

MINUTES of the meeting of COUNCIL held at - THE SHIREHALL, ST PETER'S SQUARE, HEREFORD on Friday, 25th July, 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, AJM Blackshaw, WLS Bowen, H Bramer, ACR Chappell, ME Cooper, PGH Cutter, SPA Daniels, H Davies, GFM Dawe, BA Durkin, 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, JA Hyde, TM James, JG Jarvis, P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, PD Price, SJ Robertson, A Seldon, RH Smith, RV Stockton, JK Swinburne, AP Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

1. PRAYERS

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: DJ Benjamin, RBA Burke, GA Powell and DC Taylor.

3. DECLARATIONS OF INTEREST

The Chairman reminded Members of their obligation to notify the Assistant Chief Executive, Legal and Democratic of any changes affecting their Declarations of Financial or Other Interests within 28 days of any change taking place.

Councillors: ACR Chappell and WU Attfield declared a personal interest in Agenda Item 9, Wyebridge College, as College Governors.

Councillor RJ Phillips declared a personal interest in Agenda Item 9, Edgar Street Grid Development, as a Director of ESG Ltd. Councillor NL Vaughan referred to Agenda Item 9 and the Legal Practice Manager confirmed that Councillor Vaughan had neither a personal or prejudicial interest to declare.

Councillors: WU Attfield, AE Gray, RH Smith, and AM Toon declared a personal interest in Agenda Item 9, Herefordshire Housing, as appointees to the board.

4. MINUTES

The Minutes of the meeting held on 16 May 2008 were approved subject to the correction of typographical errors.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he recently attended a ceremony in which The Rifles

were granted the Freedom of the City of Hereford. He stated that the occasion was a very proud moment for Hereford which demonstrated its support to the armed services. Councillor Sylvia Daniels, Deputy Mayor of Hereford was thanked for her prominent role during the ceremony and for providing hospitality in the Shire Hall following the ceremony.

Former Councillor Godfrey Davis, was congratulated for receiving an MBE in the Queen's Birthday Honours for services to local government.

The Chairman announced that Herefordshire Council had signed up to the West Midlands Biodiversity Pledge, one of the few authorities in the region to make this commitment. He presented Councillor Jarvis, Cabinet Member for Environment and Strategic Housing, with the signed pledge which was given jointly by the West Midlands Biodiversity Partnership and the West Midlands Local Government Association.

Councillor Stone reminded Members that it had been a year since the County had suffered severe flooding during the Summer of 2007 and stated that the thoughts of the Council were with those constituents yet to return to their own homes.

Petitions

The Chairman informed Council that a petition had been received from Stretton Sugwas CE Primary School via Councillor RI Matthews regarding safer routes to school. The Chairman presented Councillor DB Wilcox, Cabinet Member, Highways and Transportation with the petition.

6. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chairman reminded Council that under the Constitution a member of the public could ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council had powers or duties, or which affected the County, as long as a copy of that question was deposited with the Assistant Chief Executive, Legal and Democratic more than six clear working days before the meeting.

1 Question from Ms Susana Piohtee, Transition Hereford

As you will know, after a great deal of campaigning, the Sustainable Communities Act is now a reality.

In the introductory information it says: 'the Sustainable Communities Act is a new law that empowers citizens and councils to ask for help from government to promote sustainable communities – and then requires the government to reach agreement with them. This is NOT the usual consultation everyone is so fed up with – government cannot just say 'no' to all the good proposals and ideas that local people have. This is new wording and precedent in law. The whole process will start in October when the government will write to councils inviting them to 'opt in' to the Sustainable Communities Act. It is crucial that your council does this, otherwise you and your community will be excluded from the process and your voice will not be heard.

Given the amount of development planned for our county over the next years, this Act will provide the Herefordshire Council with a useful tool with which to challenge government on the appropriateness of some of its requirements of this Council. How are you going to respond to this invitation to 'opt in' when invited to do so in October?

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

- 1 The Sustainable Communities Act 2007 received the Royal Assent in October 2007. The Act requires the Secretary of State to make regulations and publish guidance relating to the procedure to be followed concerning proposals made under section 2 of the Act (proposals that would contribute to promoting the sustainability of local communities). Before doing so, the Secretary of State is obliged to consult local government on the regulations and on the guidance. This consultation took place earlier in this year and the guidance was finally published on July 9th 2008.

The regulations will come before Parliament in the near future and Government will also be consulting on the approach to producing Local Spending Reports during the summer of 2008.

The Secretary of State will issue first invitations to local authorities by 23 October 2008 and arrangements for the first Local Spending Reports should be in place by 23 April 2009.

Herefordshire Council is currently monitoring these developments and identifying procedures that it needs to put in place, to comply with the new regulations. A seminar will be held in the autumn to brief all Members on the impact of the Sustainable Communities Act.

2 Question from Ms Barbara Evans, Kingsthorpe

Is it permissible within the Council's constitution for political groups on the Council to receive financial donations from external bodies?

Answer from Mr Kevin O'Keefe, Legal Practice Manager, Assistant Chief Executive's Office

The Council's Constitution explains and regulates how the Council operates, how decisions are made and the procedures which are to be followed to ensure that decision making is efficient, transparent and accountable to local people. The Constitution deals with all relevant governance issues within the Council. The Constitution does not however regulate the internal processes of political parties or how they receive financial donations from third parties other than a requirement in 2.8A.1 requiring Members to give formal notice in the Register of Interests of any person who has made a payment to him or her in respect of their election expenses or other expenses incurred in carrying out their duties.

National legislation provides a framework regulating the wider issues of political donations.

3 Questions from Brian Organ, Tillington

Following a number of accidents in the village of Tillington. The road through Tillington being a high risk road in view of the number of activities conducted on the Village road including horse riding, walking, running and cycling. I have presented a number of questions to which I would appreciate numbered answers.

- 3.1 *Do the Council accept the Department of Transport definition of a village as having more than 20 houses?*
- 3.2 *Does the Council accept that Tillington has more than 20 houses?*
- 3.3 *Does the Council accept that in addition to 20 houses Tillington has a School, a Garage, a village shop, a village pub and a village cricket ground?*
- 3.4 *Does the Council accept the Department of Transport recommendation that the norm for the speed limit through a village should be 30 mph?*
- 3.5 *Does the Council accept its own Local Transport plan that states it intends to have "a stepped up speed limit reductions programme to provide more villages with 30 mph limits"?*
- 3.6 *Does the Council accept its own five year Local Transport Plan that it requires more school 20 mph zones to enable more children to walk and cycle to school?*
- 3.7 *In the light of the Department for Transport recommendations and Herefordshire's Local Transport plan safety objectives why is Tillington not a 30 mph speed limit and the school a 20 mph zone?*
- 3.8 *Does the Council accept the Department of Transport sponsored research findings that an increase of 10% in speed causes a 30% increase in the accident rate for poor quality roads, as defined in TRL report 511 , such as the one through Tillington?*
- 3.9 *Could the Council give the number of Schools that have had a 20 mph zone instigated in the current 06/07 to 11/12 5 year plan?*
- 3.10 *What are the mobility objectives for the road through the village of Tillington?*
- 3.11 *Can I have a copy of the Single Carriageway Rural Roads and the speed assessment framework?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 3.1 In Traffic Advisory Leaflet 01/04 (DfT, 2004) the Department for Transport set out its current policy on achieving lower speed limits in villages, this includes a broad definition of what constitutes a village. For the purpose of applying a village speed limit of 30mph they state that a definition can be based on the following simple criteria relating to frontage development and distance.

- 20 or more houses (on one or both sides of the road); and
- A minimum length of 600 metres.

As a rural county we recognise the importance of reducing speeds in villages and support this guidance in this regard. Our speed limit policy favours the introduction of 30mph limits at villages and other rural settlements. It states that the minimum length of a limit should be 600m and that the access rate per kilometre over the restricted length should be more than 20 for a 30mph limit to be considered.

Our policy will actually allow the introduction of 30mph limits at settlements of less than 20 houses, provided that they are concentrated within a 600m length.

This allows us to properly consider the merits of 30mph limits for the many smaller hamlets throughout Herefordshire.

The DfT policy, in circular 01/2006, makes it clear that alternative limits of 40 or 50mph should be considered where criteria for a 30 limit are not met. Our policy supports this with the use of the following :

- A 40mph limit should be considered if the access rate is 15 to 20 per kilometre; and
- A 50mph limit should be considered if the access rate is 10 to 15 per kilometre.

3.2 Yes.

3.3 Yes.

3.4 The Department for Transport in circular 01/2006 states that it is government policy that, where appropriate, a 30mph limit should be the norm in villages. Our speed limit policy supports the introduction of 30mph limits at villages and other small rural settlements.

3.5 In Local Transport Plan 2 we state that we seek to ensure speed limits are appropriate to the road and contribute to improving road safety.

3.6 The aim is to introduce 20mph zones outside most schools in the county. It is recognised that successful 20mph zones should be generally self enforcing. As such careful consideration has to be paid to the design of the most appropriate measures for each school.

3.7 When the Council last considered the speed limit it was following a request to extend the 40mph limit. This met with our policy and was introduced. The access rate did not support a lower limit at that time.

We can consider a 30mph limit in accordance with the Council's protocol for introducing such limits and assuming that this is supported locally.

We plan to deliver a 20mph zone at the School. Our priorities are informed by the accident history at each of the schools. This has identified eight other schools as priority sites and we propose to deliver part time 20mph limits at all eight by 2010. Burghill Primary will be considered in the next phase of our programme. In the short-term we will be delivering sign improvements at the school this year.

3.8 In principle, the Council agrees that an increase in speed can cause an increase in accident rates. TRL Report 511 states that :-

- a 10% increase in mean speed results in a 26% increase in frequency of ALL injury accidents

It is important to understand that "Mean" average speed takes into account that the speeds of individual vehicles vary and does not relate to the speed limit that may be in place.

Whilst the research undertaken by TRL offers some important findings it is important to ensure that these are considered in the light of local conditions and the Council's approach to speed limits on county roads seeks to ensure that the appropriate speed limit is introduced taking into account all relevant

factors as highlighted above.

- 3.9 Four school 20mph zone schemes have now been implemented during the period of the LTP2 (2006/7 to 2010/11). These comprise, Wyebridge Sports College (formerly Haywood High), St Thomas Cantilupe, Whitecross High School and Specialist Sports College and Sutton Primary School.
- 3.10 The road through Tillington provides for the movement of traffic, pedestrians and cyclists through and within the village . Whilst the Council does not set specific mobility objectives for individual roads, the Local Transport Plan sets out the transport objectives for the County and indicates the kind of measures that may be introduced in suitable locations to support the delivery of the strategy. Measures within the Local Transport Plan include pedestrian and cycle improvements and measures to provide safer routes to school.

Any requests for specific improvements pertaining to Tillington can be made to the Highways department through the Streets number (01432) 261800 or directly to Mairead Lane Construction Manager on (01432) 260944. These requests would then be considered in the light of the overall strategy and available funding.

- 3.11 The TRL publication 'Developing a Speed Management Assessment Framework for Rural Single carriageway Roads is available as a free download from the TRL. Their website address is www.trl.co.uk , if you go to their online store, reports and publications and type in speed management you will have an opportunity to either purchase a hard copy or acquire it as a download.

Further information on national policy in regard to speed management can be found on the Department for Transport website www.dft.gov.uk

The Local Transport Plan 2 is available on our own website www.herefordshire.gov.uk

3 Question from Brian Organ, Tillington

- 3.12 *Why cannot members of the public put supplementary questions to the Council in the light of the ones received, as for instance happens in Portsmouth City Council. An inability to ask supplementary questions to answers given severely limits the democratic process. A system of supplementary questioning is allowed in many Councils, why not Hereford?*

Answer from Mr Kevin O'Keefe, Legal Practice Manager for Assistant Chief Executive's Office

- 3.12 Paragraph 4.24 of the Council's current Constitution provides an opportunity for this meeting to receive questions from members of the public and sets out a framework by which the Council will deal with providing the fullest possible answers to questions received. At present there is a provision precluding the raising of supplementary questions. The Council has an ongoing constitutional review working group which continually analyses the constitution with a view to keeping it compliant with best practice and all relevant legal requirements. The point raised is a valid one which will be fed into the work of the review group to enable it to receive careful consideration.

4 Question from Mrs R Gill

My husband and I, and my twin boys currently live with my mother. We have

been classed as Silver on the homepoint scheme for four years. There is a possibility that we may be given a piece of land to build our own home, therefore relieving the council of our housing need burden. However with the section 106 agreement contribution which has been brought in this would mean we would have to find about £20,000 for our four bedroom house.

In view of the current economic climate, mortgage and housing shortages and approaching a recession, does the administration think that it is morally right to impose this "roof tax" on first time buyers like myself on one plus dwellings, especially when it was contrary to your own officers' recommendations? Also with the present construction industry redundancies, does the administration realise the impact this decision is having on small building firms?

I know it is being said that the money is for the extra burden being put on local schools and libraries etc., but as I am already living in the area no extra impact is being made, and will under five dwellings really make that much of an impact?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

4.1 & 4.2

The Council's decision to reduce the threshold to one house for Section 106 Agreements reflects best practice from elsewhere and is fair and even handed. The application of the payments will ultimately depend on the ownership of the house to be developed by Mrs Gill.

If it is an open market house the full payments will be required. This factor is known to both the current landowner and any potential developer and should be covered in the commercial land transaction. The SPD provides exemption from contributions (para 3 of the Summary) if the resulting property/properties will remain genuinely affordable in perpetuity and have been developed in accordance with affordable housing policies contained in the UDP.

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

The Chairman advised that ten Councillors had lodged written questions with the Assistant Chief Executive, Legal and Democratic by the deadline date and time.

1 Question from Councillor A Seldon to Cabinet Member Resources

Earlier this year Bromyard and Winslow Town Council completed the purchase of the Council offices in Rowberry Street, Bromyard. This was not without controversy as the buildings had originally been bought from the Church by the then Bromyard Rural District Council. Some people feel that they have paid for this site twice in the last 50 years. During the negotiations with this Council, there was never any hint that there could be mechanisms for discounts to the value of the site as determined by the District Valuer. Bromyard and Winslow Town Council accepted this as they realised that this Council has a duty to the Council Tax payers of Herefordshire to obtain "best value" for their assets.

A little later in the year, the Grange in Leominster was sold by this Council for the sum of £1.00 in the blaze of much publicity.

In his report, what value does the District Valuer give to The Grange?

Answer from Councillor H Bramer, Cabinet Member Resources

- 1 The situation of the transfer of the Grange is different to the disposal at Bromyard. Following the Quirk Review, it is permissible to transfer surplus assets to charitable community organisations at less than market value. The Grange will be transacted under those terms. Town Councils are specifically excluded and as such the Bromyard disposal was at market value.

Supplementary question from Councillor Seldon

Did selling The Grange for £1.00 demonstrate best value for the Council Tax payer?

Answer from Councillor H Bramer, Cabinet Member Resources

The Cabinet Member Resources stated that in some cases buildings should not be considered as assets, but as liabilities. The Grange would fall into the latter category. The transfer of the Grange to a charitable community organisation demonstrated best value for the community it would now serve.

- 2 **Question from Councillor PJ Edwards to the Cabinet Member Corporate and Customer Services and Human Resources**

- 2.1 When will the **Key Officer Contact List** be available as diary pages?

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

- 2.1 Members' Support were currently working with the printers to provide the Key Officer Contact List as diary pages. It is hoped that the diary pages will be available to Members in August.

- 2 **Question from Councillor PJ Edwards to Cabinet Member ICT, Education and Achievement**

- 2.2 *Given that it appears estimated costs to accommodate Dedicated School's usage of The Hereford Leisure Pool could cost equal or more than basic repair / update costs of The Dedicated LEA Pool, why have these essential repairs not been carried out as a matter of urgency and the Pool reopened?*

Answer from Councillor PD Price Cabinet Member ICT, Education and Achievement

- 2.2 The Cabinet report of 31 July 2008 details the capital costs estimated for the LEA swimming pool and for the Hereford Leisure Pool. The figures do not show that the improvements to the Hereford Leisure Pool would cost more than the LEA swimming pool. The future of the LEA swimming pool has to be sustainable if it is to re-open and we need to carefully consider the cost of running the pool, alongside income from schools and possible income from other groups. We will be unable to open the pool as an ongoing concern if it operates at a loss. Cabinet will consider the way forward at its meeting on 31 July.

Supplementary question from Councillor PJ Edwards

The Cabinet was asked to consider the value of a child's life as children were tempted to learn to swim in the Wye. He additionally stated that he was not satisfied with the figures received on this issue.

Answer from Councillor PD Price Cabinet Member ICT, Education and Achievement

The Cabinet Member noted the comments and stated that the issue would be fully discussed at Cabinet on 31 July 2008. He additionally advised that Halo would meet the criteria required from schools and the provision of lessons.

3 Question from Councillor A Oliver

3.1.1 What was the total cost of salaries paid by the Council in each of the years to 31 March 2006, 2007 and 2008 (excluding teachers and other staff employed within the Schools Budget)?

3.1.2 What were the total number of employees and the unfilled vacancies at each of these dates?

3.1.3 Would you also break down this information between each of the Council's Directorates at these dates?

3.1.4 Would you also advise the number of employees at each of these dates whose salaries were between:

£70,000 to £100,000

£100,000 to £150,000

£150,000 and above

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

Cabinet Member Corporate and Customer Services and Human Resources advised the Council that the answers to the questions were of a detailed nature and that, following prior consultation with Councillor Oliver, a written response would be provided. The Cabinet Member thanked staff for drawing together the comprehensive response. The formal response is attached as appendix 1 to the minutes of the meeting.

Question from Councillor AT Oliver

3.2.1 At the Council meeting on 16 May 2008 the Cabinet Member for Highways and Transportation reported the estimated final cost of the relief road as £12,780,000. Did this forecast include the additional capital expenditure of £1,390,000 identified at the Environment Scrutiny Meeting of Monday 9 June 2008?

3.2.2 What are the compensation events to be agreed, and what is the current estimated cost of the access road?

Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation

3.2.1 & 3.2.2

The amount of £1,390,000 identified at the Environment Scrutiny Meeting of 9 June 2008 is not additional expenditure. It results from a re-profiling of spend for this scheme across the budget years of 07/08 and 08/09 due to revisions to the scheme programme. The re-profiling of spend indicates an increase in spend in 08/09 linked to a decrease in spend in 07/08 but does not represent an overall increase in capital expenditure.

I have previously reported the estimated cost of the scheme as £12,780,000. Expenditure on the scheme has been carefully monitored throughout the project and although some costs have arisen during the project in association with certain aspects of the scheme, for instance relating to the discovery of the Rotherwas Ribbon, final accounts for the scheme have not yet been assessed. It is therefore too early to confirm the final out-turn costs. The scheme costs are being carefully scrutinised by the Council's officers and our agents, Amey Consulting, to minimise any increase in the final out-turn cost. It is anticipated that any increase would be the subject of a formal report in due course when the final out-turn is known.

The Compensation Events referred to are a standard element of the type of engineering contract for the construction of the road that the Council has with the main contractor for this scheme Carillion (formerly known as McAlpine). This terminology refers to events during the contract that, if they occur, and do not arise from the Contractor's fault, entitle the Contractor to additional payments. This part of the contract provides an effective procedure for assessing and agreeing the time and cost effect of these events as they occur and in a timely manner during the contract period. Throughout the supervision of this contract such applications for compensation events are being carefully scrutinised and assessed to ensure they are justified.

Supplementary question from Councillor Oliver

Councillor Oliver thanked the Cabinet Member for his detailed answer and asked whether he could confirm the final prudential borrowing on the project.

The Cabinet Member Highways and Transportation stated that nothing had changed since the previous Council Meeting in May, and if there was to be an overspend this would be identified and Members would be advised of the situation.

Question from Councillor AT Oliver

3.3.1 It is now a year since the Cabinet promised full support for further investigation of the Rotherwas Ribbon site. Would the Cabinet Member for Environment and Strategic Housing provide an update as to the current position?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

3.3.1 English Heritage have agreed in principle to fund further investigation of the paved burnt stone feature found in 2007, according to a staged programme. An application has been submitted for funding for the first stage of this work, a multi-component advanced geophysical and laser imaging survey. Worcestershire County Archaeology Service have submitted a report on post-excavation results from 2007 that have considerably advanced understanding of the monument, the substance of which was issued as a Press Release and was widely reported in the media. More information is available via the Council's website.

Supplementary question from Councillor Oliver

Councillor Oliver sought assurance that following work on the landscaping, that the site of the Rotherwas Ribbon was being preserved.

This situation was confirmed by the Cabinet Member.

4 Question from Councillor TM James to the Cabinet Member Resources

- 4.1 *Can the Cabinet Member inform Members of the total level of all Council borrowing at 1 April 2008 and the predicted level of borrowing at 31 March 2009.*

Answer from Councillor H Bramer Cabinet Member Resources

- 4.1 The council's borrowing at 31 March 2008 was £105,888,614 of which £12.5m was borrowed in 2007/08. At this point we expect the total amount of borrowing at 31 March 2009 to be £126.5m.

Supplementary question from Councillor James

Councillor James stated that he was grateful for the clarity of answer to the question as different figures had been presented to Members in other meetings on the same issue.

Cabinet Member Resources assured Council of the figure and stated that included unsecured prudential borrowing and supplementary borrowing.

5 Question from Councillor RI Matthews

- 5.1 *On the 27 and 28 May 2008 the Cabinet spent two 'Awaydays' at 'Allt-yr-Ynys'. Can you please tell Members what was the total cost of this event, including all travel costs?*

Answer from Councillor RJ Phillips, Leader of the Council.

- 5.1 It would be artificial to isolate the costs of this development session alone as it is an integral element of the overall member development programme being put in place with support from the Leadership Centre for Local Government. The programme incorporates Executive, Scrutiny and front line member development and is being shaped to meet the various requirements and expectations being placed on councillors in Herefordshire as identified in the report produced at the end of last year by Ian Crookall. Details of the programme are being progressed through the Leadership Centre. External funding to support this programme is also being sought.

However, excluding facilitation (for reasons outlined above) the total cost is expected to be not more than £1,900 equating to some £211 per Cabinet Member attending. 'Away days' had been used in the past under previous administrations.

Supplementary question from Councillor RI Matthews

In these difficult financial times it would have been a better example to staff for such an event to be held in Council accommodation.

In response, the Leader of the Council stated that a matter of judgement was taken with professional advice. Collectively the Cabinet Members got as much out of the away-day (which was held in Herefordshire) as possible.

Question from Councillor RI Matthews

- 5.2 *As of today what is the total amount of borrowing which the Council has, and how much of this has been borrowed during the past twelve months?*

Answer from Councillor H Bramer, Cabinet Member Resources.

- 5.2 The council's borrowing at 31st March 2008 was approximately £106m of which £12.5m was borrowed in 2007/08. At this point we expect the total amount of borrowing at 31st March 2009 to be £126.5m.

Supplementary question from Councillor RI Matthews

Councillor Matthews stated that he has sought clarification of the figure as there would be difficult times ahead and that it was important to ensure a sufficient stream of borrowing as necessary.

Cabinet Member Resources assured Members that there was a sufficient steam of borrowing to support the Council and stated that the Treasury Management Strategy included two important indicators of relevance when considering the Council's borrowing position. One indicates the absolute level of debt the Council may incur and should only be reached in exceptional circumstances. In 2008/09 this is £185m. In 2009/10 it is £205m. In 2010/11 it is £220m

The second indicator shows the 'prudent' level of maximum external debt. This is £158m in 2008/09, £170m in 2010/11 and £180m in 2010/11. It is this indicator that informs the day to day levels of borrowing we enter into.

6 Question from Councillor WLS Bowen

- 6.1 *Does the Cabinet Member for Highways and Transportation realise that the County boundary signs for Herefordshire are tautologous and demonstrate a very poor use of the English language. Could (and should) these signs be changed either to "The County of Hereford" or to "Herefordshire"?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 6.1.1 In referring to a suggestion from Councillor Bowen that the entrance sign to the County could read 'The County of Hereford', it was stated that one could take the Hereford out of Herefordshire for the City, but one cannot take the Shire out of the County.

As with all road signs, boundary signs must comply with the Traffic Signs Regulations and General Directions, unless specific exemption is sought from the Department for Transport. The legend the 'County of Herefordshire' fits exactly with the requirements of these regulations.

The signs were erected in April 1998 and reflect the reinstatement of Herefordshire as a county in its own right and no longer joined with Worcestershire.

I do not agree that the suggested alternative wording would be more appropriate and believe that the existing signs effectively communicate our welcome to the county. The replacement of these signs, merely to change their wording, would involve significant expenditure that I do not consider would represent good value for money at the present time.

6 Question from Councillor WLS Bowen

6.2 *Am I correct in thinking that my suggestion that Herefordshire should attempt to become a plastic bag free County was well received? If so, what is being done to put this matter into practice?*

6.3.1 *Am I also correct in thinking that my suggestion that much higher standards of insulation, energy efficiency and use of renewable energy sources in all new developments in Herefordshire would be required and that these standards would be well above the national guidelines?*

6.3.2 *If so, what is being done to implement these proposals?*

6.3.3 *Is the Cabinet Member aware that Local Authorities can set their own standards and that other Local Authorities have already done so?*

6.3.4 *Why has nothing been done so far?*

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

6.2. I am taking a report to Cabinet next week that will reduce the county's use of plastic bags by 2.25M. If Cabinet agrees the report's recommendations the County will not only keep its much valued weekly refuse collection but will see kerbside recycling being extended to nearly every home in the county. Having set a good example ourselves we will be approaching all the major supermarkets to discuss what they can do to reduce our county's bag use still further.

6.3.1 to 6.3.4

Much work remains to achieve the highest standards of building insulation.

The planning process is currently seeking to achieve Sustainable Code 3 status for all major new residential developments. This level is beyond the current Building Regulations

Both officers and Members are aware that other councils have set their own standards in this regard. The London Borough of Merton is a well known example. These authorities have achieved their successes due to having a strong policy basis for so doing in their adopted UDPs/local plans. This has generated equivalent support from the Planning Inspectorate.

This Council does not have such a policy in its UDP. This matter is being addressed in the evolving Local Development Framework

Supplementary Question from Councillor Bowen

Councillor Bowen commended the Cabinet Member for the action taken to date and asked whether any amendment would be made to the UDP in respect of this issue?

In response Cabinet Member for Environment and Strategic Housing accepted the comments made, and whilst amending the UDP would be desirable it would not be possible to take forward.

6 Question from Councillor WLS Bowen

6.4.1 *Why has Herefordshire Council abandoned its use of Green Electricity? Would you agree that this gives a very poor example to the rest of the County?*

6.4.2 *Do we yet know what the energy usage is for all our Council buildings? Are they all metered? If we do not know these basic parameters – why not?*

6.4.3 *How can we make progress in more efficient use of energy if we have scant knowledge of how much or where energy is being used?*

Answer from Councillor H Bramer Cabinet Member Resources

6.4.1 Herefordshire Council switched from electricity from renewable sources to energy from Good Quality CHP (Combined Heat & Power) for its offices and schools last autumn because of increased differentials between renewable electricity and other supplies. The overall cost saving from the switch was £55,000 per annum. This does not affect the Council's emissions calculated under the new National Indicator 185 (NI185) as reduced emissions can only be claimed for on-site renewables and CHP generated on site.

The Council actively promotes energy efficiency to householders through its HCEA programme, which sets out the important contribution such measures make to reducing climate change. The Herefordshire Partnership has also set a target for per capita carbon reductions (NI186) in the incoming Local Area Agreement so has given climate change a high corporate priority.

6.4.2 Yes

Supplementary Question from Councillor Bowen

Should more efforts be made so that Council buildings could create their own energy?

In response, Councillor Bramer stated that climate change was an issue being addressed through the Local Area Agreement.

7 Questions from Councillor MD Lloyd-Hayes

7.1 *What actions does the Leader intend to take arising from the judgement by Mr Justice Collins in the case of the Dinedor Hill Action Association v. Herefordshire Council?*

7.2 *It was recently reported in the press that Brockington would be sold but the Town Hall would not. Can the Leader reassure me that this is the case?*

Answer from Councillor RJ Phillips Leader of the Council

7.1 The Council is naturally disappointed to learn of the decision of the High Court in connection with a Judicial Review brought by Dinedor Hill Action Association Limited which challenged the Council's decision to allocate land at Bullinghope for residential development.

In yesterday's Judgment the Honourable Mr Justice Collins allowed only part of the Association's claim. The Judge decided that the Council should have more fully set out its reasons when allocating the land for residential development. However, His Lordship went on to reject the Association's request to exclude

the Bullinghope land from the new and wider City boundary. The Judge further rejected the Association's claim that an additional public enquiry should have been held following the Council's decision.

The Council will now be studying a detailed transcript of the Judgment with senior Legal Officers in order to explore grounds of appeal. It would be inappropriate for me to comment further at this juncture.

- 7.3 The Council is currently undertaking an options appraisal in respect of the provision of back office accommodation for the joint organisations of the Council and PCT. This appraisal will also look at the options for retention and continued use of the Shire Hall and the Town Hall.

Supplementary question from Councillor Lloyd-Hayes

Councillor Lloyd Hayes stated that her understanding of the judgement differed to that of the Leader's. Would the Leader adopt a 'cards on the table' attitude as advised by Justice Collins? Additionally, concern was expressed in respect to the cost to the Council of supporting the legal case. Assurance was also sought that Hereford Town Hall would not be sold.

In response, the Leader stated that a decision, which was supported by 43 Councillors, took place as Government had turned down funding for the Rotherwas Access Road. In the development of the LDF the authority was required to identify sites for 8,000 homes which had been undertaken in an honest and transparent manner. In addition to the identification appropriate sites for housing, consideration needed to be given to the impact on the City and the wider County on the infrastructure and how this increased burden could be overcome.

Responding to the comment regarding the Town Hall, the Leader stated that the building was important to the life of the community and that a consistent message had been given that it would not be sold

8 Question from Councillor GFM Dawe

The number of jobs at Rotherwas has been recorded differently. The Owen Williams business case for the Rotherwas Access Road submitted with the planning application for the road said there were 2,200 to 2500 jobs at Rotherwas. A GVA Grimley report, in 2006 revised this figure to 4,200 (letter from Jon Payne AWM Oct 2006). More recent Council meetings have put the number back down to around 2000.

The Department for Transport advised that the estimated number of 'jobs created' consequent on the building of the Rotherwas Access Road to the Rotherwas Industrial Estate should be reduced from Herefordshire Council's estimate of 1,030 to 290 (Rotherwas Access Road Major Scheme Business Case (RARMSBC), July 2005. Herefordshire Council and Owen Williams consultants, page 5). Herefordshire Council ignored this advice.

Recently, at the Community Services Scrutiny Committee meeting of 17 July 2008 the Tory Cabinet Member for Economic Development and Community Services, Councillor Blackshaw, stated that the Rotherwas Access Road will lead to a 100% increase in jobs at Rotherwas. He was backed in this assertion by several other Conservative councillors.

In view of the large investment in the road (£12m) it is important to clarify and

monitor the situation. Can Herefordshire Council provide job numbers, full time and part-time at Rotherwas Industrial Estate broken down by:

- a) Council employees;*
- b) Amey Laing employees;*
- c) Remaining independent firms' employees.*

8.1 Can these be provided for the years:

2002; 2003; 2004; 2005; 2006; 2007; 2008 –current

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

8.1 The number of employees on the Rotherwas Estate fluctuates by season and as businesses come and go. For the Rotherwas Futures study conducted in 2005 our consultants, GVA Grimley, calculated the number of employees from information provided by the Chamber of Commerce and backed up by phone calls to companies missing from that database. This work was done around the end of 2005 and established that there were approximately 3,364 employees working from 130 businesses in 80% of the accommodation from which information could be gathered. This was extrapolated to provide a total estimated number of employees of 4,207, with no breakdown of full and part-time workers.

Based on this work and the selected option from the report, the further development of Rotherwas could provide 2,194 new jobs. Since companies currently on Rotherwas are under no obligation to provide numbers of employees, and the information is not usually essential to Council business, the employee numbers are not monitored and updated. However, the ground leases for new plots will have a clause obliging companies to provide employee data on an annual basis so that the number of new jobs created can be monitored. The full development of Rotherwas is beyond the scope of the current agreement, and therefore the number of new jobs to be created through the Rotherwas Futures project has been set at 850.

The figure of 2,500 existing jobs at Rotherwas is still used as a conservative estimate of numbers to take account of seasonal fluctuations and company closures, although there have been extensive developments on the estate in recent years so this is undoubtedly a minimum figure. There are currently 150 Council staff and 64 Amey staff working from the estate. This suggests that there are currently between 2286 and 3993 independent firms' employees on the estate. The opening of the new Rural Enterprise Centre in August or September will provide an opportunity for over 90 new jobs.

Question from Councillor GFM Dawe

8.2 Would the Cabinet Member for Environment and Strategic Housing, Cllr. Jarvis, list the housing completions expected for developments of 250 houses or more between now and 2011?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

8.2 The current sites of more than 250 dwellings which as of end of March 2008 were yet to be completed but have planning permission or are allocated in the UDP are:

Bradbury estate - estimated around 250 left to be completed (most under construction).

Barons Cross Camp Leominster - 425 (not started)

Land at Holmer, Hereford - 300 (not started)

Land at Bullinghope - 300 (not started).

The latter sites' future is dependent on the current judicial review of its allocation in the UDP.

Supplementary Question from Councillor Dawe

Councillor Dawe stated that to continue to include Bullinghope figures in the UDP was a misjudgement and confirmation was sought that Bullinghope would no longer be included in the projections.

In response Cabinet Member for Environment and Strategic housing stated that the outcome of the judgement did not restrict a planning application from coming forwards for consideration, however the authority would not be putting the 300 homes in future housing numbers summaries.

9 Question from Councillor ACR Chappell

9.1 *What opportunity will Council have to consider the full outcome of the High Court decision concerning the inclusion of land at Bullinghope within the UDP?*

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

9.1 Councillor Chappell was referred the answer provided in response to Councillor Lloyd Hayes' question.

Supplementary Question from Councillor ACR Chappell

Does the Leader agree that there should be an independent enquiry to determine; how the Bullinghope homes were included within the UDP; why professional advice of officers were ignored; who made contact with Bloor Homes and why advice provided by Councillor Chappell was ignored on two occasions. It was proposed that the Chairman of the Standards Committee be asked to lead an inquiry which would report back to a future Council meeting.

In response the Leader stated that the possibility of lodging an appeal was being considered and therefore at this time he was not in a position to answer the supplementary questions directly. He reiterated the statement that Government had repeatedly refused to fund a relief road despite consistent delegations to the Department of Transport. Further information was awaited regarding the judgement.

Councillor Chappell stated that the matter was of great importance and that a fuller response should be provided by the administration, whether or not the council appeals to the judgement. He reminded Council that on two occasions it had been minuted that there were alternatives, however these alternatives had not been investigated further and therefore this lack of research needed to be looked into.

Responding to Councillor Chappell, the Leader stated that it would be necessary to review the case to assess whether an appeal would be lodged and a meeting of Group Leaders would be called following a review of the situation.

Councillor Chappell formally handed a letter to the Chairman, which had been signed by six Members of the Council calling for an extraordinary meeting of the Council.

The Chairman acknowledged receipt of the letter and the Legal Practice Manager confirmed that the letter would be treated in line with the processes as set out in the Council's constitution.

10 Question from Councillor WU Attfield

10.1 Would the Cabinet Member for Environment and Strategic Housing state what forecasts he has for completions of socially affordable housing between now and 2011?

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

10.1 The targets we are currently working to for the next three years in delivering affordable housing in Herefordshire are;

2008/9 – 200

2009/10 - 300

2010/11 – 350

Whilst we remain hopeful that we can meet the target of 200 in 2008/09 there is no doubt that the changing conditions in the housing market will make the delivery of our targets for following years extremely challenging. We do rely on private sector housing developments coming forward as a key element of our work and as everyone will be aware, the market conditions are currently very difficult.

Supplementary question from Councillor Attfield

Councillor Attfield stated that it was necessary to concentrate on ensuring that the number of affordable houses were maintained within the County and that appropriate building should be encouraged, though it was imperative not to go against the judgement. Councillor Attfield asked why an officer of the Council gave the impression that socially affordable housing would be provided if the planning application went ahead?

The Cabinet Member Environment and Strategic Housing stated that the S106 was not finalised and that a planning application had not been considered. Members would ensure that proper and appropriate affordable housing would be considered for the site should a planning application be received. The Cabinet Member expressed the view that the number of affordable homes was a challenging target and he called on all Members to work together to bring to the attention of officers appropriate sites for consideration.

8. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman stated that a notice of motion had been submitted from

Councillors PJ Edwards and PA Andrews, and moved urgency;

'In reference to the current Service Review being undertaken jointly by our Council and Amey Wye Valley Ltd:

That Herefordshire Council urgently seek to improvements in the standard of maintaining its Parks, Open Spaces and Streets Local Environment and this be a key consideration with the current review is being carried out relating to Service Delivery"

Councillor PJ Edwards proposed the motion as outlined in the agenda. He stated that the value of tourism to the County was recognised by all, and that he considered that such activities as cutting verges only twice a year were not contributing to this important sector, especially when on occasion street signage was hidden by uncut grass. Whilst he recognised that the City and Market Town areas were different, Councillor Edwards informed the Council that there had been a marked deterioration in the last three years. It was additionally recognised that whilst some areas were well looked after, others appeared to have been ignored with the visible consequences of weeds and overgrown verges. When brought to the attention of the Strategic Monitoring Committee, contractors took action to tidy up the flower beds in Brockington. Councillor Edwards stated that the uneven service provision was unsatisfactory and requested that when the issue be considered by Cabinet that everything was done to improve the environment and street scene county wide.

Councillor P A Andrews formally seconded the motion.

The Cabinet Member Economic Development and Community Services informed Members that he agreed with the content of the motion and that a report would be considered by Cabinet on 11 September 2008. A negotiating team had been set up within the authority to consider the contract and the Cabinet Member endorsed Councillor Edwards's comment that it was vital to maintain the county's environment as tourism was important to the county's economy and expressed the view that there was room for improvement in the current service provision.

The Cabinet Member Highways and Transportation advised Members that on 18 June 2008 an early warning letter was served on Amey Wye Valley in respect of grass cutting and the cutting of verges. The Cabinet Member confirmed that the whole contract was under discussion and both sides had agreed that service delivery was currently not satisfactory. It was essential to ensure that the service provided to the County provided value for money. A report would be considered by Strategic Monitoring Committee prior to formal consideration by Cabinet in September.

The Liberal Democrat Group Leader emphasised the need to consider the cost of delivery of service against the value for money for the service provided e.g. the number of staff attending to single flowerbeds.

The Chairman called for a vote on the notice of motion as outlined in the agenda papers, which was carried unanimously.

For	54
Against	0
Abstentions	0

9. CABINET

The Leader of the Council, Councillor RJ Phillips, presented the report of the meetings of Cabinet held on 29 May, 12 June and 10 July 2008.

In discussion the following comments were expressed:

Councillor Lloyd Hayes raised the issue of the LEA Swimming Pool, which had been deferred as a Cabinet item, and advised Members that she had been contacted by both school staff and parents complaining that school swimming lessons were no longer available at the LEA pool as it had been closed. The provision for school swimming lessons at Halo was limited; both in terms of space available in the pool and the time, additionally car parking charges had doubled. She called for the Council to take seriously the concerns expressed about the closure of the LEA pool and the loss of its value to the wider community.

In response the Leader stated that the LEA Swimming Pool would be considered at the Cabinet on 31 July and that the Councillor's comments would be taken on board.

Councillor Toon expressed the view that she was appalled by the report considered by Cabinet on the Wyebriidge Academy (page 47, 5.1) which referred to the 'disinterest' of parents, referring to the fact that only eight parents attended the public meeting. Councillor Toon wished it to be clarified that the notification of the meeting had been distributed late and that the meeting had been called on the basis of discussing the sole issue of the school uniform, and that it had not been made clear that the closure of the school would be discussed in the public meeting. This was considered to be a failure of the Council's consultation process.

The Cabinet Member Children's Services did not consider the lack of interest to be a failure of the consultation process and advised Members that school uniform was a subject that the parents wished to discuss.

Councillor RI Matthews requested that parish councils be approached for their views during consultations as he expressed the view that this had not been undertaken in a constructive manner in relation to the Herefordshire Local Development Framework (LDF): Core Strategy (page 49, 8.2).

In reference to the Herefordshire LDF : Core Strategy and Strategic Housing Availability Assessment items (8.2 and 8.3 page 49), Councillor PJ Edwards sought assurance from the Cabinet Member Environment and Strategic Housing that amenity land would remain as a public resource and would not be considered as potential sites for development.

Councillor ARC Chappell asked whether the Cabinet Member Environment and Strategic Housing agreed that the Council and housing associations could be more imaginative in their approach to development of affordable housing in the county. The Member informed Council that his political party would be shortly launching a plan which would outline alternative approaches to the provision of social housing and eco friendly development; examples of such alternative approaches were given which included projects both in the UK and in Sweden.

Responding to those questions relating to his portfolio in sequential order, the Cabinet Member Environment and Strategic Housing advised the Council that:

- In response to Councillor Matthews, the Cabinet Member had been concerned about the manner in which the parish councils had responded to the consultation opportunities made available to them, however Members were assured that the views of those parish councils which had submitted responses had been taken into account. Officers had engaged with the public through different approaches during the consultation, which included road shows; these events had been a great success and officers involved were thanked. The Cabinet Member additionally stated that work was being undertaken with parish

councils to assist them through future consultation processes.

- In response to Councillor Edwards, the Cabinet Member acknowledged that the original Cabinet report published highlighted amenity sites as 'potential housing development sites' and that new plans had been made available at the meeting to rectify the issue.
- Responding to Councillor Chappell's question, the Cabinet Member expressed the view that the future of housing in Herefordshire was a cross party issue and that he would invite the Member to bring forward for consideration potential solutions or approach that would be published by his political party.

The Leader informed Members of the importance of consultation as a process by which the opinions of all could be considered. He stated that it was important to consider the value of open spaces, whilst also recognising the need to secure the future of appropriate housing developments within the boundary of the City and within the wider county. The Leader expressed the view that there was a need to ensure that future developments were community focussed, and urged any Member to bring forward for consideration proposed schemes or ideas. Members were reminded that any future housing developments would need to take account of the cost of additional infrastructure provision.

In response to a question raised concerning the use of Holme Lacy Road by lorries, as opposed to the Rotherwas Relief Road, the Cabinet Member for Highways and Transportation emphasised that restrictions had been put in place to reduce the use of Holme Lacy Road by lorries, this included the erecting of restriction signage on Holme Lacy Road. Local businesses had been informed that the Rotherwas Relief Road would be the appropriate route for their use and that this was to be encouraged. The Cabinet Member Highways and Transportation additionally assured Members that whilst at present there was no proposed order for Hinton Road, if lorries did habitually use this route, provision of an appropriate order would be actioned.

Councillor Lloyd Hayes raised concerns regarding homelessness within the county and specifically the inadequate provision of hostel accommodation. The Council's attention was brought to the issue of 300 migrant workers who had been made unemployed by a Herefordshire company which also provided the workers with accommodation. The Council was not alerted to this situation, and many migrant workers had approached the public in an informal manner searching for both work and housing. The Councillor expressed the view that the Council had a duty of care to support appropriately those in need and that an element of equality of provision needed to be addressed.

In considering the issues of homelessness in the county, Councillor PJ Edwards drew the Council's attention to the fact that whilst the homelessness figures had partly improved in the county, the plight of three generation families, housed in the same accommodation was a hidden problem. He mentioned that constituents in this situation were not putting themselves forward to declare themselves as homeless, but solutions needed to be considered to assist such families, many of whom lived in two bedroom accommodation, unsuitable for such extended living.

The Cabinet Member, Social Care Adults stated that homelessness, as an issue, would not go away and that the current economic climate could have a direct impact on the number of homeless individuals and families within the county. The Cabinet Member stated that she would welcome any suggestions from Members on this issue.

RESOLVED: That the reports from the meetings of Cabinet held on 29 May, 12 June and 10 July 2008 be received.

10. CONSTITUTIONAL AMENDMENTS

The Chairman invited Mr Kevin O'Keefe, Legal Practice Manager to present the report to the Council on the proposed changes to the Council's constitution.

In considering the report, the following comments were expressed by Members:

Councillor RI Matthews acknowledged that there was a need to reconsider the structure of the Council meetings; however he expressed the view that it was imperative that the public did not feel discouraged from providing an input into the meetings. Councillor Matthews also stated that the asking of supplementary questions by the public should be considered.

Councillor ARC Chappell suggested to Council that should supplementary questions be considered appropriate for public questions, these could be asked by the relevant ward member.

Councillor A Seldon endorsed the view that the engagement of the public required careful consideration as their participation in the Council meeting would be valid. He stated that he would consider it appropriate for a member of the public, if present, to be allowed to ask one supplementary question.

Councillor TM James stated that he agreed with the principle of supplementary questions from members of the public, however he emphasised that it would be imperative for meetings to be well-controlled with the protocols strictly adhered to.

Councillor KG Grumbley noted that work was ongoing to revise the constitution and drew Members' attention to Appendix 3 of the report and specifically page 116, 9.1 in which reference was made to the Training and Awareness requirements of Members in relation to the Members Code of Conduct. He stated that training and awareness should be specifically referenced in the complementary Officer Code of Conduct. Consideration also needed to be given to the mechanism by which both Members and Officers formally signed up to the Code of Conduct, and the method by which refresher training was given. Councillor Grumbley stated that further consideration needed to be given to the language used in the documents to ensure that they were clear and concise and reflected the comments provided.

Councillor RH Smith advised Council that several drafts of the Scheme of Delegation (appendix 2 of the report) had been considered by the Audit and Corporate Governance Committee, and whilst the document under consideration by Council would not be a final version in terms of accuracy, the delegations outlined within the document reflected the firm principles required.

Councillor MD Lloyd Hayes agreed with the suggestion of supplementary questions from the public as long as there was a time limitation. The Councillor stated that other local authorities did allow differing public participation in both Council and Cabinet Meetings.

Councillor AE Gray endorsed the views expressed by Councillor Smith and additionally asked whether the Leader would confirm that the integration of Ross-on-Wye's Infoshop with the Library was considered to be a formal amalgamation or a co-location.

Councillor AM Toon advised Members that she had expressed her concerns to the Assistant Chief Executive, Legal and Democratic that the process for adopting changes to the constitution had not been followed on this occasion.

Councillor SJ Robertson requested that Members be kept informed of future issues

relating to possible changes to the constitution as it was imperative that all Members had an opportunity to comment on issues that could be perceived as having a detrimental effect on their role as a local ward leader.

The Leader thanked Members for their constructive comments and advised that they would be taken on board. He emphasised the view that the constitution needed to be refreshed to ensure that it remained robust and took account of the best practice of other authorities. The Council's attention was drawn by the Leader to Appendix 1, page 64 to which the addition of 'Public Rights of Way' would be added to paragraph 6.10 to the portfolio of the Cabinet Member Highways and Transportation.

RESOLVED THAT COUNCIL:

- (a) **adopts for inclusion in the Constitution a revised Part 6 The Executive, which reflects the changes to the Cabinet portfolio structure (including the addition of 'Public Rights of Way' to paragraph 6.10);**
- (b) **notes the need to amend the Constitution's Part 8 Standards Committee to reflect the Standards Committee's extended remit. A formal recommendation for adoption is included in the Standards Committee report at Agenda Item 12.**
- (c) **adopts for inclusion in the Constitution a new Part 12 Officers' Responsibilities (Scheme of Delegation);**
- (d) **adopts a new Appendix 12 Protocol for Member/Officer Relations;**
- (e) **adopts a new Appendix 14 Code of Conduct for Employees; and**
- (f) **adopts for inclusion in the Constitution revisions to section 4.24 of the Constitution which refers to Questions and Petitions from members of the public as outlined in paragraphs 9-11 of the report.**

11. PLANNING COMMITTEE

The Chairman of the Planning Committee, Councillor T Hunt formally moved the adoption of the report of the meetings of the Planning Committee held on 23 May and 4 July 2008.

In reference to the West Midlands Regional Spatial Strategy (as outlined on page 120 of the Agenda) Councillor Hubbard asked whether Hereford City would be expected to accommodate additional housing numbers in order to pay for a second river crossing.

In response, the Leader advised Members that no additional housing figures were being put forward, however Members were informed that the Secretary of State was actively increasing the number of new houses to be accommodated within the West Midlands as a whole. The Leader additionally took the opportunity to advise the Council that the authority was not pressing to accommodate an eco-town.

RESOLVED: That the report of the meetings of the Planning Committee held on 23 May and 4 July 2008 be received.

12. STANDARDS COMMITTEE

The Chairman of the Standards Committee, Mr Robert Rogers presented the report of the Standards Committee and formally moved the adoption of the

recommendations contained within the report for the meeting held on 4 July 2008.

In response to a question from a Member about the recruitment of an independent member to the Standards Committee, Mr Rogers advised the Council that information advising the public of the recruitment process had been published within Herefordshire Matters and the local press. The deadline for receipt of applications would be Friday, 8 August and that selection would follow the Council's formal appointments process

Councillor B Hunt advised Council that the West Mercia Police Authority (WMPA) were keen to develop joint working arrangements with the Standards Committee and the WMPA's thanks was expressed to Mr Rogers and the Herefordshire Standards Committee for sharing with the WMPA updated information and documentation which had been very well received and quoted as best practice.

RESOLVED:

That

- (a) the amendments to Part 8 of the Constitution (the Standards Committee) and the Terms of Reference for the Assessment Sub-Committee and the Review Sub-Committee be approved;**
- (b) the Monitoring Officer be instructed to notify Members of receipt of any complaint, and**
 - Provide a written summary of the allegation to the Member(s);**
 - At the same time acknowledge receipt of the allegation from the person making the allegation;**
 - No later than sending the agenda to Members of the Assessment Sub-Committee unless, after consultation with the Chairman of the Standards Committee, the Monitoring Officer considered it appropriate to defer notification in order to enable proper investigation to take place;**
- (c) the protocol set out at Appendix 4 authorising the Monitoring Officer to seek local resolution in appropriate cases, and setting out the Committee's expectations of a Monitoring Officer through the referral process be adopted;**
- (d) the identity of a complainant to be kept confidential if the Monitoring Officer has reason to believe that the complainant:**
 - Would be at risk of physical harm;**
 - Is an officer who works closely with the Member and there is a reasonable fear of intimidation or incrimination;**
 - Suffers from a serious health condition which might be affected;**
- (e) meetings of the Assessment and Review Sub-Committee be held in private unless the relevant Sub-Committee determines otherwise;**
- (f) the functions of determining whether to accept the Monitoring Officer's findings of no breach, to go to a local**

hearing or to refer the matter to a case tribunal to be delegated to a Hearing Panel of Members of the Standards Committee; and

- (g) the Monitoring Officer be instructed to promulgate these changes after consultation with the Chairman of the Standards Committee.

13. STRATEGIC MONITORING COMMITTEE

The Chairman of the Strategic Monitoring Committee (SMC), Councillor PJ Edwards presented the report of the meetings held on 13 June and 16 July 2008. He drew Members particular attention to on going work on the following; Review of Service Delivery Partnership, Office Accommodation Strategy and Herefordshire Connects.

In response to a question regarding the Office Accommodation Working Group, Councillor Edwards stated that the membership of the group was made up, in the main, by Members from SMC. The working group had met and had reported back to the Committee.

Councillor RH Smith raised with the Chairman of SMC the point that a one day review of the ESG Project was to take place, arranged by the Community Services Scrutiny Committee, however he was concerned that no terms of reference had been drafted and no information had been released as to its focus or content.

As Chairman of the Community Services Scrutiny Committee, Councillor James responded to the issue regarding the scrutiny review of the ESG Project. Councillor James clarified that the authorisation of the Chairman of SMC to an individual scrutiny review was not required and that this particular review had been agreed by the Director of Regeneration and the Chief Executive of ESG Ltd. The Councillor further stated that the ESG project was a major public issue, which concerned a vast number of businesses in the locality. An invitation was extended to Members to attend.

The Cabinet Member Corporate and Customer Services, and Human Resources suggested that in the future the committee should consider terms of reference prior to the commencement of a scrutiny review. This would provide an opportunity for constructive comments to be considered at the start of any process.

Councillor B Hunt referred to the proposed expansion to radiotherapy services which was outlined on page 145 of the Agenda. He expressed his dismay that the information to date seemed to be favouring Worcester, and urged SMC and the Health Scrutiny Committee to be vociferous in their campaign to expand the provision to Hereford.

Councillor JK Swinburne, Chairman of the Health Scrutiny Committee, was invited to update the Council on this important issue. The Councillor advised Council that the provision of additional radiotherapy services were vital to both Herefordshire and Worcestershire, as well as Wales, and that an enormous amount of work had been undertaken behind the scenes. A delay in the decision had occurred due to the fact that Worcestershire insisted on additional consultation on the location of any service; however a decision was due to be taken on 28 July 2008 by the Board for the three Counties. The Council was informed that neighbouring authorities in Wales were in support and had stated that they would use radio therapy provision should it be available within Herefordshire. Sincere thanks were expressed to colleagues within the PCT who had worked valiantly to produce comprehensive reports and financial analyses.

The Leader advised the Council that he had been in contact with the Leader of Powys Council. The Leader expressed his appreciation to Councillor Swinburne and

Members of the Health Scrutiny Committee for their efforts.

In response to a comment that the Alliance Group was the only group to be excluded from the SMC, Councillor Edwards reminded Members that the meetings were held in public session and that no Member was excluded from attending, he added that all Members were invited to speak in the SMC meetings if requested.

RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 13 June and 16 July 2008 be received.

14. REGULATORY COMMITTEE

The Chairman of the Regulatory Committee, Councillor Brigadier P Jones moved the report for the meetings held on 15/27 May, 20 May, 17 June and 15 July 2008. Councillor Brigadier Jones informed the Council that much consideration had been given recently to the issue of taxi licensing and that he was pleased to advise the Council that the Regulatory Committee had been able to resolve the issue of balancing the safety of the people of Herefordshire with the livelihood of the taxi drivers.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 15/27 May, 20 May, 17 June and 15 July 2008 be received.

15. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

The Chairman of the Audit and Corporate Governance Committee, Councillor ARC Chappell moved the report of the meetings held on 20 June and 3 July 2008. The Chairman gave particular thanks to his Vice-Chairman, Councillor RH Smith on his detailed analysis of the Code of Corporate Governance.

RESOLVED: That the report of the meetings of the Audit and Corporate Governance Committee held on 20 June and 3 July 2008 be received.

16. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority (WMPA) for the meeting held on 10 June 2008. It was stated that the Chief Constable was unable to attend this Council meeting and that he would not be in a position to attend the October meeting either. A separate stand alone event would be arranged to which all Members of the Council would be invited to attend. Members were informed that Councillor RH Smith had been confirmed in post as a representative from this Council to the WMPA following the resignation of Councillor KG Grumbley. The Council's attention was drawn to the fact that a record number of police officers, community safety officers and non uniformed staff were on the establishment. Councillor Hunt advised Members that a number of the Policing Matters Group (PMG) had started to meet and that, as Chairman of the PMGs, he would be overseeing their effectiveness. Prior to the PMG's October cycle of meetings their dates would be notified in the local press; Councillors were encouraged to attend their local PMG meetings.

In response to a comment on the single non emergency telephone number, Councillor Hunt advised Council that the pilot which had been run had received positive feedback. Any roll out of this scheme would include consultation with local

authorities and was to be run as a trial within the West Mercia area.

Councillor Hunt also sought to reassure Members of the use of Mosquito devises following a comment from Councillor KS Guthrie. Councillor Hunt assured Members that strict guidelines were being drawn up relating to the implementation of such devises which emitted a high tone whistle, which was irritating to young people, as they were sensitive to its pitch. The draft guidance would be shared with Members on request.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 10 June 2008 be received.

17. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

The Chairman of Hereford and Worcester Fire and Rescue Authority (FRA), Councillor Brigadier P Jones presented the report of the meeting held on 16 June 2008. Members were advised that Councillor Brigadier Jones had been re-elected for a further year to the position of Chairman. The Chairman informed the Council that the next Combined Fire Authority meeting would be held in Hereford and that close working was currently being undertaken with Warwickshire FRA. Referring to page 165 of the report, Councillor Brigadier Jones clarified that the document related to the scrutiny of the FRA's role and response to flooding, and that the FRA would take on a formal statutory duty for flooding.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 16 June be received.

The meeting ended at 12.50 p.m.

CHAIRMAN