

MINUTES of the meeting of Council held at The Assembly Hall, The Shirehall, Hereford. on Friday, 25th July, 2003 at 10.30 a.m.

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

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

16. PRAYERS

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

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillors A.C.R. Chappell, Mrs. C.J. Davis, Mrs. R.F. Lincoln, Mrs. J.E. Pemberton, D.W. Rule and D.C. Short.

18. DECLARATIONS OF INTEREST

Councillors G.V. Hyde and T.M. James both declared a prejudicial interest in Agenda Item 9(b) 1.1(ii) Procurement of Contract Services.

19. MINUTES

RESOLVED: That the minutes of the annual meeting held on 23rd May, 2003 be approved as a correct record and signed by the Chairman.

20. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Malvern Hills Conservators had been recognised by English Nature for their outstanding management of the Malvern Hills Site of Special Scientific Interest. He undertook to write to the Chairman and Director congratulating them on their achievement.

He also congratulated those colleagues and friends across the County who had recently been honoured by Her Majesty the Queen on the occasion of her birthday. He paid tribute to the Council's previous Vice-Chairman Mrs. Joyce Thomas and Clare Wichbold who had earlier been awarded Public Servant of the Year for her work following the foot and mouth crisis. They had both received MBEs.

The Chairman presented a petition containing 6000 signatures, calling for a replacement pool for North Herefordshire, to the Cabinet Member (Community and Social Development).

21. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. No such questions had been received.

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

No questions had been received.

23. NOTICES OF MOTION UNDER STANDING ORDERS

Councillors P.J. Dauncey and B. Hunt had given notice of the following motion:

"In view of Council's support for swimming pool provision in North Herefordshire, and recognising the overwhelming support by local people for a Bromyard Pool, we urge this Council to give maximum support to this project and to investigate a Bromyard Scheme concurrently with the Leominster Project."

Urgency was not moved and the motion stood referred to Councillor R.V. Stockton, Cabinet Member (Community and Social Development).

Councillors J.P. Thomas and Brig. P. Jones, CBE had given notice of the following motion.

"That this Council notes the urgent need for a public swimming facility in Leominster as expressed by the large demonstration on 5th July and the petitions signed by thousands of people from North Herefordshire. Furthermore, it commits itself to identifying the necessary future funding for the design, letting of contracts and building of a replacement swimming pool in Leominster for the people of North Herefordshire within the current financial year."

The motion was withdrawn.

24. CABINET

The Leader of the Council, Councillor R.J. Phillips presented the report of the meetings of Cabinet held on 12th and 19th June and 10th July, 2003 and the supplementary report of the meeting held on 17th July, 2003. He advised that questions on the Members' Allowances Scheme would be dealt with at Agenda Item 13 - report of the Independent Remuneration Panel.

Main Report

In relation to Item 9.1(ii) - Herefordshire Unitary Development Plan (UDP) - Handling The Response - following a request that Councillor Fleet, the Chairman of the Central Area Planning Sub-Committee be included as a member of the Member Working Group set up to consider representations on the deposit draft Unitary Development Plan the Leader indicated that he was prepared to accept a reference back to enable further consideration to be given to the issue of membership. The Cabinet Member (Environment) assured Council that all Members would be consulted by the Working Group when issues specific to their wards were being considered.

In relation to Item 9.1(iv) - Integrated Waste Management Contract - in response to a request for an update the Leader reminded Council that this matter had been dealt with in confidential session because it contained commercially sensitive information. The current joint PFI contract with Worcestershire County Council was based on continued use of landfill situated within Worcestershire, pending establishment of recycling and the provision of an energy from waste plant involving incineration. The failure to establish the intended incineration capacity made the current contract with its dependence on landfill unsustainable in the long term. New methods of disposal were continuing to be investigated and the standby date in the contract was currently extended to September 2003.

In relation to Item 13.1(ii) - Joint Review of Social Services for Herefordshire - Councillor T.M. James congratulated the former Cabinet Member (Social Care) Councillor Mrs. Bew and the former Chairman of the Social Care and Housing Scrutiny Committee, Councillor Mrs. Barnett together with Mrs. Fiennes, the Director of Social Care and Strategic Housing and her staff for the work undertaken over the previous year which led to a very positive report. Councillor Mrs. Bew registered her appreciation of the support she had enjoyed from the Social Care staff and from Councillor Mrs. Barnett in her previous role as Chairman of the Scrutiny Committee. Councillor Mrs. Barnett, in turn, acknowledged the work carried out by Councillor Mrs. Bew and looked forward to continuing co-operation with her in their new roles.

Supplementary Report

In relation to Item 1.1(i) Herefordshire Matters - in response to a question, the Leader took the opportunity of advising Council that Local Area Forums had not been disbanded but were not sitting pending completion of the review. He emphasised that engaging the public was vitally important but it must be done in a cost effective way. Some support was expressed for the continuance of Herefordshire Matters.

In relation to Item 2.1(i) Replacement Swimming Pool for North Herefordshire - Councillor J.P. Thomas welcomed Cabinet decision to provide a replacement swimming pool following the closure of the Sydonia Swimming Pool in March 2002. He said that the project enjoyed massive public support as evidenced by the numbers who had attended the demonstration in Leominster, signed the petition and attended the Council meeting. The Leader advised that the pool could be one of the most cost effective in the country, with the added benefit of bringing vitality back to Leominster. He agreed that it would match many of the ambitions of the Herefordshire Plan. The Cabinet Member (Community and Social Development) also thanked the public for their support, enthusiasm and goodwill and advised that the project should proceed as quickly as possible.

In relation to Item 3.1(i) - Edgar Street Grid Masterplan - In response to several questions, Councillor G.V. Hyde, Cabinet Member (Economic Development, Markets and Property) advised that mixed retail use was only one aspect of a scheme which covered a 100 acre site and that although some funding would be available from Advantage West Midlands for the redevelopment scheme considerable further sums were still needed. Introduction of retail uses would help the overall economic viability of the scheme. He confirmed that any scheme would be subject to the normal planning processes. Disquiet was expressed by some Members who feared that the City's cultural and historic aspects would suffer as a result of another supermarket being introduced. Councillor Hyde reminded Council that the proposed scheme was being used as a basis for further consultation and nothing was being ruled out at this stage. He acknowledged that further work needed to be done on various aspects, including a multiplex cinema which would depend on an operator being found, and

particularly on transportation issues. This would include opportunities to link rail, road and public transport systems. Particular care would need to be taken at the bottom of Aylestone Hill which already experience significant road difficulties. He agreed to let the local Member know how many members of the public had responded during the initial consultation exercise.

In answer to a further query about planning applications for other retail sites in the City he said it would not be possible to prejudge any planning applications at this stage and all would be dealt with on their merits.

The Leader said that it was rare for an historic city to get the opportunity to redevelop such a large and important site and the Council must ensure it made the most of that opportunity.

RESOLVED: That the reports of the meetings of Cabinet held on 12th and 19th June and 10th and 17th July, 2003 be received and the recommendations set out below be adopted:

- That
- (a) the Best Value Performance Plan be approved;
 - (b) the revised draft Constitution be approved subject to minor textual amendments; and
 - (c) the membership of the UDP Member Working Group be reconsidered by Cabinet.

25. REGULATORY COMMITTEE

Councillor R.I. Matthews presented the report of the meeting of the Regulatory Committee held on 17th June, 2003.

RESOLVED:

- That
- (a) the report of the meeting of the Regulatory Committee held on 17th June, be received; and
 - (b) Councillor Brig. P. Jones, be appointed Vice-Chairman of the Regulatory Committee for the ensuing Council year.

26. STANDARDS COMMITTEE

Mr. Robert Rogers presented the report of the meeting of the Standards Committee held on 20th June, 2003. He thanked the members of the Standards Commission for their work. He also warned the Council that the developing role of the Committee could have a significant impact on its workload.

RESOLVED:

- That
- (a) the report of the meeting of the Standards Committee held on 20th June, 2003 be received;
 - (b) the Council be recommended to amend the Constitution by the deletion of paragraph 8.2 (The Standards Commission);
 - (c) members of the Standards Committee be indemnified in relation to any costs and expenses, which are reasonable in the opinion of the County Secretary and Solicitor, that might be incurred in relation to the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003; and
 - (d) one independent member and one parish/town councillor be added to the Committee.

27. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 7th July, 2003. Council noted a correction to paragraph 8 which should read "... two non-executive Councillors (one from the administration and one from the opposition) ..."

RESOLVED: That, subject to the alteration noted above, the report of the meeting of the Strategic Monitoring Committee held on 7th July, 2003 be received.

28. INDEPENDENT REMUNERATION PANEL

Council received a report on the findings of the Independent Remuneration Panel (IRP) which had met following the introduction of new regulations on Members' Allowances. The IRP reviewed the Council's existing scheme and considered the new powers provided to it. It recommended

- a. that the IRP's previous approach to an Allowances Scheme for Members as revised in the report be agreed;
- b. that a special responsibility allowance be paid to the Independent Chairman of the Standards Committee, placing the office in Band 4 of the Scheme;
- c. that co-optees and other appointed non-elected members should be entitled to claim travel, subsistence and dependant carers' allowances on the same basis as Members of the Council;
- d. that car allowance for Councillors should be at the single rate used by the Inland Revenue for all business mileage - currently 40p per mile up to 10,000 miles per annum and 25p per mile over 10,000 miles per annum;
- e. that the allowance for travel by motorbike, moped or cycle should be at the following rates:
 - 16.3p per mile in respect of motorbikes
 - 11.11p per mile in respect of mopeds
 - 6.3p per mile in respect of cycles
- f. that subsistence allowances for Councillors be paid on the basis of actual reasonable expenditure evidenced by receipts;
- g. that overnight accommodation expenses where this was necessary be paid for three star accommodation or equivalent, evidenced by receipts; and
- h. that no Councillor be considered eligible to join the Local Government Pension Scheme at this stage and the matter be kept under review.

In answer to a query about allowances for Vice-Chairmen, the Chief Executive advised that the Panel was aware of Members' views on this particular issue, but had taken account of guidance that the numbers in receipt of special responsibility allowance should not exceed 50% of the Council.

RESOLVED:

- That**
- (a) the Panel be thanked for its work;
 - (b) the revised Members' Allowances Scheme set out at (a) to (h)

- above be approved to take effect from 1st May, 2003 in relation to the Basic Allowances, and Special Responsibility Allowances to take effect from 23rd May, 2003 and otherwise from 1st September, 2003; and
- (c) the County Secretary and Solicitor give further publicity to the Scheme as required by regulation.

29. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 17th July, 2003.

RESOLVED: That the report of the meeting of the Planning Committee held on 17th July, 2003 be received.

30. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the annual meeting of the West Mercia Police Authority held on 20th May 2003. He reminded Council that his appointment had been made only recently. He undertook to write to all Members letting them know about recent police recruitment and deployment in the County. Council noted that new police officers were now in place in South Wye and Ledbury. In response to a query about accident black spots, in particular on the A49, he agreed to pass the local Member's concerns to the Authority.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 20th May, 2003 be noted.

The meeting ended at 11.48 a.m.

CHAIRMAN