

MINUTES of the meeting of COUNCIL held at The Hall, Shirehall, St Peter's Square, Hereford. on Friday, 8th February, 2008 at 10.30 a.m.

Present: Councillor J Stone (Chairman)
Councillor JB Williams (Vice Chairman)

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

63. PRAYERS

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: RBA Burke, ME Cooper, H Davies, JA Hyde and NL Vaughan.

65. DECLARATIONS OF INTEREST

Declarations of interest were made by Members at the Council meeting as Governors to the various schools across the county.

66. MINUTES

RESOLVED: That the minutes of the meeting held on 2 November and the extraordinary meeting on 23 November 2007 be approved as a correct record and signed by the Chairman.

67. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Council of the loss of former Councillor Phil Turpin who had served on the Council for three years. Council stood for a minutes silence in remembrance.

The Chairman thanked everyone across the Council who took part in the fund raising for Macmillan and St Michael's Hospice and for raising £2060.00.

The Chairman congratulated Info in Hereford staff for maintaining their charter mark in info services.

The Chairman announced the sponsored swim that he and Councillor Sally Robertson are to carry out at the four Halo swimming pools across the county. He stated that he was fund raising for the Macmillan Renton appeal and for two village halls in his area. He added that Councillor Robertson was fundraising for local good causes.

68. 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. Several questions have been received and were included in the agenda. The questions, together with a summary of the responses, are set out below.

1. QUESTION FROM MR J BAKER, MUCH MARCLE, HEREFORDSHIRE

1.1 *The Council has stated in its summary presentation to Head Teachers on the 10 January 2008 that 39 schools should close (slide 7 and 8).*

Given the: -

- *flawed statistical analysis on which the closures are based;*
- *unreasonable and unworkable timescales for both the consultation and the proposed closures;*
- *devastating impact that these closures will have for current and future generations of children in Herefordshire;*
- *detrimental impact that these proposals will have on hard working and committed teaching staff; and*
- *complete absence of any reference to the school closures in the May 2007 Conservative Party election campaign manifesto;*

2. QUESTION FROM MR J SANGER, HEREFORDSHIRE

2.1 *Has the deadline for implementing changes to primary schools changed (originally September 2009)? If it has, when is the new deadline and if it has not how can the council possibly totally rebuild their policy in the time available?*

Would the Council please stop the current consultation process and commit itself to a more robust assessment of the needs of the children of Herefordshire?

3. QUESTION FROM MRS SD KNIGHTS, CLEHONGER, HEREFORD

3.1 *How will the problem of overcrowding in schools be dealt with while the school rolls reduce to anticipated levels, when school closures go ahead as some undoubtedly will? How will our children access their playgrounds and playing fields if they are covered with mobile classrooms?*

3.2 *Can you please explain how the process of consultation will now move forward? It has caused further confusion amongst the parents in the county with the proposals being recalled and very little information then available as to what happens now.*

Council Taxpayers, as stake holders in the council, are surely entitled to a clear and concise explanation of how the process will move forward to allay their fears, reducing the further pressure on rural schools as parents re-consider their child's educational provision again putting the school roll projections further out of date.

4. QUESTION FROM MRS S SHIPLEY, BROMYARD, HEREFORD.

- 4.1** *If Pencombe School is under the 10% threshold for schools under capacitated, why is it under threat of being closed?*
- 4.2** *What happens to our Church and Village Hall should the school close i.e. Parent toddler groups, Pantomimes that are held here?*
- 4.3** *How do we collect our children from Bredenbury should we experience flooding and snow as on three occasions in the past 12 months I have been unable to drive my car through Pencombe Village and had to walk.?*

**ANSWER FROM COUNCILLOR RJ PHILLIPS LEADER OF THE COUNCIL.
THIS RESPONSE WAS PROVIDED TO THE FOUR QUESTIONS ABOVE.**

The position over the School Review has changed fairly rapidly in recent weeks and it may be helpful to clarify the following points:

- The draft proposals announced on 11 January were for the whole county and were for public consultation.
- Due to concern over the detail of the proposals raised by the public, the Leader announced the recall of this draft paper on 21 January.
- Dialogue with schools continues and is seen as vital and informative though the consultation is suspended.
- All written responses are being collated to inform future debate.
- The removal of surplus places in our education system remains an issue as it impacts upon the value for money and therefore the delivery of the curriculum is likely to be detrimentally affected.
- The letter from J Knight MP which was quoted in national press reminds local authorities of their duty to consider other factors before closing any rural school. Officers are fully aware of this duty – which has not changed but it does not state that closure of rural schools is not possible, merely that due process and careful consideration must be given.
- Next steps:
 - Both the data analysis and the process will be examined by external experts in coming weeks.
 - A Cabinet paper will be considered on 21 February 2008 to consider detailed next steps but it is anticipated that the next steps include:

- Further dialogue with schools / Diocese and key stakeholders.
- Draft proposals going to Cabinet and Scrutiny in September before then going out for public consultation on the overall pattern of school provision.

Therefore many of the specific questions today at Council may either have been dealt with by way of this statement or seem inappropriate now the proposals have been withdrawn.

5. QUESTION FROM MR D PHELPS, HEREFORD.

- 5.1** *In the light of the recent report to the Strategic Monitoring Committee on the May 2007 elections has the failure to properly issue postal votes and the fiasco of the missing ballot box been referred to the Electoral Commission?*

ANSWER FROM DEPUTY RETURNING OFFICER

The Electoral Commission is an independent body which assists and supports Returning Officers. The report to Strategic Monitoring Committee of the 21 January 2008 makes clear there was no missing ballot box. A ballot box was delayed in being received at the count and the contents included in that count. The issue of postal votes is a serious matter and one in which the Council is in dispute with its supplier. Arrangements were made, although not satisfactory, to ensure those who had applied for a postal vote could exercise that vote.

The Electoral Commission does not have a statutory role to review the outcome of elections. If a candidate or member of the public is unhappy with the election they have the right to present an "Election Petition" within 21 days after election day. No such election petition has been received and under Section 45 of the Representation of the People Act 1983 in the absence of a petition the election is good and fair.

It is important to note that the late introduction of legislation which came into force in January 2007 only allowed Electoral Registration three months to put in arrangements for secure postal voting. This was a national problem not specific to Herefordshire and the action plan presented to the Strategic Monitoring Committee should address those difficulties for the future.

6. QUESTION FROM MRS P FENDER, WELSH NEWTON, MONMOUTH

- 6.1** *I have been a full time carer for my severely disabled husband for many years.*

Government has allocated a Carers' Grant to the Council for the past seven years (£772,000 for the year 2008/09) to be used in consultation with carers, primarily for carers' respite. There is no evidence that this has been done.

- 6.2** *There have been no business plans for the use of the Carers' Grant and, as yet, no evidence of any end of year returns.*

Why is there no business plan for the year 2008/09?

- 6.3 *Having been alerted some time ago to this serious omission, why has action not been taken to ensure proper accountability of the Carers' Grant 2008/09?*
- 6.4 *Who has overall and ultimate responsibility for agreeing and overseeing the use of the Carers' Grant?*

ANSWERS FROM COUNCILLOR LO BARNETT, CABINET MEMBER SOCIAL CARE ADULTS AND HEALTH

- 6.1 The Carers' Grant is fully used to provide support for carers, including respite - which is known as short breaks. There are a number of processes that are involved in overseeing how this happens as detailed below. It is true that in the past there has been insufficient involvement of carers in the planning of services and how they will be commissioned. We have a number of initiatives underway, as outlined below, to address this.
- 6.2 The Carers' Grant is spent in line with the "Joint Commissioning Plan for Carers' Services 2007-2011. This plan was approved by the Adult Commissioning Board which is a joint decision making body of both the PCT and Adult Social Care. Membership of the Board includes the lead Councillor for adult services, the Chair of the Board of the PCT, the Director of Adult and Community Services, the Director of Commissioning from the PCT and a representative from the Alliance.
The Plan outlines the commissioning intentions. A number of organisations are funded to provide services in line with those recommendations. This is the only plan that the Council has in relation to the Carers' Grant. The organisations that are funded will have their own business plans.
- 6.2 We have recognised that, in the past, we have not involved carers sufficiently in the planning of services. There is considerable work underway this year to ensure that we make significant improvements. This includes commissioning one organisation to establish a carers' hub, which will be a centre of advice and support, and will also be tasked with establishing a network to involve carers across the county. We have also funded 2 additional posts - one to provide support for carers of adults with learning disabilities and the other, carers of those suffering from mental ill-health. We have also given notice to those organisations funded to provide short breaks, that these services are to be re-commissioned with new contracts to be let in October 2008. We intend to ensure that carers will be fully involved in the procurement process.

The type and volume of service to be provided is outlined in the Service Level Agreements and contracts that the Council has agreed with the individual organisations. The organisations provide information on who is receiving services to the Adult social care information section and this forms part of the evidence that is used in collating our performance against P.I.s relating to carers' support. We have a carer's assessor post in each of the locality teams to ensure that carers have their needs assessed and that their need for services is matched with the services we are purchasing. These arrangements are kept under review by a Service Design Group, which is multi-agency.

- 6.4 The Local Authority is accountable for the Grant - until this year the Grant was the responsibility of the Director of Adult and Community Services. However from 2008-2009 this is one of the grants which will be part of the Area Based Grant. It has been agreed that the allocation of the Grant for 2008/2009 will remain as it was for 2007/08 and any recommendations relating to changes in the way the Carers' Grant is to be used will have to be

agreed by the Adult Commissioning Board.

7. QUESTION FROM MRS H KING, LEOMINSTER, HEREFORD.

- 7.1 *Is the funding already in place, and guaranteed, to rebuild the Minster College, irrespective of proposed closures or amalgamations of other secondary schools in Herefordshire.*

ANSWER FROM COUNCILLOR RJ PHILLIPS LEADER OF THE COUNCIL

Yes. The only remaining requirement is to inform Partnership for Schools of the preferred tender prior to letting a contract.

The Review should prepare for subsequent BSF investment, and the DCSF stated intention to replace another High School in authorities in later waves of BSF by 2015

8. QUESTION FROM MRS L GOODE, BELMONT, HEREFORD.

- 8.1 *How was a proposal with such far reaching consequences as the schools review had, allowed to be published with no provisions put in place to support the people most affected by them? My children attend Clehonger School and as such had been threatened with closure. The upset and distress this has caused them is beyond compare, as it was for the staff and parents. No counselling has been offered to these children, that has been left to a demoralised set of teachers and supporters.*
- 8.2 *How were the council allowed to disrupt so many rural communities and devalue all parents by removing their choices? Many parents have felt the need to move their children to other schools already so they are not forced to disrupt them in more critical years in their education. This has left many schools with increasing rolls looking at a decreasing one now.*
- 8.3 *Following reports on the news today that the government are writing to councils reminding them that by law they should not be closing rural schools are Herefordshire Council planning to stand by this law and leave our rural schools alone?*

ANSWER FROM COUNCILLOR RJ PHILLIPS LEADER OF THE COUNCIL

- 8.1 Head Teachers were asked to be mindful of the possible effects on children and young people and to handle the situation sensitively especially as these were draft proposals. Schools being engaged with children and young people on a daily basis are in the best position to support them directly and there are systems in place where counselling can be sought if required. It is unfortunate that some schools decided to engage children and young people at such an early stage in our discussions.
- 8.2 Parental preference remains a factor in the school admissions process which we have to be mindful of and work within though it is not always easy to predict and we cannot control it. This means there are always going to be some variations and movements within the system.

- 8.3 It is important to note that the Minister did not say that schools could not be closed but that as many options as possible are considered as part of any consultation process. The Council would have to give serious consideration to such options.

There are no statutory differences regarding schools. Sections 15 and 16 of the Education and Inspections Act 2006 which sets out proposals for discontinuance of schools maintained by the Local Education Authority. Section 16 of the Act provides for consultation to certain stakeholders in relation to rural schools, eg the parish council where the school is situated. There is a general requirement to consult with such other persons as appear relevant.

In relation to Herefordshire Schools the previous proposals sent out for consultation have been withdrawn. The Council is carrying out further work and will present fresh proposals for consultation which it is anticipated will go to a meeting of Cabinet In September 2008 for approval. Further consultation will begin at that point over any proposals.

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- Due to concern over the detail of the proposals raised by the public, the Leader announced the recall of this draft paper on 21 January.
- Dialogue with schools continues and is seen as vital and informative though the consultation is suspended.
- All written responses are being collated to inform future debate.
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- The letter from J Knight MP which was quoted in national press reminds local authorities of their duty to consider other factors before closing any rural school. Officers are fully aware of this duty – which has not changed but it does not state that closure of rural schools is not possible, merely that due process and careful consideration must be given.
- Next steps:
 - Both the data analysis and the process will be examined by external experts in coming weeks.
 - A Cabinet paper will be considered on 21 February 2008 to consider detailed next steps but it is anticipated that the next steps include:
 - Further dialogue with schools / Diocese and key stakeholders.

- Draft proposals going to Cabinet and Scrutiny in September before then going out for public consultation on the overall pattern of school provision.

Therefore many of the specific questions today at Council may either have been dealt with by way of this statement or seem inappropriate now the proposals have been withdrawn.

9. QUESTION FROM MR PJ COCKS, LOWER BULLINGHAM, HEREFORD.

9.1 *What steps has the leader of the council taken to honour the pledges he gave at the full council meeting in November 2007, in his response to the Crookall report. In particular:-*

- (a) *Have disciplinary measures been taken against the officers and councillors responsible for the failings identified in the Crookall report?*
- (b) *Has disciplinary action been taken against the person or persons who sanctioned trips to Paris at Council Taxpayers expense?*
- (c) *When will taxpayers know the result of the investigation into the press allegations of £1m of improperly paid expenses?*

9.2 *In the last fiscal year, what was the highest sum paid out in expenses to any one councillor?*

9.3 *Why did the council leader break the undertakings he gave in November 2007 regarding the future conduct of the council; by allowing proposals for the closure of schools to go forward and into the public domain without the council having first followed the rules laid down in statute?*

9.4 *If the leader was not responsible for the breach of statute, then who was?*

9.5 *Does the cabinet expect the public to believe that the member for Children's Services and others were not fully aware of the content of the Schools Report and its implications well before it was presented at the seminar held on 11 January 2007?*

ANSWER FROM HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 9.1** (a)-(b) I am afraid I cannot refer to the individuals involved but can assure you that the Council's officers have followed the process in accordance with the Council's disciplinary procedure. The appropriate investigations have, or are in the process of taking place.
- (c) There has never been an allegation by the press that there was £1 million of improperly paid expenses because this figure is totally incorrect. In fact, the amount of disallowable expenses was less than £1,000. At the time our internal reports stated this was unacceptable, and the Council has since taken strong action to ensure it never happens again.
- 9.2** In accordance with legislative requirements a notice of Councillor expenses was published in the Hereford Journal on the 4 July 2007. Should you require an additional copy of the information this will be sent to you.
- 9.3&4** The Council have not broken the statutory rules. The proposals for consultation were sent out prior to any formal statutory consultation. The

feedback from such proposals would have informed the statutory consultation when that occurred. The Council considered the proposals needed further work and the current proposals have been withdrawn. The Council will set out revised proposals for consultation once this work has been completed. The Council would invite all those interested to set out their views and alternatives when those proposals are consulted upon. This is part of the statutory consultation process. A Cabinet report will be presented on the 21 February 2008 setting out the proposals and a timeline on consultation.

ANSWER FROM COUNCILLOR RJ PHILLIPS, LEADER OF THE COUNCIL

- 9.5 Only the Leader and the Cabinet Member (Children's Services) were advised of the Schools Review.

10. QUESTION FROM MR S DOVE, HEREFORD.

10.1 COUNCILLORS' CORRESPONDENCE

- (a) *What is the agreed procedure/policy when dealing with written enquires from the public?*
- (b) *Is there a set time limit for handling/ responding to correspondence?*
- (c) *Is it considered good practice for councillors to acknowledge correspondence sent to them?*

ANSWER FROM COUNCILLOR JP FRENCH, CABINET MEMBER CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES

There are no specific procedures/policies relating to the way in which Councillors deal with written enquiries from the public. However, the Council expects that Members, on election, take responsibility and reply promptly to written enquiries from the public.

The majority of Members respond promptly to correspondence. The Members' Support Office provide assistance to action this. This will be reviewed as part of Members' development.

There is not a set time limit for handling/responding to correspondence. Most Members will seek to do this within the structure set for officers, ie within 10 working days. However, if a significant delay is envisaged it is acknowledged that it would be good practice for an interim response to be made.

Members of the public should normally address any questions or concerns to their local Ward Member in the first instance. The details of all Wards and their Councillors are available on the Council website. The questions maybe directed to the Council in respect of any advice or support from officers to enable a full response to such questions.

Members of the public can also submit correspondence by email to:

councillorservices@herefordshire.gov.uk

and such matters will be passed to the local Member concerned.

69. 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.

COUNCILLORS QUESTIONS TO COUNCIL – 8 FEBRUARY 2008

1. Question from Councillor NL Vaughan to the Leader of the Council

Does the Leader and his Cabinet agree that Hereford United Football Club requires the active involvement of Herefordshire Council in terms of its long term future within the Edgar Street Grid?

Answer from Councillor RJ Phillips Leader of the Council

As the owner of the land on which the Edgar Street football stadium is sited, and as the Local Planning Authority, Herefordshire Council is actively involved in discussions with HUFC regarding the long-term future of the club within the ESG site. The UDP and the ESG Masterplan both show the football stadium remaining where it is but similarly both documents encourage the physical redevelopment of the ground itself. ESG are committed to the incorporation of the Football Club and the football ground within the wider ESG area as evidenced by the inclusion of the ground in the ESG masterplan.

2.1 Question from Councillor AT Oliver to Cabinet Member Highways and Transportation

- (i) *What is the final contracted cost of the Rotherwas access road?*
- (ii) *What is the estimated cost of the bridge taking the Hoarwithy Road over the access road, and what would have been the cost of a roundabout junction between the access road and Hoarwithy Road?*
- (iii) *Following on from the publicised announcement of 100 job losses within the Environment Department, would the Cabinet Member state the number of staff dismissed to-date and the annualised saving on staff costs?*
- (iv) *How many of these staff have been re-employed within the Council and how many have been employed by connected organisations such as Amey Michel?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- (i) It is not yet possible to provide the final outturn cost of the Rotherwas Access Road project as the main contract is not yet complete on site. Works are currently due to be complete on site in April 2008 and the final account will be agreed as soon as possible after that date.

The total budget for this scheme as outlined in the Advantage West Midlands bid was estimated as £12.01m. This figure was the estimated scheme costs from 06/07 to scheme end (including estimated Part 1 claims which may arise within a year of road opening). There were costs associated with this scheme in earlier years (04 and 05) associated with preliminary design, planning application process and Major Scheme Bid preparation which totalled £770,000. This gives an overall scheme budget of £12.78m.

Current predicted outturn costs indicate that although there are some increases in elements of the project there are also some decreases to costs estimated for other elements of the scheme and the predicted outturn costs remain within this budget figure.

- (ii) The tender value of the bridge element of the scheme is approximately £405,000.

It is not possible to give an estimate for a roundabout at this location as no design work has been undertaken on which an estimate could be reasonably based.

However, it is worth noting that there are several reasons why there is an overbridge at this location and no at-grade junction (roundabout) with the access road. The design of a road of this type normally seeks to limit the number of side road junctions. The flows on Hoarwithy Road were considered at the planning stage of this scheme and determined that a junction at this point would not be justified for the following reasons.

Firstly, the access road from the A49 goes into quite a deep cutting as it approaches Hoarwithy Road which helps to minimise the visual impact of the road from surrounding properties at Bullinghope and Green Crize.

If a roundabout were to be provided at this location it would require a larger area of land than the Council has acquired for this scheme to provide approaches with gradients which comply with the necessary design standards. This would have a detrimental impact on an immediately adjacent property and also an avenue of oak trees which lie to the south of the new bridge which are protected by tree preservation orders.

Neither of these are directly affected by the arrangements for the new bridge.

Following assessment of these impacts and the relatively low flows on Hoarwithy Road and indeed destination of traffic on this route, the provision of a roundabout was not deemed appropriate.

- (iii)-(iv) There never was an announcement of 100 job losses in the Environment Directorate. The worst case scenario was that up to 60 posts would be deleted and, as was said at the time, the number of staff actually being made redundant would be kept to an absolute minimum by redeploying affected staff, where possible, to other vacancies within the council.

At present a number of staff have been notified that they are at risk of redundancy but no redundancies have been made as yet. I will be happy to provide full details when the final position is arrived at.

It is important to note that not only is the directorate looking at ways to minimise its costs but also to maximise any income opportunities. Both of which I am sure Members from all sides would applaud.

2.2 Question from Councillor AT Oliver to the Leader of the Council

- (i) *How many education support and administrative staff were employed at January 2004 and how many are employed now at January 2008?*
- (ii) *What was the annualised wage cost then and now?*

Answer from Councillor RJ Phillips Leader of the Council

(i) This is difficult to answer due to:

- 1) the systems and data
- 2) Directorate changes i.e. Education / Social Care creating Children and Young People's Directorate. Therefore, assumptions have been made. Youth Service or any social care team in either report have s not been included. Early Years is not pure Education support but clearly they are aligned to Children and Young People's Directorate, I have included their figures separately,

Staff numbers and Full Time Equivalent have been included. However I must point out that this does include temporary contracts and external funding. It does not include casual / zero hours contracts. Please note that Early Years is an area that receives a significant amount of external funding, and therefore this may skew the figures.

2004 = 297 employees (214 FTE) (Early Years = 41 employees, 22.5 FTE)	2008 = 341 (257.7 FTE) (Early Years = 80 employees (61.7 FTE)
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(ii) What was the annualised wage cost then and now?

The annualised wage cost in 2008 = £6,081,532 (as above this is all perm, temporary contracts and will include external funding).

I am unable to produce an annualised wage cost for 2004, as the HR system is not sophisticated enough to pull through 2004 salaries. We can get the employee figure, but the salary data pulled through is employee salary as at today's date, not 2004.

Clearly the Children and Young People's Directorate staffing now includes both Education, Children's Services Social Care, Youth and Early Years and Extended Schools. In recent years there has been significant grant funding in some of these areas, for example the development of Children's Centres. However, the Director of Children's Services is planning a re-organisation of the Children and Young People's

Directorate which will aim to ensure we streamline services as the resourcing central budget is reducing as well as the Schools Dedicated Grant.

3. Question from Councillor ACR Chappell to Cabinet Member Social Care Adults and Health

Herefordshire has the highest number of people with dementia in the West Midlands South Strategic Health Authority area, according to 2005 statistics, 2660 people in 2005 or 14% per 1000 population.

I understand that approximately £500,000 is spent on homecare and other support to assist people to remain independent at home. £270,000 is the cost to the Council for social services input for people with dementia. In addition, the Council is responsible for placements costing about £2m in residential and nursing care in the independent sector and a proportion of the placements provided through the Shaw healthcare contract – total value of this contract is over £3m.

With the largest population of elderly people in the West Midlands and with the number of people with dementia due to rise by 57% by 2021, what action does the Cabinet Member intend to take to ensure that all those who need care with their dementia and their carers get the help they need?

Will the Council be able to afford to provide a first rate service for these people in 2021?

Should a plan be devised now to ensure that adequate provision in social and health care will be available in the future?

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

The Council and the PCT undertook detailed analysis in 2006/2007 on the needs of older people in Herefordshire for health and social care support and undertook a further analysis in 2007 on the needs of adults from 18-64 with mental health problems. As the question states there are significant numbers of older people with dementia and this number is expected to rise. In addition the second report identified that early onset dementia affects about 50 people aged 30-64 in Herefordshire; currently only 22 of these receive a secondary service, an estimated one-third of whom are suffering from preventable dementia as a result of substance mis-use.

Both reports recognised that too many people were going into residential care compared with other similar authorities due to a lack of options in the community to support people for longer to live independently in their own homes. The Council agreed to invest £2.1m annually from 2007/2008 to improve and modernise adult social care for older people. A proportion of this investment will be spent on developing new forms of support for older people suffering from mental ill-health, including dementia,

Two new services have already been commissioned - a domiciliary care service and an electronic 'checking' service - and are now operational. Both these services will specifically benefit older people suffering from dementia. Further improvements are being planned and will be commissioned. This includes short breaks services for carers which are being re-commissioned in the next few months. We are also reviewing our day services and will be

developing options for future models of service which will support people to continue to live independently.

The government has announced a new grant 'Transforming Social Care' which provides funding over the next 3 years to assist local authorities in improving and modernising adult social care. The emphasis is on increased self-directed care and individualised budgets. In Herefordshire we will be planning how this programme can create more opportunities for older people and their carers to have more control over purchasing their own care.

A new post of Director of Integrated Commissioning is being appointed to and this post will have the responsibility to ensure that appropriate services are commissioned across health and social care to meet the needs of Herefordshire residents. It will be an important part of this role to put in place effective commissioning arrangements to meet the needs identified in the needs analysis work referred to above.

These steps will all help ensure that Herefordshire plans to put in place appropriate provision. However like all local authorities, it is likely to continue to be a significant issue for this Council to fund the level of support needed to meet rising demand.

4. Question from Councillor AT Oliver to Cabinet Member Environment and Strategic Housing

Would the Cabinet Member for the Environment please give assurance that the further exploration of the "Rotherwas Ribbon" is going ahead with all due speed, and would he update the Council on the present position in this respect.

Would he confirm his belief that this is a unique, highly-significant find that deserves full archaeological investigation, not ceremonial burial.

Answer from Councillor Jarvis Cabinet Member Environment and Strategic Housing

"Herefordshire Council and English Heritage staff are working together to expedite the further exploration of the 'Rotherwas Ribbon' and associated prehistoric finds. At present this involves:

Securing preparation of a full interim report on the 2006-7 investigations from the excavators, the Worcestershire Historic Environment and Archaeology Service

Forming an expert advisory panel including university-based prehistorians and English Heritage specialist staff, to agree an optimum means of learning more about the discoveries both within and beyond the Access Road site

Obtaining radiocarbon dating determinations from samples taken during the 2007 excavations (dating programme being funded and co-ordinated by English Heritage)

Recasting part of the project design for further work that we submitted to English Heritage in August 2007, to facilitate the conduct of geophysical survey at the site when ground conditions improve in 2008, and

Negotiating arrangements for access for such survey work with the relevant

landowners.

Progress is being made with all these aspects, with all due expedition but bearing in mind the complexity of every aspect."

5. Question from Councillor TM James to the Leader of the Council

1. *Can the Leader of the Council inform members the date on which he was briefed on the announcement of the Schools' Reorganisation?*
2. *Did the Director of Childrens' Services mention that the plans included the closure of schools?*
3. *Did she mention how many schools were to close?*
4. *Did she state that it included secondary as well as primary schools?*
5. *Did she mention that it would include the closure of the 6th Form at Lady Hawkins' School?*
6. *On what date was the last edition of Herefordshire Matters printed?*
7. *On what date did the Leader read the contents of Herefordshire Matters prior to printing?*

Verbal response from Councillor RJ Phillips Leader of the Council

On 20 December, 2007, officers gave a verbal briefing on the draft working proposals for the schools review which included virtually all closures and mergers. No documentation was shared with the Cabinet Member (Children's Services) or the Leader. Concern was expressed at the scale of the proposals, the lack of evidence, and the lack of credibility of most of the proposals. Indications were given that more evidence was forthcoming and that these matters had been through extensive discussions with heads and diocesan representatives and were in line with Government requirements. The proposals were not given political support and that was re-affirmed to the Chief Executive on 3 January 2008.

On 10 January 2008 at the Governors' seminar the Leader again re-affirmed that the directorate proposals did not have political backing and more evidence on statistics, finance and journeys times would be required before any draft proposals would be endorsed. This was re-affirmed at the Members Seminar the following day.

6.1 Question from Councillor PJ Edwards to Cabinet Member Environment and Strategic Housing

- (1) *Given the near critical need for more affordable homes throughout Herefordshire can the Cabinet Member confirm why the 'All Member' seminars on this important subject continues to be cancelled?*

- (2) *As Worcestershire Councillors have been briefed on your proposals for a Waste to Energy Plant for Hereford, when do you intend to share this important information with your Herefordshire Councillor colleagues?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

- (1) Two 'All Member 'seminars on Affordable Housing were unfortunately unavoidably postponed for the following reasons:
- 29.10.07 This was cancelled because it clashed with an urgent meeting that involved all Cabinet Members and CMB.
 - 11.1.08 This was cancelled to make way for the consultation with Members announcing the Schools' Review

I would wish to reassure Councillor Edwards that this issue continues to be a top priority and that a revised date of 17th March has now been set for the seminar and all Members have been invited to attend.

- (2) Worcestershire Councillors have not been briefed on Herefordshire's proposals for an energy to waste plant as we do not yet have a finalised proposal. As he is aware, at the Joint Waste Resource Management Forum on Monday, I reported on the successful workshop which we held last Friday and informed them that this would help us to identify the way forward before our PFI partners do a presentation to Herefordshire Councillors. However, I did say that there are potentially up to 7 sites in Herefordshire and it was in the context of an agenda item entitled ESG that I stated the opportunity to make good use of energy and heat if we did create energy from waste gathered within Herefordshire. This is no more than the answer I have given to any Councillor who has asked me. We will be announcing a seminar for Herefordshire Members to be briefed by our PFI partners as soon as is practicable.

6.2 Question from Councillor PJ Edwards to Cabinet Member Highways and Transportation

- (1) *It is understood that Colwall is to now get its permanent Network Rail road bridge after The Environment Scrutiny Committee challenged Cabinet's decision to pay for a temporary replacement. Please can you advise our Council's total costs to date resulting from the owner (Network Rail's) apparent gross neglect of maintenance, and what if any costs our Council will now incur toward this latest proposal?*
- (2) *Please can the frequency of Street Kerb & Footway / Cycleway sweeping be improved throughout Belmont Ward as we have weeds growing in the Autumn Leaf residue and this is often a receptor for broken glass & litter trappings.*
- (3) *Given that several Highways small works jobs were 'put on hold' during mid 2007 apparently due to priority Belwyn Flood Scheme Repairs, when do you now anticipate such jobs as street signage replacements, footway & kerb repairs etc being completed?*

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

- (1) The decision to proceed with the construction of a new bridge, rather than implementing the temporary measure of erecting a bailey bridge, follows discussions between Network Rail and our officers in light of the full structural assessment of the bridge. This assessment shows that the large edge girders supporting the footways can only take their own weight but not that of pedestrians, which was a necessary part of the Bailey bridge option.

Costs incurred so far by the Council over the last 3 years are £196,571 at present. However, this is to be shared with Network Rail. In terms of the future costs, these can only be determined once a feasibility study has been completed. Network Rail are only legally responsible for providing a bridge capable of carrying loads equivalent to a point load of 24 tonnes at mid-span compared to the 40 tonnes moving load that we as the highway authority provide. The feasibility study will determine the relative costs of providing a bridge to Network Rail's standards and to the highway authority's standards. The ratio of these 2 figures will determine the split of costs and previous payments will be taken into account then to see who still needs to pay what.

- (2) Currently the schedules and frequency for street cleaning is being reviewed for whole of the county. Obviously this is a large undertaking and will take some time to complete. The revised schedule for Belmont Ward should be completed by April 2008. When the revised schedule is in place it should provide a better service and deal with the type of issues raised such as the build up weeds and leaf residue.

Councillor Edwards will be contacted by the Highways and Transportation Streetscene Manager to identify specific locations that are a particular problem at this time in order to have any debris and weeds cleared.

- (3) All jobs that were put on hold to allow the flood repairs to be done have been reprogrammed by Amey Wye Valley for January to March 08. Of course, this would rely on no further occurrences of extreme weather or other major emergencies. I understand that to allow for this possibility and create some spare capacity in case of such incidents, some jobs are being swapped with others from next years draft programme to shorten the required working time yet still deliver appropriate schemes and spend the available budget effectively. Jobs that are delayed will then be replaced into the programme for April onwards filling the gaps created by those brought forward.

7. Question from Councillor A Seldon to Cabinet Member Children's Services

With reference to the School Review, I note consultants have been employed to provide an independent report on the validity of the statistics.

- 1 Who are the consultants?
- 2 Exactly what instructions have they been given and what are the parameters of their work?
- 3 What is the cost to the Council of their employment?
- 4 What qualifies the consultants to provide better information than researchers and Officers of the Council?

Answer from Councillor RJ Phillips, Leader of the Council

1. The expert engaged, following an invitation to tender process, is Dr Peter Boden, the Director of Edge Analytics Ltd, Visiting Research Fellow at the School of Geography at the University of Leeds and member of the British Society for Population Studies.
2. The terms of reference for the independent expertise are:
 - “To assure the methodology for estimating future pupil numbers in local authority maintained schools in Herefordshire, including that used for county population forecasts to 2026, and how those forecasts and other relevant factors are taken into account in the estimation of pupil numbers to 2012 and to 2026;
 - “to assure the appropriateness, accuracy and transparency with which the methodology is applied in aggregate to schools as a whole and to groups of schools in different areas of the county; and
 - “as necessary, to explain and defend the assured methodology and its application to internal and external audiences, including through the media.
 - “The methodology for the population forecasts to 2026 must be assured by 15 February 2008.
 - “The methodology for estimating future pupil numbers in local authority maintained schools in Herefordshire must be assured by 22 February 2008.
 - “The appropriateness, accuracy and transparency of the application of the methodology for estimating future pupil numbers must be assured by 14 March 2008.”
3. The costs of the assurances of the methodology and its application are not expected to exceed £15,000.
 - Any costs to be incurred in explaining and defending the assured methodology and its application will be determined in due course of the review.
4. Estimates of future pupil numbers are fundamental to ensuring that the review produces the right results in the interests of educational standards and achievement in the county in the coming years. The purpose of the independent expert assurance is to provide confidence to all with an interest, including schools, communities and the general public, that the estimates are as robust as they possibly can be.
 - It is not replacing the considerable expertise of the Council’s officers, who will continue to be responsible for the work that will be assured.
 - Dr Boden brings to this work a distinguished track record in demographic research and analysis over many years. It is also noteworthy that he is the Chair of Governors of the primary school attended by his children
8. Question from Councillor A Toon to Cabinet Member Children’s Services

Does the Cabinet Member for Children’s Services stand by her comments at the Children’s Services Scrutiny Committee meeting in January 08 that the role of the cabinet member is purely a liaison role with the directorate and if so can she advise who is in control, the cabinet or the officers?

Councillor JA Hyde Cabinet Member Children's Services is unavailable at present and on her return she will correspond with the questioner direct

9. Question from Councillor A Toon to Cabinet Member Corporate and Customer Services and Human Resources

Introduction

Effective and efficient support to members is crucial to the success of the Council. Equipping members with appropriate information and computer technology (ICT) will make life easier for members in a number of important aspects:

- *to manage case work and engage with the community;*
- *as a speedy research tool;*
- *to support the scrutiny role and other information gathering requirements; and*
- *to maintain contact with officers and other members.*

Given the above extract from the Constitution Appendix 12 Annex 3 and the vast amounts of taxpayers' money that has been spent on ICT to improve services and access to information

Could the Cabinet Member for corporate and customer services and human resources advise why since Sept 07

1. *Councillors can no longer access the Council intranet,*
2. *had their personal drives removed.*
3. *That all returning Councillors have been denied access to private and confidential items researched, collated and stored on their personal drives amounting to over 4 years worth of work.*
4. *That Councillors are denied the full functionality of the Councils email programme which previously existed in the members room facilities.*

One might suggest that there appears to be a systematic, unconstitutional strategy to disable Councillors' ability to perform their duties effectively.

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

In the period leading up to the election of 2007, a review of the level and nature of ICT support and equipment available to members was undertaken. A cross section of members fulfilling a number of roles, for example, executive, scrutiny, and other committee members, were interviewed. The current arrangements were introduced for the new council members following the election. All members were invited to attend an introductory session to explain what would be available, follow up training sessions and individual consultations took place with members to ensure a common level of understanding. Prior to the election a little over 50% of members were using ICT on a regular basis. At the current time 54 members out of 58 use ICT regularly.

The new arrangements precluded the use of the intranet by members. This had not been available to all members but had been made available to some members, when the issue was raised I requested officers to review provision and I am pleased to refer you to the email sent out by the Interim Head of Service for ICT earlier this week which sets out the arrangements for intranet access for members. It is important to note that members can now access e-mails via the Internet from anywhere in the world.

In May 2007 members were offered a series of options, the second of which was to

use their own pc equipment and broadband connection and use remote access software. For those taking this option they were notified at the induction sessions that if they wanted their historical data transferred from their network drive to their home pc laptop, this could be undertaken. The server, which was used to store this data, has been decommissioned as part of the ongoing work to consolidate data and servers. It has however been archived and is still available so that if any member wishes to retrieve it this can be done if a call is logged with the ICT helpdesk.

Members currently access their emails from the member room via outlook web access; this maintains consistency between home use and the members room. It could be set up so they could access the council's internal email system (outlook), this would involve contacting the helpdesk the first time they logon to a different internal PC/laptop to set-up their email access. The internal email system also looks different from the web-access version therefore additional training may also be required for some members. The introduction of outlook web access has led to some minor changes in functionality but has some benefits; for example, the way the address book can be searched and easy access to all customisation tools.

A small number of members have quite rightly continued to raise their concerns and the Interim Head of Service has been trying to arrange a meeting with those members so that all these issues can be logged and addressed together. However this has proved impossible to achieve and arrangements have now been made to meet some members individually. A number of attempts have been made to contact Councillor Toon and make an appointment but as yet these have proved unsuccessful.

Councillor French stated she would personally speak with Councillor Toon regarding the last question.

10. Question from Councillor G Dawe to the Leader of the Council

This question relates to paragraphs 37-40 of the Crookall Report in which Mr Crookall sets out clearly that the S.151 officer first, had substantive and correct reasons for triggering a special report, and secondly, that she had no confidence that the serious matters subsequently revealed by that report would have been properly addressed if she had chosen to bring her concerns to the attention of the senior hierarchy of the council.

Given that Mr Crookall makes no distinction whatsoever, in his reporting of the assurances of both the former Chief Executive and the Leader of the Council, that "they were always open to address these issues without the need for the issue of a 151 special report", can the Leader explain how it was decided that the former Chief Executive should bear the full responsibility for the council's management and political culture (as reported in his resignation statement to the Hereford Times of 6/12/07)? Surely having accepted the Crookall Report Herefordshire Council should have followed its even handed approach as far as culpability was concerned?

Answer from Councillor RJ Phillips Leader of the Council

Thank you for your question. May I remind Council that these matters were discussed on receipt of Mr Crookhall's report at an extraordinary meeting of the Council on the 23rd November, 2007. The statement made by the previous Chief Executive of the Council in the Herefordshire Times of the 6th December, 2007 was his view in response. The Council have taken on board the recommendations of the report. Work is being carried out by officers under the Direction of the Chief Executive and will be the subject of future reports to Cabinet and Council.

In terms of culpability referred to Mr Crookhall is clear that the onus is on all of us both officers and members to ensure that due processes are followed.

11. Question from Councillor SJ Robertson to Cabinet Member Highways and Transportation

Burghill School is a successful and well supported local school with an unsafe entrance and road crossing close to a dangerous bend where vehicles regularly exceed the present speed limit of 40 mph. All children who walk to school have to cross this busy road to get into school and there have been several near misses.

Despite numerous telephone calls, letters and site meetings, the school is not in the first group of schools to have a 20 mph this year or in the following year. There are 92 pupils on role and plans to incorporate the playgroup on site will increase the number by 20 plus. The entrance is often chaotic, dangerous and congested and the new cattle market site at Stretton Sugwas will increase the traffic on this road.

- (a) *As the Council has a clear directive to reduce speed limits outside schools, why is this not being given priority?*
- (b) *The School's Travel Plan in conjunction with "Safer Routes to School" encourages children to walk or cycle to help improve the carbon footprint, reduce obesity and promote a healthy lifestyle as recommended by Government. Have all the schools chosen produced School Travel Plans and who is responsible for the final selection?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- (a) The Council is committed to rolling out the introduction of 20 mph limits at schools. However, it is necessary to effectively prioritise their implementation within the available budget. Burghill School has been assessed alongside many other schools across the County, which do not currently have 20mph zones. The speeds outside Burghill School average 30.3mph and 85% of drivers progress at or below 39mph. The accident record for the site identifies that there has been one serious accident, which is not considered to be directly linked to the speed of traffic. A very small percentage of the pupils actually walk to school at present (5%) and only 1% cycle. A school travel plan has been compiled. All these points are considered in identifying our priorities for action. The schools currently proposed for inclusion in the coming year's programme of works have a more onerous accident record than at Burghill. These accidents are also attributed to speed and it is this factor that has made these schools a higher priority. Given that the demand for such schemes exceeds the available resources on an annual basis, we must act at those sites where the risk is highest and target resources to reduce the numbers who are killed or injured on our roads.

Having taken into account accident history, together with the levels of walking and cycling, the schools listed as the highest priority are:

- Withington Primary school
- Leominster Junior and Infants School
- Walford Primary School
- Madley Primary School

- (b) The Council has actively encouraged all schools to develop school travel plans for several years. The Local Transport Plan includes a target that all schools will have developed one by 2010. As of January 2008, 84 out of 104 have completed a plan. We are actively chasing those remaining schools to develop a school travel plan and we anticipate at least a further 6 by the end of the year.

Whilst all schools are actively encouraged to develop a travel plan, the Council needs to prioritise funding for the implementation of Safer Routes to School Schemes. Prioritisation takes into account the school's travel plan, accidents, potential benefits (value for money), scheme costs and other relevant local factors. Some of the schemes identified through this process may be subject to further consultation depending on their complexity, whether or not additional land is required or if traffic regulation orders are required.

12. Question from Councillor MD Lloyd-Hayes to Cabinet Member Economic Development and Community Services

Why has the funding been with drawn from Zig Zag , this service provides an excellent service for young people under 19 who take part in substance misuse, illicit drugs and alcohol .They deal with homelessness educational exclusions, sexual health and pregnancy prevention. They are well thought of by partnership organisations and Social Services staff with whom they have worked?

Answer from Councillor AJ Blackshaw Cabinet Member Economic Development and Community Services

The Zig Zag service is currently jointly funded by Connexions and the Herefordshire Community Safety and Drugs Partnership.

The Herefordshire Community Safety and Drugs Partnership element of the funding comes in the form of the 'young persons substance misuse grant' which has historically been allocated to the partnership by the Home Office. The Government is currently reviewing the allocation of this grant which may become part of the Area based grant under the Local Area Agreement (LAA), it is hoped that the position for next year will be confirmed in the very near future.

The Connexions element of the funding transfers to the area based grant which will be administered under the LAA from 1st April, 2008. This element of the LAA funding will be overseen by the Children's Trust. The new Children and Young People's Plan identifies priorities for Herefordshire and under the Children's Trust the Government's expectation is that services will be commissioned to ensure we meet our priorities effectively. Decisions on future funding are due to be confirmed at the Children's Trust in March. The Children's Trust is aware of the implications of decommissioning services and is mindful to extend funding until the end of the academic year in the first instances to allow greater continuity.

To date longer term funding decisions have not yet been made. Zig Zag workers have been issued with notice of redundancy, whilst everything possible is done to receive notification of secure and continued funding.

13.1 Question from Councillor WLS Bowen to Cabinet Member Corporate and Customer Services and Human Resources

Can this Council, once again, have a true Members' Development Working Group – composed of back bench councillors, - independent of thought and chaired by an independent minded chairman and not by a ruling cabinet member? Do you not think that the vast majority of council members would appreciate this chance to have a proper input into the development of both individual members and of Council itself?

13.1 **Answer from Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources**

Members' Development is an important consideration for Council. Any programme needs to reflect the specific roles of executive, scrutiny and all Members as community leaders in their individual wards. The introduction of the Members' Development Policy Working Group seeks to address that breadth by bringing together Group Leaders and three co-opted members from the broader membership of Council.

The Terms of Reference have been constructed so that the group can maintain a balance between the need for a more strategic review with consideration of personal development and specific targeted training. Following the Crookall report, the Chief Executive will be bringing forward proposals for a comprehensive Members' Development programme and consideration will need to be given as to how current arrangements dovetail with that.

13.2 Question from Councillor WLS Bowen to Cabinet Member Environment and Strategic Housing

13.2.1 *Can the Cabinet Member for the Environment bring Full Council (and the general public) up to date on the current planning policy (and its implementation) on polytunnels? For instance, how many growers have had demands made for planning permission for their polytunnels? How many have complied? How many have claimed exemption? How many polytunnels in or adjacent to AONB's have gained planning permissions and are these permissions for a limited period of time or are they permanent?*

13.2.2 *Why is this Council being so slow, so dilatory, in demanding higher standards of energy conservation and efficiency and in the production of renewable energy from all new buildings including commercial developments?*

13.2.3 *This administration promised 12.5% reduction in carbon footprint (starting from 2005) for Herefordshire. How much has been achieved so far and by what means. Please can you give details?*

13.2 **Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

13.2.1 CURRENT PLANNING POLICY

Herefordshire Unitary Development Plan adopted March 2007 contains

policies to enable determination of planning applications.

Forward Planning Team are currently preparing a Supplementary Planning Document on polytunnels in consultation with growers and interested parties. Draft SPD is due to go to planning committee on 11th April 2008.

PLANNING APPLICATIONS

11 growers were invited to attend individual meetings on 23rd and 24th January 2008 with relevant officers to provide an ongoing opportunity for those that had not engaged in pre-application discussions, or for those who would benefit from further advice on their sites. 7 growers attended the meetings and are engaged in the process of preparing planning applications. Two growers made contact after the event and further meetings have been arranged.

For information, there are ongoing enforcement investigations on various sites in the county.

AONB

There are 3 sites within the AONB. One has been subject to a public inquiry following the service of an enforcement notice. Part of the site was refused, part granted a 2 year temporary permission and part deemed lawful as they had been in existence for more than 4 years. Pre-application discussions have commenced with the grower on a planning application. Pre-application discussions are ongoing with the 2 other sites.

- 13.2.2 The ongoing increasing energy conservation and efficiency standards in the Building Regulations are resulting in buildings being constructed in a more sustainable way. Unlike ground breaking Councils such as the London Borough of Merton this Council does not have a policy in its UDP that provides a basis to negotiate efficiency standards beyond those set out in the Building Regulations. This matter will be addressed in the Local Development Framework, which was the subject of the member seminar last week. Notwithstanding the current lack of any policy basis planning officers continue to negotiate for ever higher standards of energy conservation and efficiency. Increasingly several companies are recognising the marketing advantages of building in a sustainable way.

- 13.2.3 An overall carbon reduction figure for Council carbon emissions since the 2002 baseline is not yet available. However we do know that energy use in council buildings including schools has reduced steadily over the period - and expenditure has risen due to increases in costs.

Electricity consumption dropped from 9.2 million kWh in 2003/04 to 7.4 million kWh in 2005/06 and gas consumption dropped from 19.8 million kWh to 16.8 million kWh over the same period. However the cost of utilities rose from circa £1.5 million in 2003 to £2.4 million in 2007. The data sets are not directly comparable but do show clear trends. Business mileage has also reduced steadily from just under 3 million in 2003/04 to 2.3 million in 2006/07.

Building sufficiently comprehensive, replicable and reliable data sets to pick up relatively subtle consumption changes of 1-2% a year is a challenge, being faced across the country - and indeed the world. Provision of data on

this will now be part of the National Indicator set (NI 185) and we hope this framework will help develop consistent and clear reporting guidance.

Nationally, discussion continues on the relative importance to be given to reducing direct impacts and to reducing those in the wider community. Both elements are included within the authority's Corporate Plan and it is anticipated that a target on reducing county per capita carbon emissions will be included in the forthcoming Local Area Agreement targets. The Council is working closely with the Herefordshire Environment Partnership and Herefordshire Partnership on carrying forward Herefordshire's Climate Change Strategy. However the Council only has direct control over emissions resulting from its own activities. Both the initiatives outlined below will help meet the Council's target for reducing carbon emissions from our own estate.

MY Energy

This year the Council has been running a low and no-cost energy saving theme as part of its commitment to reducing costs, resource consumption and carbon emissions. This has been developed through the implementation of MY Energy (Manage Your Energy) a project running with Severn Wye Energy, which aims to reduce electricity consumption by 10% over 15 Council buildings. The project was launched in May 2007 and works with a group of 30 volunteers based in 15 of our office buildings. The volunteer 'Energy Champions' encourage colleagues to switch off and reduce the amount of energy being wasted. The project runs with SWEA and the Private Sector Housing team for one year and aims to increase awareness of energy use at work and in the home. Events held so far have included:

Sustainable Breakfasts - Jointly run with Integrated Transport to encourage and reward colleagues who travel to work sustainably and promote sustainable travel, Fairtrade Tea & Coffee, Energy Efficiency and the MY Energy project.

Energy Efficiency Advice Stands - run with the local Energy Efficiency Advice Centre to promote energy efficiency at work and home.

A regular slot during Central Induction to introduce GEM & ISO14001 and to promote the MY Energy project giving tips on how colleagues can save energy at work.

Energy Saving Trust

The Council started work with the Energy Saving Trust in autumn 2007, one of a small number of Councils who have been offered free consultancy. Data have been collected on energy use across the Council and recommendations for improvement in performance are now being worked up with the EST.

13.3 Question from Councillor WLS Bowen to Cabinet Member Resources

13.3 *Did you not promise to spend £1 million pounds a year to save much more? How much of this potential £3 million has been spent and what savings have been achieved and by what means?*

13.3 Answer from Councillor H Bramer Cabinet Member Resources

In making my reply, I am assuming that the question is referring to the 'Invest to Save Initiatives' earmarked reserve that stood at £1.115m as at 1st April 2008. This earmarked reserve has been built up from contributions from the revenue account of £433k at the close of the 2005/06 financial year and £682k at the close of the 2006/07 financial year. The purpose of this earmarked reserve is to provide financial pump-priming for projects that lead to both an improvement in service and a cash saving over the longer term. It provides some flexibility around the requirement for all Directors to manage services within their budget for each financial year and allows projects to come forward part way through a financial year after formal budget setting has taken place. No requirement for such assistance has to date been identified in this financial year. The Council regularly reviews its policies with regard to general and earmarked reserves

70. NOTICES OF MOTION UNDER STANDING ORDERS

Councillors: MD Lloyd-Hayes and GFM Dawe submitted the first Notice of Motion.

"This Council has no confidence in the Cabinet Member for Corporate, Customer Services and Human Resources; we therefore invite her to resign from this position."

Councillors: TM James and RI Matthews submitted the second Notice of Motion.

"Members of this Council are deeply angered at the recent announcement by senior executive officers and Members of the Council of their ill thought-out and damaging closure and re-organisation plans for schools in Herefordshire.

They are also saddened at the damage that has been done to the public confidence in the local authority, the distress that it has caused to thousands of children, parents, teachers and staff throughout the county, and the consequent disruption to the education of pupils.

They also note that there are no financial grounds for these proposals; Herefordshire is this year receiving its highest local government settlement in real terms per pupil. Further, they note that many of these schools are the best performing in the county, and that they provide a vital role in sustaining our city, town, village and rural communities.

Council therefore believe that enough damage has been done to the confidence in our education provision in this county, and demand that the Cabinet instruct the education officers within Herefordshire to work within an undertaking that no schools close or are re-organised, other than under Herefordshire Council's existing small school closure policy. An undertaking should also be given by the Cabinet that it will not resurrect this damaging policy within the lifetime of this Council.

Members believe that Herefordshire schools will now need a period of stability in order to recover from the damaging way in which this whole subject has been handled."

The first notice of motion proposed by Councillors Lloyd-Hayes and Dawe was deferred until later in the meeting in order for the large number of members of the public to witness the debate on the notice of motion on the schools review.

Councillor TM James spoke on the notice of motion and stated:

- Education in the county received a higher financial settlement than 10 years ago therefore the proposals were not purely about money.
- Aylestone High School and the Bishop of Hereford's Bluecoat School had reduced their admission numbers.
- Concern at the way the Council proposing to bring about changes, feel trying to get proposals through by stealth.
- Request Members to support the notice of motion.
- Propose the Council give some respite to the schools but fear some will close because of the manner in which the process had been handled.
- Only two years away from an election, but believe Conservative party policy as well as Labour's is for large urban schools.
- Do not believe we should destroy what is great in the county.
- Believe proposals fly in the face of the Herefordshire Plan and the school proposals.

Councillor RI Matthews also spoke on the notice of motion and stated:

- That the authority had not handled the school review proposals appropriately.
- Believed that some senior Members did know about the school review proposals prior to the seminar for all Members.
- Cabinet must take full responsibility for the effect on staff moral and the stress put on teachers, parents and children.
- The Executive have blamed staff for how things have gone wrong, but the Executive must take the responsibility for what has gone on.
- The Minister has stated that local authorities must have regard for transportation costs.
- School closure proposals will cause a decline in village life and risks damaging rural communities along with the loss of local shops and post offices.
- The county has some exceptional rural schools and are important to the villages and will be needed the coming years.
- Did not believe there was any problem in rural schools getting extra support instead of urban schools.
- Members have a responsibility to the electorate and believe that the notice of motion was the only fair way forward and urged Members of all political persuasion to support the motion.

Councillor Chappell proposed an amendment to the motion.

"Council therefore believes that the Children's Services Scrutiny Committee should meet regularly, but not less than monthly until the review into the provision of education in Herefordshire is completed.

That the scope of the review should be widened to include Special School provision and associated disciplines, including provision for excluded children.

That the review will include how the Council, the Children and Young People's Directorate, Herefordshire Primary Care Trust, Housing Associations, the Voluntary Sector, and the Police administer the Every Child Matters agenda, and the Extended Schools Programme. As many groups and individuals associated with children in the

community to be involved and asked their opinions and views. These to include; Parents, School Staff, Governors, Parish Councils and elected Members of Herefordshire Council."

Councillor ACR Chappell spoke on the amendment to the notice of motion and stated:

- Labour had put more into education in Hereford in the last 10 years than the Conservative party.
- In reference to the Minister's open letter to all education authorities he stated that no rural school was to be closed unless there were special circumstances.
- Believe there needs to be a holistic review and that parents and children need to be included.
- Any review must include anyone involved with schools and children.
- Must not forget that school buildings are used out of hours in rural areas.
- Need to ensure that we do more for children with disabilities.
- As corporate parents community leaders must ensure education is being delivered properly as outlined in every child matters.

The amendment to the notice of motion proposed by Councillor Chappell was not supported.

The Leader of the Council stated he regretted the upset caused by the school review and proposed an amendment to the original motion.

"This Council notes with sadness and regret the distress caused by the draft proposals to re-organise Herefordshire schools as issued by the Directorate of Children's Services.

Council formally rejects these draft proposals.

The Council gives an undertaking that no High school closures or major re-organisations will be considered during the life of this administration.

The Council re-affirms that it will continue to apply the existing Small Schools Policy for primary schools and that no closures will happen outside that policy.

The Council confirms that any future drafting of any changes affecting Herefordshire Schools will involve Heads, Governors, parents, the local community and local Herefordshire Ward Councillors for each pyramid of schools. These groups will examine every opportunity to ensure the continued protection of our schools.

The Council gives the undertaking that such discussions will be held in public and recorded, with all documentation made available on the Council's website.

It further confirms that all statistics used to inform school provision will be independently verified.

The Council will continue to lobby the Government for fairer funding for our children and young people in Herefordshire."

The Leader of the Council spoke to the motion and stated:

- Herefordshire is expected to have a new school built to deliver vocational courses.
- No high school closures proposed until 2011 and only after dialogue with high schools.
- Give assurance that no schools closed in this administration.
- Reaffirmed the small schools closure policy if a school falls below 36 in primary schools and 200 in high schools.
- Need to have dialogue with everyone and look to continue to protect schools.
- The authority will come under challenge from the government as have received instruction from government to reduce schools with falling rolls.
- Agree with previous speakers that schools in the country are mainly urban based and that rural schools in the minority, this issue needs to be address as well by government.
- Members were reminded of the fuel price increases which cause considerable problems for those that live in rural areas. Council needs to challenge government on this issue as is a national one. The main issue is about surplus places.
- Members were reminded that several of the schools in the county did not belong to the authority but to charity organisations.
- Need to stand up to defend rural schools as they are delivering quality education.
- The authority needs to address the issues raised by the Minister.
- The Council gives an undertaking that meetings are publicly held and recorded and put on the website.
- Members were reminded that Herefordshire was the lowest funded for education in the county.
- The authority must ensure we continue to lobby central government with the backing of Council and that any closure of a school is a last resort.

Councillor LO Barnett seconded the amendment to the original notice of motion and reserved her right to speak later on the motion.

A number of Members spoke on the amendment to the motion and stated:

- Members should reject the draft proposals.
- In relation to high schools the proposals were about social mixing taking place moving pupils from Kingstone to Wyebridge
- Aylestone and Bishop of Hereford's Bluecoat school had both reduced their admission numbers.
- The Council should be talking with governors and headteachers.
- Concern that Members were not being informed of changes in their ward and that Cabinet were not in control of what officers were doing.
- Concern over a statement by the Cabinet Member that it was easier to close community schools than church schools.
- Proposed that the original notice of motion stand as is and not be amended.

- It was felt there was a need to take time to reflect and for the people of Herefordshire to recover from the upset and stress that had been caused by the proposed review.
- Some Members expressed their support for the original notice of motion and not to amend it.
- It was felt that an unambiguous statement was required to reassure the public that the authority would not carry out the proposals.
- Cabinet should apologise for the way the review was handled.
- The amendment was clear and unequivocal, there would be no closure of any school outside of the small schools policy in the life time of this authority.

The Leader of the Council stated he gave an unreserved apology on the radio, which he reiterated, for the upset and stress that had been caused. He understood how parents felt and had been a governor himself for 20 years. He added that when he saw the proposals he was outraged. He added that the proposals were rejected and that as long as he was Leader there would be no closure of any primary school outside of the small schools policy. He reiterated that an independent consultant would be brought in and that full consultation would be carried out with teachers, governors and parents. He added that he would be meeting with the Minister next month and would express the concerns and backing of the Council and the community.

A named vote was taken on the amended notice of motion with 29 Members for and 24 Members against the motion. The amended motion became the substantive motion. Members then took a named vote for the substantive motion with 31 Members for, 17 Members against and 5 abstentions.

Schools
 Substantive
 Motion

THE HEREFORDSHIRE COUNCIL

NAMED VOTE LIST

For the meeting of the Council Friday 8 February, 2008

Councillor	FOR	AGAINST	ABSTAIN	Councillor	FOR	AGAINST	ABSTAIN
PA Andrews			✓	TM James		✓	
WU Atfield		✓		JG Jarvis	✓		
LO Barnett	✓			P Jones CBE	✓		
CM Bartrum		✓		MD Lloyd-Hayes		✓	
DJ Benjamin		✓		G Lucas	✓		
AJM Blackshaw	✓			RI Matthews		✓	
WLS Bowen		✓		TMR McLean	✓		
H Bramer	✓			R Mills	✓		
RBA Burke	—			PM Morgan	✓		
ACR Chappell		✓		AT Oliver		✓	
ME Cooper	—			JE Pemberton	✓		
PGH Cutter	✓			RJ Phillips	✓		
SPA Daniels			✓	GA Powell		✓	
H Davies	—			PD Price	✓		
GFM Dawe		✓		SJ Robertson		✓	
PJ Edwards		✓		A Seldon		✓	
MJ Fishley	✓			RH Smith	✓		
JP French	✓			RV Stockton	✓		
JHR Goodwin	✓			J Stone	✓		
AE Gray			✓	JK Swinburne	✓		
DW Greenow	✓			AP Taylor		✓	
KG Grumbley	✓			DC Taylor	✓		
KS Guthrie	✓			AM Toon			✓
JW Hope MBE	✓			NL Vaughan	—		
MAF Hubbard		✓		WJ Walling			✓
B Hunt	✓			PJ Watts	✓		
RC Hunt	✓			DB Wilcox	✓		
TW Hunt	✓			JB Williams	✓		
JA Hyde	—			JD Woodward		✓	

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Council then adjourned at 2.00 pm for a short break and reconvened at 2.30 pm.

Council returned to the first notice of motion proposed by Councillors: MD Lloyd-Hayes and GFM Dawe.

“This Council has no confidence in the Cabinet Member for Corporate, Customer Services and Human Resources; we therefore invite her to resign from this position.”

Councillor Lloyd-Hayes spoke on the notice of motion and stated:

- The motion was simple, modest and clear
- Referred Members to the seriousness of the Crookall report and the request for the Cabinet Member to resign.
- Noticed there had been no apology for what had happened.
- Felt one person directly responsible.
- Concern amongst Members and the public had not reduced
- Public put their trust in elected Members to voice their concerns.
- Requested a named vote on the notice of motion.

At this point Councillors TM James and WJ Walling left the meeting.

Councillor A Blackshaw proposed an amendment to the original notice of motion.

“Whilst recognising a failure to challenge a breach of Council procedures, it is noted that there was no censure of the Cabinet Member for Corporate and Customer Services and no recommendation in relation to the continuing role of that Cabinet Member.

This Council re-affirms its acceptance of the recommendations of the Crookall Report.”

Councillor DB Wilcox seconded the amended notice of motion and reserved his right to speak later.

Some of the points and concerns raised by Members were:

- Crookall report pinpointed the dysfunctional problems not just with officers but with Members also.
- Cabinet Member only had a one hour meeting before signing off for the expenditure of £1.4 million, therefore ask Members to vote against the amendment.
- ICT review in 2006 recommending further work for scrutiny to do, but this not happened.
- Herefordshire Connects has no clear direction. Cabinet Member duty bound to step down, as important for the future of Public Service Trust.
- Owe debit of gratitude for her work on job evaluation and single status, support amendment.
- Respect what the Cabinet Member has done previously but should be accountable for actions, therefore should consider position.
- Provided advice and guidance to Members across the political spectrum and turned around West Mercia Supplies, therefore deserves support.
- The Cabinet Member has been supportive to new Members and worked hard for the Council but support original motion.
- If Cabinet Member held accountable then so should all scrutiny Members.

The Leader of the Council stated that the use of dysfunctional was only in relation to the senior management team. The Leader reminded Members of the breach of confidentiality in relation to the livestock market and the need for individuals to take responsibility for their actions. He added that Herefordshire had always had a co-operative style and hoped this would continue. He added that the Cabinet Member had only made one mistake which was to sign the memo to the Chief Executive and the Director, but otherwise had done a tremendous amount of work for the Council. Lessons had been learnt and believed that the amended motion was the correct way forward.

Councillor French added that she gave her assurance to Council that since the incident had occurred she had considered resigning and giving up public life, but she believed in working for the community. She added that when she took on the portfolio responsibility she understood how to use a computer but not the technical aspects and there was a requirement for officers to explain issues to Members. Councillor French stated that she wanted to stay and sort out the situation and that staff wanted to deliver on ICT and that Members should join her in supporting staff to carry it through.

A named vote was taken on the amended notice of motion with 29 votes for, 12 against and 8 abstentions. The amended notice of motion became the substantive motion and a further named vote was taken on the substantive motion with 29 votes for, 11 against and 9 abstentions.

CM

*amended notice
substituted notice*

THE HEREFORDSHIRE COUNCIL

NAMED VOTE LIST

For the meeting of the Council Friday 8 February, 2008

Councillor	FOR	AGAINST	ABSTAIN	Councillor	FOR	AGAINST	ABSTAIN
PA Andrews	—			TM James			✓
WU Attfield		✓		JG Jarvis	✓		
LO Barnett	✓			P Jones CBE	✓		
CM Bartrum		✓		MD Lloyd-Hayes		✓	
DJ Benjamin		✓		G Lucas	✓		
AJM Blackshaw	✓			RI Matthews			✓
WLS Bowen			✓	TMR McLean	✓		
H Bramer	✓			R Mills	✓		
RBA Burke	—			PM Morgan	✓		
ACR Chappell	—			AT Oliver		✓	
ME Cooper	—			JE Pemberton	✓		
PGH Cutter	✓			RJ Phillips	✓		
SPA Daniels			✓	GA Powell		✓	
H Davies	—			PD Price	✓		
GFM Dawe		✓		SJ Robertson			✓
PJ Edwards			✓	A Seldon		✓	
MJ Fishley	✓			RH Smith	✓		
JP French	✓			RV Stockton	✓		
JHR Goodwin	✓			J Stone	✓		
AE Gray			✓	JK Swinburne	✓		
DW Greenow	✓			AP Taylor		✓	
KG Grumbley	✓			DC Taylor	—	—	
KS Guthrie	✓			AM Toon		✓	
JW Hope MBE	✓			NL Vaughan	—	—	
MAF Hubbard		✓		WJ Walling	—	—	
B Hunt			✓	PJ Watts	✓		
RC Hunt	✓			DB Wilcox	✓		
TW Hunt	✓			JB Williams	✓		
JA Hyde	—			JD Woodward		✓	

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APPENDIX 19 OF THE COUNCIL'S CONSITUTION – MEMBERSHIP OF COMMITTEES AND OTHER BODIES

Members were reminded that a revised Appendix 19 was reported to Council on 2 November 2007 and that the Appendix now needed further revision to reflect the consequences of the formation of a new political group on the Council. Council was advised that there were two seats for agreement on the Adult Social Care and Strategic Housing Scrutiny Committee and the Environment Scrutiny Committee.

The Group Leader for the Alliance group referred Members to Standing Order 5.7 on proportionality and requested that agreement be sought at the next Group Leaders meeting. The Head of Legal and Democratic Services advised that as there was currently no agreement amongst Group Leaders it was for Council to decide and that each political group had two seats on a scrutiny committee. He added that this was not a matter for negotiation. Council took a vote on the proposals for proportionality with 12 Members for and 6 against.

Council agreed to defer the remainder of the Council meeting until the next meeting of Council on 8 March 2008. The meeting adjourned at 3.50 pm.

COUNCIL 8 FEBRUARY 2008 RECONVENED AT THE SHIREHALL, HEREFORD ON 7 MARCH 2008.

Council reconvened at 10.00 am on Friday 8 March 2008 and referred back to the Member Questions which had not been completed and in particular to the supplementary question from Councillor Dawe and the Member question from Councillor Robertson.

In reply to Councillor Dawe's supplementary question as to why no politician had resigned in relation to the Crookall report, which had been critical of elected Member and senior officers, the Leader stated that as indicated in the Crookall report only the director had been referred to. He added that any actions taken were consistent with the Crookall report.

The Chairman then called upon Councillor Robertson to ask her question that had held over from the Council meeting on 8 February. The Chairman also welcomed the children and teachers from Burghill village school who had come to see the question put to Council.

In referring to her question Councillor Robertson stated that inline with the Every Child Matters agenda being safe was a key element and the safety of children was paramount. Councillor Robertson asked if the Cabinet Member for Highways and Transportation would reconsider the request for a 20 mph speed limit at Burghill School and also visit the school to see at first hand the problems the school faced.

11. Question from Councillor SJ Robertson to Cabinet Member Highways and Transportation

Burghill School is a successful and well supported local school with an unsafe entrance and road crossing close to a dangerous bend where vehicles regularly exceed the present speed limit of 40 mph. All children who walk to school have to cross this busy road to get into school and there have been several near misses.

Despite numerous telephone calls, letters and site meetings, the school is not in the first group of schools to have a 20 mph this year or in the following year. There are 92 pupils on role and plans to incorporate the playgroup on site will increase the number by 20 plus. The entrance is often chaotic, dangerous and congested and the new cattle market site at Stretton Sugwas will increase the traffic on this road.

- (c) *As the Council has a clear directive to reduce speed limits outside schools, why is this not being given priority?*
- (d) *The School's Travel Plan in conjunction with "Safer Routes to School" encourages children to walk or cycle to help improve the carbon footprint, reduce obesity and promote a healthy lifestyle as recommended by Government. Have all the schools chosen produced School Travel Plans and who is responsible for the final selection?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- (a) The Council is committed to rolling out the introduction of 20 mph limits at schools. However, it is necessary to effectively prioritise their implementation within the available budget. Burghill School has been assessed alongside many other schools across the County, which do not currently have 20mph zones. The speeds outside Burghill School average 30.3mph and 85% of drivers progress at or below 39mph. The accident record for the site identifies that there has been one serious accident, which is not considered to be directly linked to the speed of traffic. A very small percentage of the pupils actually walk to school at present (5%) and only 1% cycle. A school travel plan has been compiled. All these points are considered in identifying our priorities for action. The schools currently proposed for inclusion in the coming year's programme of works have a more onerous accident record than at Burghill. These accidents are also attributed to speed and it is this factor that has made these schools a higher priority. Given that the demand for such schemes exceeds the available resources on an annual basis, we must act at those sites where the risk is highest and target resources to reduce the numbers who are killed or injured on our roads.

Having taken into account accident history, together with the levels of walking and cycling, the schools listed as the highest priority are:

- Withington Primary school
- Leominster Junior and Infants School
- Walford Primary School
- Madley Primary School

- (b) The Council has actively encouraged all schools to develop school travel plans for several years. The Local Transport Plan includes a target that all schools will have developed one by 2010. As of January 2008, 84 out of 104 have completed a plan. We are actively chasing those remaining schools to develop a school travel plan and we anticipate at least a further 6 by the end of the year.

Whilst all schools are actively encouraged to develop a travel plan, the Council needs to prioritise funding for the implementation of Safer Routes to School Schemes. Prioritisation takes into account the school's travel plan, accidents, potential benefits (value for money), scheme costs and other relevant local factors. Some of the schemes identified through this process may be subject to further consultation depending on their complexity, whether or not additional land is required or if traffic regulation orders are required.

The Chairman referred Members to the questions of Councillors Bowen and Lloyd-Hayes that also been left over from Council on the 8 February. The Chairman advised Council that as both Councillors had proffered their apologies for the meeting no supplementary questions could be asked and referred Members to the answers provided.

12. Question from Councillor MD Lloyd-Hayes to Cabinet Member Economic Development and Community Services

Why has the funding been with drawn from Zig Zag , this service provides an excellent service for young people under 19 who take part in substance misuse, illicit drugs and alcohol .They deal with homelessness educational exclusions, sexual health and pregnancy prevention. They are well thought of by partnership organisations and Social Services staff with whom they have worked?

Answer from Councillor AJ Blackshaw Cabinet Member Economic Development and Community Services

The Zig Zag service is currently jointly funded by Connexions and the Herefordshire Community Safety and Drugs Partnership. The Herefordshire Community Safety and Drugs Partnership element of the funding comes in the form of the 'young persons substance misuse grant' which has historically been allocated to the partnership by the Home Office. The Government is currently reviewing the allocation of this grant which may become part of the Area based grant under the Local Area Agreement (LAA), it is hoped that the position for next year will be confirmed in the very near future.

The Connexions element of the funding transfers to the area based grant which will be administered under the LAA from 1st April, 2008. This element of the LAA funding will be overseen by the Children's Trust. The new Children and Young People's Plan identifies priorities for Herefordshire and under the Children's Trust the Government's expectation is that services will be commissioned to ensure we meet our priorities effectively. Decisions on future funding are due to be confirmed at the Children's Trust in March. The Children's Trust is aware of the implications of decommissioning services and is mindful to extend funding until the end of the academic year in the first instances to allow greater continuity.

To date longer term funding decisions have not yet been made. Zig Zag workers have been issued with notice of redundancy, whilst everything possible is done to receive notification of secure and continued funding.

13.1 Question from Councillor WLS Bowen to Cabinet Member Corporate and Customer Services and Human Resources

Can this Council, once again, have a true Members' Development Working Group – composed of back bench councillors, - independent of thought and chaired by an independent minded chairman and not by a ruling cabinet member? Do you not think that the vast majority of council members would appreciate this chance to have a proper input into the development of both individual members and of Council itself?

13.1 Answer from Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources

Members' Development is an important consideration for Council. Any

programme needs to reflect the specific roles of executive, scrutiny and all Members as community leaders in their individual wards. The introduction of the Members' Development Policy Working Group seeks to address that breadth by bringing together Group Leaders and three co-opted members from the broader membership of Council.

The Terms of Reference have been constructed so that the group can maintain a balance between the need for a more strategic review with consideration of personal development and specific targeted training. Following the Crookall report, the Chief Executive will be bringing forward proposals for a comprehensive Members' Development programme and consideration will need to be given as to how current arrangements dovetail with that.

13.2 Question from Councillor WLS Bowen to Cabinet Member Environment and Strategic Housing

13.2.1 *Can the Cabinet Member for the Environment bring Full Council (and the general public) up to date on the current planning policy (and its implementation) on polytunnels? For instance, how many growers have had demands made for planning permission for their polytunnels? How many have complied? How many have claimed exemption? How many polytunnels in or adjacent to AONB's have gained planning permissions and are these permissions for a limited period of time or are they permanent?*

13.2.2 *Why is this Council being so slow, so dilatory, in demanding higher standards of energy conservation and efficiency and in the production of renewable energy from all new buildings including commercial developments?*

13.2.3 *This administration promised 12.5% reduction in carbon footprint (starting from 2005) for Herefordshire. How much has been achieved so far and by what means. Please can you give details?*

13.2 Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

13.2.1 CURRENT PLANNING POLICY

Herefordshire Unitary Development Plan adopted March 2007 contains policies to enable determination of planning applications.

Forward Planning Team are currently preparing a Supplementary Planning Document on polytunnels in consultation with growers and interested parties. Draft SPD is due to go to planning committee on 11th April 2008.

PLANNING APPLICATIONS

11 growers were invited to attend individual meetings on 23rd and 24th January 2008 with relevant officers to provide an ongoing opportunity for those that had not engaged in pre-application discussions, or for those who would benefit from further advice on their sites. 7 growers attended the meetings and are engaged in the process of preparing planning applications. Two growers made contact after the event and further meetings have been arranged.

For information, there are ongoing enforcement investigations on various

sites in the county.

AREAS OF OUTSTANDING NATURAL BEAUTY (AONB)

There are 3 sites within the AONB. One has been subject to a public inquiry following the service of an enforcement notice. Part of the site was refused, part granted a 2 year temporary permission and part deemed lawful as they had been in existence for more than 4 years. Pre-application discussions have commenced with the grower on a planning application. Pre-application discussions are ongoing with the 2 other sites.

- 13.2.2 The ongoing increasing energy conservation and efficiency standards in the Building Regulations are resulting in buildings being constructed in a more sustainable way. Unlike ground breaking Councils such as the London Borough of Merton this Council does not have a policy in its UDP that provides a basis to negotiate efficiency standards beyond those set out in the Building Regulations. This matter will be addressed in the Local Development Framework, which was the subject of the member seminar last week. Notwithstanding the current lack of any policy basis planning officers continue to negotiate for ever higher standards of energy conservation and efficiency. Increasingly several companies are recognising the marketing advantages of building in a sustainable way.

- 13.2.3 An overall carbon reduction figure for Council carbon emissions since the 2002 baseline is not yet available. However we do know that energy use in council buildings including schools has reduced steadily over the period - and expenditure has risen due to increases in costs.

Electricity consumption dropped from 9.2 million kWh in 2003/04 to 7.4 million kWh in 2005/06 and gas consumption dropped from 19.8 million kWh to 16.8 million kWh over the same period. However the cost of utilities rose from circa £1.5 million in 2003 to £2.4 million in 2007. The data sets are not directly comparable but do show clear trends. Business mileage has also reduced steadily from just under 3 million in 2003/04 to 2.3 million in 2006/07.

Building sufficiently comprehensive, replicable and reliable data sets to pick up relatively subtle consumption changes of 1-2% a year is a challenge, being faced across the country - and indeed the world. Provision of data on this will now be part of the National Indicator set (NI 185) and we hope this framework will help develop consistent and clear reporting guidance.

Nationally, discussion continues on the relative importance to be given to reducing direct impacts and to reducing those in the wider community. Both elements are included within the authority's Corporate Plan and it is anticipated that a target on reducing county per capita carbon emissions will be included in the forthcoming Local Area Agreement targets. The Council is working closely with the Herefordshire Environment Partnership and Herefordshire Partnership on carrying forward Herefordshire's Climate Change Strategy. However the Council only has direct control over emissions resulting from its own activities. Both the initiatives outlined below will help meet the Council's target for reducing carbon emissions from our own estate.

MY Energy

This year the Council has been running a low and no-cost energy saving

theme as part of its commitment to reducing costs, resource consumption and carbon emissions. This has been developed through the implementation of MY Energy (Manage Your Energy) a project running with Severn Wye Energy, which aims to reduce electricity consumption by 10% over 15 Council buildings. The project was launched in May 2007 and works with a group of 30 volunteers based in 15 of our office buildings. The volunteer 'Energy Champions' encourage colleagues to switch off and reduce the amount of energy being wasted. The project runs with SWEA and the Private Sector Housing team for one year and aims to increase awareness of energy use at work and in the home. Events held so far have included:

Sustainable Breakfasts - Jointly run with Integrated Transport to encourage and reward colleagues who travel to work sustainable and promote sustainable travel, Fairtrade Tea & Coffee, Energy Efficiency and the MY Energy project.

Energy Efficiency Advice Stands - run with the local Energy Efficiency Advice Centre to promote energy efficiency at work and home. A regular slot during Central Induction to introduce GEM & ISO14001 and to promote the MY Energy project giving tips on how colleagues can save energy at work.

Energy Saving Trust

The Council started work with the Energy Saving Trust in autumn 2007, one of a small number of Councils who have been offered free consultancy. Data have been collected on energy use across the Council and recommendations for improvement in performance are now being worked up with the EST.

13.3 Question from Councillor WLS Bowen to Cabinet Member Resources

13.3 *Did you not promise to spend £1 million pounds a year to save much more? How much of this potential £3 million has been spent and what savings have been achieved and by what means?*

13.3 Answer from Councillor H Bramer Cabinet Member Resources

In making my reply, I am assuming that the question is referring to the 'Invest to Save Initiatives' earmarked reserve that stood at £1.115m as at 1st April 2008. This earmarked reserve has been built up from contributions from the revenue account of £433k at the close of the 2005/06 financial year and £682k at the close of the 2006/07 financial year. The purpose of this earmarked reserve is to provide financial pump-priming for projects that lead to both an improvement in service and a cash saving over the longer term. It provides some flexibility around the requirement for all Directors to manage services within their budget for each financial year and allows projects to come forward part way through a financial year after formal budget setting has taken place. No requirement for such assistance has to date been identified in this financial year. The Council regularly reviews its policies with regard to general and earmarked reserves

71. CABINET REPORT AND MINUTES

The Leader of the Council, Councillor R.J. Phillips, presented the report of the

meetings of Cabinet held on 29 November, 13 December 2007 and 24 January 2008.

In relation to Item 4 Wyebridge College – The Leader stated that the item would be dealt with on the agenda for the 7 March meeting.

RESOLVED: That the reports from the meetings of Cabinet held on 29 November and 13 December 2007 and 24 January 2008 be received.

72. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 14 December 2007 and 18 January 2008.

Council requested an amendment to the Local Government Ombudsmen report as it was felt that it did not truly reflect what was said. It was proposed to take out the words 'was disappointed about' and insert 'would not accept'. Council agreed the change of wording and the amendment was carried.

RESOLVED: That the report of the meetings of the Planning Committee held on 14 December 2007 and 18 January 2008 be received with the amendment to the Local Government Ombudsman Report as outlined above.

10A Planning Obligations Supplementary Planning Document

Councillor TW Hunt presented the report on the Planning Obligations Supplementary Planning Document, which sets out the Council's policy on the use of planning obligations, following statutory public consultation.

Councillors referred to the report and stated that there would be a number of people wishing to build their own home who would not be able to afford the contribution proposed for a four bedroom home. Councillors were reminded of discussions held at the Planning Committee meeting on 24 January where Members had requested the fees be scaled down. It was added that other authorities had thresholds of ten houses or more and asked that Herefordshire's be set at five and requested that Cabinet review the policy.

Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing, stated the issue had been debated at Cabinet and it was felt that this was the only fair way forward and urged Council not to amend the policy. He added that there was no reason why when a single house was being erected that a business case could not be put forward for the Section 106 Agreement to be negotiated. He reminded Council that any funds raised through a 106 agreement would go to the parish council for schemes identified or towards the roads in the parish.

The Leader of the Council reminded Council that the policy related to non-affordable housing issues and that the opportunity to raise funding for the parishes was an important one. Council was reminded of the benefits that had been brought to Shobdon parish through a 106 Agreement and reminded Members of the need to ensure agreements were fair and consistently monitored.

Councillor B Hunt seconded the proposal for the policy to be reviewed again. On a show of hands 11 Members were for, 30 against and three abstained.

RESOLVED**THAT:**

- (a) the Planning Obligations Supplementary Planning Document and associated Sustainability Appraisal be agreed and adopted; and
- (b) appropriate amendments be made to the Planning Committee Scheme of Delegation to Officers and that a Section 106 Monitoring Officer be recruited, following which the Supplementary Planning Document be brought into effect.

73. STRATEGIC MONITORING COMMITTEE

Councillor PE Edwards presented the report of the meeting of the Strategic Monitoring Committee held on 19 November 2007, 21 January 2008 and the Supplementary report of 31 January 2008.

The Chairman of the Strategic Monitoring Committee referred Council to nine specific recommendations, which had been made accepted by Cabinet. Council was also referred to the review of IT in education and the Herefordshire Connects Programme.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 19 November 2007, 21 January 2008 and the Supplementary report of 31 January 2008 be received.

74. STANDARDS COMMITTEE

Mr D Stevens presented the report of the meeting of the Standards Committee held on 18 January 2008.

RESOLVED: That the report of the meeting of the Standards Committee held on 18 January 2008 be received.

75. REGULATORY COMMITTEE

Councillor P Jones presented the report of the meeting of the Regulatory Committee held on 20 November and 18 December 2007 and 29 January 2008.

The Chairman of the Regulatory Committee referred Council to paragraph two of the report and advised that there had been considerable alarm from cab drivers about their livelihoods and officers concern for the public. He added that an agreed system was being discussed and was well on the way to a solution picking up on the recommendation on page 78 of the agenda. Council requested that it be updated on the situation in Commercial Road in relation to the monitoring of the public the number of public houses and clubs in the area and whether the situation had improved or deteriorated. The Chairman advised that he had not heard from the police stating it had not been successful.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 20 November and 18 December 2007 and 29 January 2008 be received.

76. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor ACR Chappell presented the report of the meeting of the Audit and Corporate Governance Committee held on 30 November and 21 December 2007 and 25 January 2008.

RESOLVED: That the report of the meetings of the Audit and Corporate Governance Committee held on 30 November and 21 December 2007 and 25 January 2008 be received.

77. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority held on 25 September and 18 December 2007.

Councillor ACR Chappell referred to page 99 of the Council agenda regarding the Community Engagement Strategy and stated that residents in the St Martins and Hinton ward did not have confidence in the Police and there was concern that investigations were not being carried out properly. It was added that some residents were still awaiting a response from the Police to incidents that had been carried some weeks earlier, which it was felt was unacceptable. Council was also informed of another incident where it took the Police 45 minutes to respond to a call out. Councillor Chappell advised that he had written to the Police on the matter in December 2007 and was still awaiting a response to his letter. Councillor Hunt, as a representative of the Council on the West Mercia Police Authority was requested to provide an answer to the queries by the end of the week.

Councillor PE Edwards asked why the Police or Community Support Officers were not available after 10.00 pm at night when teenage children were still out on the streets. Councillor RI Matthews asked how many officers quoted as being deployed locally were. Councillor Matthews also asked about the opening of Leominster Police Station and the Community Engagement Strategy where he believed it was working well the Council and West Mercia Police particularly in relation to drugs, but did not feel that the issues of partnership working were covered in the reports of the West Mercia Police Authority.

Councillor Hunt responded to Councillor Chappell's questions and stated they were operational matters which were not within his remit. He requested that the issues were forwarded to him in writing and he undertook to follow up on the matters. With regard to recruitment figures he stated that in Herefordshire there had been significant increases in staffing levels. The authority was now up to establishment levels in the Herefordshire division with 290 officers, 130 civilian staff and 40 Community Support officers. Councillor Hunt added that he understood the point raised on the partnership and stated that information on consultation was reported back to the authority. He stated that he would report back to the questioners personally once he had received a full response from the authority on the questions raised.

The Leader of the Council referred to the Police Authority report of 18 December regarding the budget for the forthcoming year and the setting of the precept for Council tax. He referred to paragraph 11 and the PCCG being phased out and different consultation groups being formed. The Leader sought assurance that the Police Authority would not do their own thing on community consultation and also sought assurance that the Police Authority had looked at efficiency savings before setting the precept for Council tax. Council discussed the issues of anti-social behaviour and the PACT (Partners and Communities Together) meetings and also the proposal that the Police Authority once again come under the local authority. In referring to integrated performance figures there was concern that partner organisations were consistently in the red rather than the black, which posed a risk in

itself. It was proposed that the Police Authority be invited to come and speak to Council.

Councillor Hunt responded to the questions and with reference to the Police Authority coming under the local authority once again he stated he did support and the idea was being examined, with proposals to come to Council in the future. He added that efficiency savings had been made prior to the setting of the precept. With regard to the PCCG meetings these were being removed and replaced by policing groups. Councillor Hunt confirmed that he would pass on the request for the Divisional Commander to come and speak to Council.

RESOLVED: That the report of the meetings of the West Mercia Police Authority held on 25 September and 18 December 2007 be received.

78. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor P Jones presented the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 13 December 2007.

The Chairman stated that the Fire Authority had also set a high percentage precept, but this only worked out at 1p extra per day. He added that under efficiency savings some jobs were being put as civilian posts. He stated that an investigation had been done into the fire at Warwickshire as the Hereford and Worcester Fire Authority had been a back up to Warwickshire. A 1% increase had been provided for the authority and it was noted that Shropshire had received a 6% increase.

The Leader again referred to partnership working and concern over the reporting back. He stated that he felt that the minutes from the Fire Authority only gave a flavour of this. The Chairman responded and stated that partnership working was taken seriously by the Fire Authority.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority held on 13 December 2007 be received

The meeting ended at 3.50 p.m.

CHAIRMAN