Blue Coat High School discussed the Academy development process with the Diocesan Director of Education.

Councillor Toon should be aware that the Local Admission Forum, of which she is a member, approved the reduction in admission numbers of Aylestone High School from 253 to 210. Any further reduction at Aylestone High School and a reduction at Bishop of Hereford Blue Coat High School would be considered as part of the Review of School Provision in the County. A reduction in admission numbers is purely in response to falling rolls and not to social mix. The latter has been raised as an issue by DCSF in terms of banded admission system. Neither the Director nor I think that banded system is appropriate in Herefordshire.

The intake at Aylestone High School has reduced from 252 in 2003 to 157 in September 2007. There has been no reduction in admissions at Bishop of Hereford Blue Coat High School, but as part of the review process the opportunity does arise to ask if the school is working at its optimum with 1200 pupils.

It is important to understand that the role of the Local Authority is limited to undertaking the necessary statutory procedures to close the existing school, and also to design, build, and handover the new building and site to the trustees of the Academy.

All other work relating to the vision for the new school, appointment of Headteacher etc. is the responsibility of the Sponsor. Council should be aware that adverts for the post of Headteacher of the new Academy have been placed in the T.E.S. for 2nd November and 9th November. I understand the pace of this is being determined by DCSF rather than by the Sponsor.

Supplementary question Councillor AM Toon

When the business case is signed off is that not predetermination? I accept the changes in the rolls, but is this not robbing Peter to pay Paul and not giving parents' choice?

Answer from Councillor JA Hyde, Cabinet Member (Children's Services)

Parental choice is paramount. The Director and I are aware of the problems.

41. NOTICES OF MOTION UNDER STANDING ORDERS

Councillor Am Toon had submitted the following Notice of Motion.

That the process applied and decision making in the recruitment of the new Chief Executive is flawed and that the matter be put into the hands of the Strategic Monitoring Committee for this administration to demonstrate clearly and transparently that this Council ensured the best means of securing the most applications for this position, that the process was fair and equitable to all candidates, that adequate and consistent information was made available to those Councillors making decisions and the reasons why inadequate notice was provided for Councillors to meet with candidates.

The Chairman moved to urgency and that motion was duly seconded.

At this point the Chief Executive declared an interest in the outcome of the Notice of Motion and left the meeting.

Councillor Toon stated that the concern was over the recruitment process and not the individual concerned. She referred to the late notice that Councillors and stakeholder groups received on the timetable for Members to meet with the candidates and thereby refer any concerns a Member had back to the recruitment panel. It was felt that the process seemed unduly weighted towards the Primary Care Trust (PCT) even though the successful candidate was to be Chief Executive and Head of Paid Service for the Council. It was felt that the brief, the selection and the short listing processes for the post were not completely clear or robust enough and therefore, not fair and equitable to all candidates.

The Head of Legal and Democratic Services outlined to Members the process carried out through the professional consultants engaged by the Council and the PCT to determine the best candidate for the post. Council discussed the feasibility of having a dual Chief Executive for the Council and the PCT and concern was voiced over the process including the use of panel members who did not have a political mandate. Members wanted reassurance that the process had been carried out correctly and would not be subject to possible legal challenge in the future. The Leader reiterated to Council the process that had been carried out and stated that he believed it would stand up to any possible challenge.

A vote was taken on the Notice of Motion with 9 Members for the Motion and 34 against. The Motion was lost. The Chief Executive rejoined the meeting.

42. CABINET

The Leader of the Council, Councillor RJ Phillips, presented the report of the meetings of Cabinet held on 16 August, 6 and 20 September, 11 October and the Supplementary Report of 25 October 2007.

In relation to Item 2.1 Appropriate access to Rotherwas Ribbon Archaeological Site paragraph 4 – Reference was made to the Leader's undertaking to request a special meeting of Council.

In relation to Item 4.1 (i) - Public Service Trust Progress for Herefordshire – In response to a question on the appointment of the joint Chief Executive the Leader reminded Council that it was a clear decision of Cabinet to look at working in partnership with the PCT. If the Council did not move towards this joint role there was the clear possibility that Herefordshire would not have its own individual Council or PCT.

In relation to Item 11.1 (i) Adult Social Care Fairer Charging – A question was asked regarding the closure of Elmhurst Residential Home. The Cabinet Member (Social Care Adults and Health) advised that it would be investigated and that Members would be advised as soon as possible.

RESOLVED: That the reports from the meetings of Cabinet held on 16 August, 6 and 20 September and 11 October and the Supplementary Report of the 25 October 2007 be received.

43. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning

Committee held on 24 August and 28 September 2007.

Councillor Hunt apologised to Council for the inaccuracy on the number of site visits. A question was raised on the number of planning applications agreed contrary to planning officers' advice. The Chairman of the Planning Committee noted the concerns. Thanks was expressed by Councillor Pemberton on behalf of Tarrington Village for the work and support of officers in compiling the Parish Plan.

RESOLVED: That the report of the meeting of the Planning Committee held on 24 August and 28 September be received.

44. STANDARDS COMMITTEE

Mr R Rogers presented the report of the meeting of the Standards Committee held on 19 October 2007.

Council congratulated the Committee on the sharing of their documents such as the Annual Report, the charring checklist and hearing guide at the Annual Assembly of Standards Committees where the documents were being replicated by other authorities.

RESOLVED: That the report of the meeting of the Standards Committee held on 19 October 2007 be received.

45. STRATEGIC MONITORING COMMITTEE

Councillor PJ Edwards presented the report of the meetings of the Strategic Monitoring Committee held on 17 September and 25 October 2007.

The Chairman of the Strategic Monitoring Committee drew Council's attention to a number of items in the report such as the Committees involvement in the Annual Report for the Development Plan and Action Plan and the redevelopment of the Local Area Agreement. The Chairman thanked officers for their work in the scrutiny process.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 17 September and 25 October 2007 be received.

46. REGULATORY COMMITTEE

Councillor P Jones CBE presented the report of the meetings of the Regulatory Committee held on 31 July, 28 August and 23 October 2007.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 31 July, 28 August and 23 October 2007 be received.

47. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor ACR Chappell presented the report of the meetings of the Audit and Corporate Governance Committee held on 21 September and 19 October 2007.

RESOLVED: That the report of the meetings of the Audit and Corporate Governance Committee held on 21 September and 19 October 2007 be received.

48. APPOINTMENT OF CHIEF EXECUTIVE

The Head of Legal and Democratic Services outlined the basis of the report to Council and advised that the Council would host the Chief Executive post.

At this point the Chief Executive declared a personal interest in the item and left the meeting.

Councillor WJ Walling advised Council that he had had the opportunity to speak with four candidates and formally moved that the offer for the post of Chief Executive be withheld and the post readvertised. Councillor AT Oliver seconded the motion. The motion was lost with 9 for and 34 against the motion.

Council discussed the appointment of the Chief Executive and the Head of Legal and Democratic Services reminded Members that the appointment was for a Chief Executive and Head of Paid Service for the Council with a Service Level Agreement to work for the Primary Care Trust. Some Members felt there was an element of confusion with regards to the involvement of the PCT in the appointment of the Head of Paid Service for the Council.

A Member requested that an indication be given to Council as to the voting of the panel for the appointment. Council was advised that there were five panel members with four approving the appointment, therefore a majority agreement.

Council voted on the recommendation with 34 for the appointment, 4 against and 10 abstentions.

RESOLVED That it be approved that Mr Christopher Bull be appointed as Chief Executive and Head of Paid Service.

The Chief Executive rejoined the meeting.

49. REVIEW OF THE CONSTITUTION IN RESPECT OF THE SCHEME OF DELEGATION FINANCIAL AND CONTRACTUAL PROCEEDINGS AS A RESULT OF DIRECTOR OF RESOURCES SPECIAL INVESTIGATION REPORT

The Head of Legal and Democratic Services advised Council that the report on the review of the Council's Constitution had been drawn up in light of the Special Report by the Director of Resources in relation to contractual arrangements, financial procedure rules, policy framework and budget rules and the Scheme of Delegation to Officers. He added that the report was significant in terms of how the organisation would approve contracts in the future.

RESOLVED

- THAT:**
- (a) the Council accept the principle of improving controls and formally refers the recommendations to the Constitutional Review Working Group, Audit and Corporate Governance Committee and the Standards Committee;**
 - (b) the proposals be further reviewed to take account of any recommendations of the Independent Report; and**
 - (c) a seminar for all Members be held prior to the proposals being returned to Council for adoption.**

50. APPENDIX 19 OF THE COUNCIL'S CONSTITUTION - MEMBERSHIP OF COMMITTEES AND OTHER BODIES

The Head of Legal and Democratic Services presented the report outlining the appointment of Members to Cabinet, outside bodies and the Committees of the Council following the May 2007 elections.

RESOLVED That Appendix 19 of the Council's Constitution, Membership of Committees and Other Bodies, be approved.

51. REVISION OF THE CODES AND PROTOCOLS FOR MEMBERS AND OFFICERS

The Chairman of the Standards Committee, Mr Robert Rogers, presented the report to Council stating that the aim of the review was to make the revision of the codes and protocols consistent with the new Code of Conduct adopted by the Council in July 2007. He added that the protocols on Member Officer Relations and the protocol on the Use of Resources were unaffected with the main changes relating to Planning Matters.

RESOLVED That the revisions to the Codes and Protocols, as recommended by the Standards Committee, be approved.

52. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor P Jones CBE presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority held on 27 September 2007.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority held on 27 September 2007 be received.

The meeting ended at 2.00 p.m.

CHAIRMAN