

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 13 November 2009 at 10.30 am

Present: Councillor J Stone (Chairman)

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

45. PRAYERS

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

46. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Davies, MJ Fishley, AE Gray, RV Stockton, WJ Walling and JB Williams.

47. DECLARATIONS OF INTEREST

Councillors MAF Hubbard and JD Woodward declared personal interests in Item 8 as directors of the 'It's Our City campaign'

Councillor RJ Phillips declared a personal interest in agenda item 8 as a Director of the Edgar Street Grid Company

The Chief Executive declared a personal interest in agenda item 8 as a Herefordshire Council appointed Director of the Edgar Street Grid Company.

48. MINUTES

RESOLVED: That the minutes of the meeting held on 24 July 2009 be approved as a correct record and signed by the Chairman.

49. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that on 26 October, the County received a Royal Visit by HRH The Princess Royal to Global Radiodata Communications Limited facilities for the opening of the new business park. She also visited Milsys (uk) Limited at Rotherwas and Chamber of Commerce Herefordshire and Worcestershire.

The Chairman informed Council that he would be attending the opening of the Flood Alleviation Scheme at Ross-on-Wye on Monday 16 November.

Council was informed that Herefordshire Council had been presented with a prestigious award for having the best regeneration team in the region. It received the top prize at the RegenWM awards evening at Birmingham's Millennium Point on the 10 November 2009.

The Chairman updated Council on Herefordshire's new recycling service. In the first week of the new recycling service more than double the amount of recyclable materials were collected compared with the same time last year. This year 240 tonnes of recyclable materials were collected, compared with 97 tonnes during the same period last year. This proves that people in the County are willing to do their bit for the environment.

The Pride of Herefordshire Awards took place on Wednesday 21 October. Josie Pearson, 23, from Whitney-on-Wye, was named overall winner of the 2009 Pride of Herefordshire awards for her courage at readapting to life in a wheelchair after a car accident left her with serious injuries.

Councillors took part in Remembrance Sunday services across the County last Sunday. This year's commemorations have been particularly poignant as we remember those servicemen and women who have been killed or injured in Iraq and Afghanistan and the regiments continuing to serve there. He added that this was particularly poignant following the sad loss of Sergeant Paul Macaleese and Rifleman William Aldridge. He said that he was looking forward to welcoming home the 3rd Battalion currently serving in the Helmand province of Afghanistan.

The Chairman thanked those Councillors on behalf of SACRE for attending the multi-faith event at Holmer Primary School which took place on Monday 19 October. Thanks were also given to the Mrs Julie Cecil and the pupils and staff at the school.

It was reported that the Council's "in-house" fundraising team, The Goodwill Group, had been working hard throughout the year raising money for a variety of good causes. At the recent annual coffee morning, The Goodwill Group ran cake stalls at several Council offices and raised over £2,500.00. This sum, together with money raised at other fundraising events, will be divided between St Michael's Hospice, Macmillan Cancer Care and Hereford Hospital's Charles Renton Unit. The Group recently made over £350.00 on Jeans for Genes Day which supports children with genetic illnesses and The Goodwill Group is also continuing to raise funds for Help for Heroes. The Chairman thanked fellow Councillors, Officers and staff for their support.

The Chairman reminded Council that when debating item 9 the purpose of the debate would be to focus on the principals and core content of the constitution and the recommendations in the report.

At the close of Chairman's announcements, Councillor RI Matthews referred to a recent royal visit in his ward and requested that Local Ward Members were informed in advance of any Royal visits that might take place. The Chairman advised that he would pursue the matter following the meeting.

The Chairman received petitions from:

Councillor MAF Hubbard and Mrs B Clay regarding It's Our City Campaign, which the Chairman presented to the Cabinet Member Economic Development and Community Services.

Councillors: RC Hunt and PJ McCaull presented a petition on behalf of Mrs Smart of Leominster regarding Hay Lane, Leominster, which was handed to the Cabinet Member Highways and Transportation.

Mrs A Crowe, Chairman of Ledbury Traders Association regarding St Katherine's Car Park Ledbury, which was handed to the Cabinet Member Highways and Transportation.

50. QUESTIONS FROM MEMBERS OF THE PUBLIC

Copies of all public questions, received by the deadline, with the written answers were distributed prior to the commencement of the meeting. Supplementary questions were asked by Ms Roberts, Mr Clay, Mrs Clay, Mr Miller, Ms Evans, Mr Thomas and Mrs Crowe. A copy of the public questions and written answers together with the supplementary questions and answers are attached as to the minutes.

51. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Question from Councillor MAF Hubbard to the Cabinet Member Economic Development and Community Services.

- 1.1 *What funds have been made available to assist in the re-location of businesses affected by the proposed ESG Link road?*
- 1.2 *How many businesses will have to close or re-locate to facilitate the proposed ESG Link road and how many people are employed by these businesses?*
- 1.3 *What research was undertaken to ensure that the purchase of the Three Elms Trading Estate would meet the requirements of the businesses needing to relocate from the ESG area as opposed to the Faraday Road site and how many businesses expressed a preference for one site or the other?*
- 1.4 *Are there sufficient funds available to the Council and ESG Ltd to purchase the Faraday Road site and if not, why not?*
- 1.5 *How much did the banners that have appeared in the Franklin Barnes windows advertising the ESG project as "One bigger buzzing city" cost and who funded these costs?*
- 1.6 *How much has been spent by Herefordshire Council and ESG Ltd taking advertising out for the promotion of the ESG project since the beginning of the It's Our City (IOC) Campaign on 2 September 2009? Please supply a breakdown of each advert, event or item of publicity material.*
- 1.7 *What is the total financial contribution from the Council to the ESG Company so far? Please provide outturn up to the end of the 2008/09 year, latest estimate for the current year and current estimate for the 2009/10 year.*
- 1.8 *What plans are there for a new Hereford City Library?*
- 1.9 *What is the latest information as to the number of houses to be built on the Edgar Street Grid? Please give figures for the "Urban village", the "Retail Quarter" and the "New Area". How many of these houses will be socially affordable?*

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

1.1 I refer to the answer given to Ms P Roberts at public question 1.1

1.2 I refer to the answer given to Ms P Roberts at public question 1.2

1.3 Three Elms Trading Estate was purchased by Advantage West Midlands in 2006 primarily to help facilitate the wider economic regeneration of Hereford City as well as securing in public ownership land and premises that could meet the requirements of businesses relocating from within the ESG area. The acquisition costs for purchasing this Trading Estate have not come from within the £20m allocated to the ESG project.

The Council is exploring the acquisition of the Faraday Road site

A survey has been completed in which businesses on the ESG were asked where they would be looking to relocate to. Whilst the majority of respondents said they did not know where they would be looking to relocate two identified Faraday Road and one identified Three Elms as a preferred location.

1.4 Yes.

1.5 The banners in the Franklin Barnes window cost £1,293.75 and were funded by ESG Herefordshire Ltd.

1.6 The overall amount spent since 2 September is £6,165.78. The breakdown is:

Date	Description	Cost
04.09.09	Hereford Times: Advertisement re Link Road Consultation	329.00
07.09.09	Hereford Journal: Advertisement (2) re Link Road Consultation	133.50
14.09.09	Material printed in respect of Link Road Planning Application	568.00
14.09.09	Hereford Journal: Link Road Public Notice	96.00
18.09.09	Hereford Times: Link Road Public Notice	262.00
20.09.09	Promotional material for consultation	2,925.00
21.09.09	Link Road leaflet distribution	98.53
02.10.09	Advertorial - Hereford Journal	460.00
20.10.09	Communication Banners	1,293.75
Total		6,165.78

1.7 I refer to the answer given to Mrs B Evans at public question 5.1.

1.8 I refer to the answer given to Mrs U Clay at public question 3.1

1.9 I refer to the answer given to Mr B Clay at public question 2.3.

Question from Councillor A Seldon to the Cabinet Member Corporate and Customer Services and Human Resources

In September of this year, a company called 'Rite Angle' was operating in Bromyard, allegedly on behalf of Herefordshire Council. The company held two meetings (one at the Falcon Hotel and the other, a day later, in a private house) where members of the public were paid for their 'time and expenses' to express their views of this Council.

- 2.1 *Was 'Rite Angle' operating on behalf of this Council?*
- 2.2 *Where else in the county did this take place?*
- 2.3 *For what purpose was the company engaged?*
- 2.4 *Were there any other companies engaged for the same purpose?*
- 2.5 *How much were individual members of the public paid for their 'time and expenses'?*
- 2.6 *What was the total budget for this exercise?*
- 2.7 *Who authorised the expenditure?*
- 2.8 *Why were the elected Members not told about the operation of this company?*

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

Composite response

As Councillor Seldon will be aware from the information he has already received on this subject from the Chief Executive, local research has been commissioned, through the Council's Research Team, to further explore local issues identified by the Herefordshire Quality of Life survey, known nationally as the 'Place Survey' and which every council in England is required to carry out every two years and in accordance with national guidance.

The purpose of this further work is to inform future measures to improve customer satisfaction with the Council and its services and, as part of this research a cross section of some 100 local residents from market towns and rural communities across the county have been contacted to participate in discussions. It is understood that those who participated in the two hour facilitated group discussions were recompensed for their time and expenses in accordance with market research practice; however the arrangements for doing so are a matter for the research company.

The company referred to in the question was not contracted by the Council, but it is understood acts on behalf of the company that is undertaking the work the later being secured in full compliance with the Council's procurement processes for a contract with a value below £50,000.

Question from Councillor PJ Watts to the Cabinet Member Highways and Transportation

With regards to the ongoing dispute between Herefordshire Council (HC) and adjoining properties over St Katherine's car park boundary wall repairs in Ledbury, which includes the loss of 7 car parking spaces for over 18 months:

- 3.1 *How much are the legal costs to date for HC?*
- 3.2 *How much possible revenue has been lost from these 7 car parking spaces by HC?*
- 3.3 *Will this revenue loss be reclaimed through a compensation agreement by HC?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation.

- 3.1 The legal costs to date are approximately £7,600.00.
- 3.2 If we base our estimates on the revenue over the financial year 2008/09 (£54,000) and average that income across the 130 bays, then the average per year per bay is £415.38. For 7 bays over 18 months (the period of loss) therefore the potential lost income would be £4,361.
- 3.3 This will be dependent upon the outcome of any agreement that is reached as a result of the on going discussions.

Question from Councillor PJ Watts to the Cabinet Member Environment and Strategic Housing

- 3.4 *Given that HC has policies to reduce carbon emissions/carbon footprint throughout the county and has encouraged residents to do the same. What is HC going to do now that pedestrians have been banned from entering waste recycling centres county wide by the private waste contractors who run these sites?*
- 3.5 *There is a rudimentary system in place where residents have to book an appointment by phone for a time and date by staff, but clearly from various emails from residents in Ledbury, this does not work, some have returned home complete with waste. How will HC rectify this situation?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

- 3.4 Pedestrians have not been banned from entering the Household Recycling Sites. It is clear that the Ledbury Site in particular has very restricted one-way vehicular access and there is no pedestrian access to the tipping area as there is inadequate space for vehicles to pass pedestrians on this site. The situation has been made worse as there is considerable evidence that commercial vehicles circumvent the permit scheme to illegally tip waste on the site by parking outside and carrying waste on to the site. It is an offence to dispose of commercial waste on these sites and it is an offence for the contractors to allow such waste to be disposed of.
- 3.5 Officers are aware of the difficulties and are discussing with the Contractor and Worcestershire County Council alternative arrangements that are easier for the residents in the immediate neighbourhood.

Question from Councillor GFM Dawe to the Cabinet Member Highways and Transportation

- 4.1 *What is the total financial contribution from the Council to the Edgar Street Grid (ESG) Company so far and how much of this has been paid by Advantage West Midlands or other external agencies? Please provide outturn up to the end of the 2008/09 year, latest estimate for the current year and current estimate for the 2009/10 year.*

The Outer Distributor Road (ODR) was costed at £130m by Herefordshire Council in their press release of February 24 2009, which presumably formed the basis of the Regional Funding Application to the Department for Transport of £60m that was refused in the Department for Transport letter of 22 July 2009. A report by Bloor Homes and the Church Commissioners to the Regional Spatial Strategy of July 2009 estimated an ODR on the west of Hereford including bridge would be £40m.

- 4.2 *How did the Council reach their £130m figure?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 4.1 I refer to the answer given to Mrs B Evans at public question 5.1
- 4.2 As explained in my answer to Ms Protherough's question 8.1 it must be emphasised that funding for the ODR has not been refused.

In order to identify a single cost estimate for inclusion in the West Midlands Regional Funding Advice, an average of the highest east/west route cost estimates was taken.

Question from Councillor GFM Dawe to the Cabinet Member Environment and Strategic Housing

The Conservatives have said they will immediately abandon Regional Spatial Strategies (RSS) if they win the next election and leave housing targets to local councils.

- 4.3 *If the Conservatives win the next general election will Herefordshire Council abandon its 18,000 target set by the Regional Assembly and if not, why not?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

- 4.3 No. If we want this County to be a sustainable and cohesive community we will need to sustain commitment to growth.

Question from Councillor ME Cooper to the Cabinet Member Environment and Strategic Housing

- 5.1 *May we be updated as to the introduction of the new Waste Collection Contract which started on 2 November 2009?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

- 5.1 In the first week of November last year we collected 826 tonnes domestic refuse and 97 tonnes of recyclate. The first week of the new contract saw 693 tonnes domestic refuse with 260 tonnes recyclate being collected. Whilst we are aware

that many residents have stockpiled recycling the drop in the amount of residual waste is dramatic (16%). Severn Waste Services, whose plant the recycling is sent to for sorting have told us that the quality of the mixed recyclate being delivered to the plant is exceptionally high which means we are able to recover the maximum value.

There have been a relatively small number of teething problems which will, in the main, be ironed out by the end of week two of the new contract.

In addition the service will be supplemented by a new SMS service. Members of the public can text to 80800 with the message hcrecycle their postcode and the first line of their address and they will receive a weekly message to remind them to put out their recycling and waste on the appropriate day.

Question from Councillor RI Matthews to the Cabinet Member Environment and Strategic Housing

6.1 *The Audit Commission recently compiled a report in which they made a number of recommendations concerning the Authority's General Planning Procedures. My understanding is that this investigation was asked for by either an officer or a member of this Authority. Could you please tell me who requested this investigation and for what reason?*

Answer from Councillor ACR Chappell Chairman of the Audit and Corporate Governance Committee

6.1 The Audit Commission, as the Council's contracted external auditor, agrees each year with the Council a work programme which includes both core annual work such as the Use of Resources assessment and service specific review work which varies from year to year. These service specific reviews are mutually agreed taking into account a number of factors including performance, risk, public correspondence, previous reviews and other inspections taking place within the authority; in 2008/09 these included both Development Control and Procurement services. I am not aware of any individual officer or member making a request for any 'inspection' of Planning Services.

Question from Councillor AT Oliver to the Cabinet Member Resources

7.1 *There appears to be considerable slippage in the Council's capital budget for 2009/10. Would you identify the major projects which will not be started or completed by 31 March 2010 with an explanation as to why?*

Answer from Councillor H Bramer Cabinet Member Resources

7.1 As reported in the capital monitoring reports to Cabinet the slippage is largely due to the following schemes;-

- £1m - Ross library – there is a three month delay with building work; although this is now expected to start in April. A limited budget meant the scheme had to be re-engineered and tenders are to be invited early in 2010 with a start on site - April 2010.
- £2.4m - Ledbury library - extensive consultation has been undertaken with the Town Council and community on the proposals. Planning application is to be submitted in early December following consultation with English Heritage. Tenders to be sought April 2010 and commencement on site in June 2010.

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

- 7.2 *What is the total number of affordable and social housing units completed in the 4 years to March 2009 across the county?*
- 7.3 *How many of these are 3 bedroomed properties and how many 4 bedroomed?*
- 7.4 *Following planning permission being given to Crest Homes for 300 houses at Holmer, would the Cabinet Member confirm whether there are any proposals to improve the road bridge at College Road and the railway bridge at Roman Road?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

- 7.2 Total number of affordable and social housing units completed in the 4 years to March 2009 across the County.
- | | |
|-------|-----|
| 05/06 | 188 |
| 06/07 | 182 |
| 07/08 | 141 |
| 08/09 | 208 |
- 7.3 How many of these are 3 bedroomed properties and how many 4 bedroomed?
- | | | |
|-------|------------------|---|
| 05/06 | 3 bedroomed = 38 | 4 bedroomed = 0 |
| 06/07 | 3 bedroomed = 50 | 4 bedroomed = 0* * 1 no. 5 bedroomed property |
| 07/08 | 3 bedroomed = 98 | 4 bedroomed = 7 |
| 08/09 | 3 bedroomed = 52 | 4 bedroomed = 3 |
- 7.4 The Council currently has no specific proposals to improve the road bridge at College Road or the railway bridge at Roman Road. However, a s106 Agreement in relation to the development of 300 houses at Holmer was secured . which will provide a financial contribution to the Council of £138,000. The terms of the s106 agreement allows for this contribution to be used as follows:
"Towards the cost of the Council designing and/or letting a contract for improving the existing bridge or constructing a replacement road bridge or towards such alternative works in the vicinity of the existing bridge as may be approved in writing by the Council and which are designed to improve vehicle cycle and pedestrian safety in the College Green locality and/or the free flow of traffic over the existing bridge."

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

- 7.5 *What is the estimated cost of extending the Rotherwas Relief Road to the river and building a road bridge across the river at Rotherwas?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 7.5 Estimated costs will be determined as part of the process of determining the route.

Question from Councillor AT Oliver to the Cabinet Resources

- 7.6 *What is the annual cost of the pension arrangements for the Chief Executive, Deputy Chief Executive, the Assistant Chief Executives and the Directors of Hereford Council?*

Answer from Councillor H Bramer Cabinet Member Resources

- 7.6 The annual cost of the pension arrangements for the Herefordshire Council is £107,596.30. In addition the individuals make personal employee contributions as required by the Local Government Pension Scheme (LGPS).

Question from Councillor WLS Bowen to the Cabinet Member Resources

- 8.1 *How many Council services can be accessed, currently, at village post offices?*
- 8.2 *How many more services, such as trailer permits for the tips and so on could be added to the list?*
- 8.3 *Do you agree that with modern bar code systems these services would be easy to provide through local post offices and would give the Council near instant payments and records of transactions?*

Answer from Councillor H Bramer Cabinet Member Resources

- 8.1 The Council has taken steps to extend its payment facilities to Post Offices. Since 2008 all post offices and some local shops can accept payment of council tax. This will be extended in April 2010 to include all other types of council payment such as business rates, parking penalty notices and general invoices. The bills will all be bar coded thus enabling the council to have next day updates of all payments received by post offices and shops.
- 8.2 We are already exploring additional options for delivery through local post offices.
- 8.3 Bar coding is already being undertaken for all the services currently provided.

Question from Councillor JD Woodward to the Cabinet Member Highways and Transportation

- 9.1 *Now that this Council has granted planning permission for the flood alleviation scheme at Credenhill, what assurances will this Council give to the residents of both Greyfriars Avenue and Wye terrace that they will suffer no adverse flooding, and will funds be made available to these residents to protect their homes?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 9.1 The Yazor Brook Flood Alleviation scheme provides significant benefits to the city of Hereford by reducing the potential for flooding within the city centre. The scheme affords flood relief for 115 commercial and residential properties. This is estimated to save £2.76 million in costs associated with flooding.

Having regard to the minimal impact of the scheme on the River Wye flood levels, there is no reason to consider that any specific funding is likely to be required in response to the scheme for additional flood protection.

Question from Councillor JD Woodward to the Cabinet Member Corporate and Customer Services and Human Resources

- 9.2 *The strap line for Herefordshire Council has changed to 'Working in partnership for the people of Herefordshire'. When did it change, who decided to change it and who are in the partnership?*

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

- 9.2 The strap line refers to the enhanced partnership working between Herefordshire Council and NHS Herefordshire, which has been in place for around two years. The strap line *Working in Partnership for the People of Herefordshire*, was approved by joint management team, the PCT Board and relevant Cabinet Members, and has been in use in communications material for over a year. For example, it has been used on the front of Services Update and Members' News, which goes to all elected members.

Question from Councillor JD Woodward to the Leader of the Council

- 9.3 *In light of the fact that the Chief Executive of the ESG admitted in a public meeting at the Courtyard on 19 October that the consultation by the ESG was flawed, can we now expect the development to be stopped so that proper consultation can take place?*

Answer from Councillor RJ Phillips Leader of the Council

- 9.3 No. The development will proceed, however there remains an ongoing commitment to consultation on the ESG Project. Nothing is yet set in stone and we will ensure full consultation in the future development of the City.

52. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman informed Council that three notices of motion had been submitted as a matter of urgency. The first notice of motion was submitted by Councillors RJ Phillips and JP French:

This Council affirms that the sustainable future for our City and County depends on creating more and better paid jobs, significantly increasing the number of homes, particularly affordable, improving leisure and shopping and procuring the supporting infrastructure. This must include another bridge crossing over the Wye and relief roads for Hereford and Leominster.

The Chairman ruled that the motion was urgent as it related to matters that had generated much public interest.

The second notice of motion has been submitted by Councillors MAF Hubbard, DJ Benjamin, JD Woodward and MD Lloyd-Hayes:

Herefordshire Council calls on the Executive to suspend, defer and/or delay the current proposals for retail development on the cattle market and the related link road, to provide time for the council to reconsider the development of Hereford city.

We believe that whatever the original merits of such proposals, the economic crisis has fundamentally altered what is possible and what is desirable.

We ask the Executive to urgently examine regeneration measures that will enhance the historic core of the city; support and enhance existing businesses; promote urgently needed, affordable and sustainable housing; improve public transport and the public realm; provide new and imaginative civic amenities; and encourage new leisure facilities, particularly for younger citizens.

The Chairman ruled urgency on the Motion as, similar to the first Motion; the issues had generated recent public interest. As Council had been invited to suspend, delay or defer a current proposal, the motion should be considered as a matter of urgency.

The third notice of motion was submitted by Councillors AT Oliver and WLS Bowen

With reference to the Council's objective to reduce CO2 emissions as set out in the Local Development Framework, Herefordshire Council recognises that it is a vital part of this strategy that all new buildings, whether houses, offices or industrial, should be low/zero carbon buildings, incorporating the best available technology, including renewable energy generation on site. All new developments of 10 Houses or more should have to include energy from renewable sources on site. As part of Herefordshire Council's commitment to combat climate change this policy should be adopted at the earliest opportunity.

The Chairman ruled that the notice was not urgent, although its contents would be noted in order for a debate to take place when the Local Development Framework is considered in the future. The Chairman added

The Leader rose to speak on the first Notice of Motion and made the following points:

- Important issue for the city and county.
- Unanimous support that Herefordshire needs to have investment in its city and market towns with leisure facilities, shops and affordable housing and for residents to be loyal to the county and not shop out of county.
- There are 5,000 people on the housing waiting list.
- Average pay is low at £20k per annum, which is not reflected in the cost of housing in the county.
- If the ESG is delayed Herefordshire will lose funding not only for the link road but for flood alleviation projects. An outer distributor road and additional river crossing are essential to future investors in the county.
- Government has identified Herefordshire as a growth centre. It is important Herefordshire maintains its status alongside neighbouring counties and retains its place as the capital of the Welsh Marches region.
- There are only 20 major investment projects in the West Midlands and Herefordshire has two of them with the ESG and Affordable Housing.
- The upgrade of the retail on offer is essential and the upgrade of the Butter market was a key pivotal point.
- Without the growth agenda the county would not be able to put forward a strong case for higher education and make the county viable and sustainable.

Councillor French reserved her right to speak until later. Several Members spoke in support of the motion and made the following points:

- The need for the development and infrastructure to support a more vibrant and sustainable county.
- Herefordshire, as a retail shopping centre, was described as average and ranked 113 and without the ESG would fall even further.
- Currently a number of residents shopped outside of the county.
- Herefordshire is one of six growth centres in the UK.
- Members were reminded that in a time of tight public expenditure it was essential that everyone supported the proposal. If the development were delayed funding

would be lost and it would be a long time before there was another opportunity for the county.

Councillor Hubbard stated that he felt that all were in agreement with the motion proposed and moved that the motion be put, this was seconded by Councillor Woodward and a named vote was taken.

On the first Notice of Motion Members' voted:

For 47, Against 1, Abstentions 3.

On the second notice of motion Councillor Hubbard spoke and asked Members to do the right thing for the city and referred to the following points:

- The problems caused in Wrexham were due to a shopping centre on the edge of the city, Hereford would be the same.
- Agree need for improvements to the city and up grades to shops in centre, but believe way proposed would be disadvantageous to the city centre.
- Need genuine extensive consultation with residents, shopkeepers / butter market stall holders.
- Most agree no need for additional supermarket, believe a civic quarter would be a better option.
- Need greater commitment to provide leisure facilities to include a new library.
- Should provide car free housing in city centre.
- Should find existing sites within the city centre and extend the ESG proposals to include the city centre.
- Need to match the development to the ancient cathedral city that Hereford has.
- A referendum should be held on ESG proposals alongside the May 2010 elections.
- This is a 20 year project, do not believe that a short delay will lose all the funding or jeopardise the project.
- ESG is stopping investors investing in Herefordshire as waiting to see what is going to happen.

It was felt by some Members' that there was a certain amount of agreement regarding both Notices of Motion but disagreement lay with the proposal to 'suspend, defer and/or delay' on implementing the current proposals for the livestock market site and the related link road. Members agreed that the scheme needed to be refined/amended and be more flexible to the current economic climate and to include the butter market development and design of New Market and Blueschool Streets. However, it was essential to address traffic issues.

On the second Notice of Motion Members' voted:

For 8, Against 31, Abstentions 12

The first Notice of Motion was carried.

53. NEW CONSTITUTION

The Assistant Chief Executive Legal and Democratic set the context for Members regarding the new Constitution stating that Members were being asked to agree on the core content and principles outlined in the report and that there were refinements that needed to be made and a single corporate style and the precise language that needed to be addressed. Members were advised that the code on the use of ITC was to follow as the current one in the present constitution was just a statement of intent. It was noted that once it was complete it would be put forward for due process.

Members were referred to the Access to Information code, the complexities of this area, the rights and responsibilities of the differing groups that have been reflected in the broadest terms, however, comprehensive training for Members would be provided in the New Year. In referring to the officer functions, forward planning and agenda management, Members were referred to the previous scheme of delegation, which was now covered under the functions scheme. It was emphasised the need for Members to be better informed on forward planning and this process had already started with a comprehensive agenda planning system. In addition Members were referred to the two late documents that were tabled at the meeting and to recommendations e) and f) and Members' approval of the Chairman, in conjunction with the Assistant Chief Executive, to finalise the document on behalf of the Council. Members were also reminded that Parts 6, 7 and 8 of the constitution were not before them. Part 6 deals with the Members' Allowances Scheme and is the recommendation of the Independent Remuneration Panel, Part 7 deals with the Cabinet Member Portfolios which are a matter of fact and will be included at the appropriate time. Part 8 which will be included once the Crystal mark has been obtained as part of the plain English campaign.

In general Members supported the new Constitution and congratulated officers in producing the document in such a short time and the proposal to put it forward for the plain English campaign Crystal mark. Some concerns were raised, which it was agreed could be dealt with separately through the Monitoring Officer and/or the Standards Committee and on the basis that further consultation and that the Constitution would be brought back to the February 2010 Council meeting, Members supported the document in principle. Members were not in agreement to the increase in the financial boundary for key decisions from £500k to £1m.

RESOLVED

THAT Council:

- a) **agrees that its new Constitution will take effect on 1 January 2010;**
- b) **confirms the composition and Members of the Planning Committee and asks Group Leaders to review their nominations to reflect geographic diversity and notify the Chief Executive of any changes to the membership of the Committee;**
- c) **designates its Community Services Scrutiny Committee as its Crime and Disorder Committee;**
- d) **instructs the Chief Executive to prepare and adopt a scheme of delegation in accordance with the new Constitution by no later than 1 January 2010;**
- e) **approves the core content and principles in its new Constitution and instructs the Monitoring Officer to:**

- i. complete Parts 6 and 7 of the Constitution before 1 January 2010;
- ii. complete Part 8 of the Constitution as soon as possible after 1 January 2010;
- iii. incorporate any amendments agreed by Council into the new Constitution, which includes retaining the financial limit for key decisions at £500k;
- iv. correct any typographic or other errors; and
- v. deliver training as appropriate on the new Constitution;
- f) agrees that the Monitoring Officer be authorised to finalise the Constitution in consultation with the Chairman of the Council;
- g) recommends that the Monitoring Officer undertake the following:
 - i. to complete the web-enabling of the Constitution;
 - ii. to review the deferred matters referred to in this report;
 - iii. to consult with the Standards Committee about whether the new Constitution promotes high standards of conduct within the Council;
 - iv. to consult and seek views from partners and the public on the new Constitution;
 - v. present a further report(s) as necessary reflecting that further work; and
 - vi. carry out this work with the Constitutional Review Working Group;
- h) agrees that the Constitutional Review Working Group be retained to assist with such further work as it determines.

54. LGO MALADMINISTRATION REPORT

The Assistant Chief Executive Legal and Democratic presented the Ombudsman report and referred Members to the reasons set out in the report and to the comments on page 56 of the agenda, which had already been acted upon.

Resolved

THAT the Council:

- a) pay Mr Ash and Mrs Birch the sum of £1,250 for their outrage, lost opportunity and uncertainty;
- b) make a formal apology for the mistakes identified; and
- c) review its procedures and that specific staff training is carried out on amendments to planning applications and planning permissions in the light of the issues highlighted in the complaint.

55. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 30 July, 10 September, 24 September (reconvened on 1 October) and 29 October 2009. In referring to the scrutiny review of on street parking, page 80 of the agenda, Members welcomed the recommendation that car parking is paid for on exit of a car park and that this would provide support to city traders.

RESOLVED: That the reports from the meetings of Cabinet held on 30 July, 10 September, 24 September (reconvened on 1 October) and 29 October 2009 be received.

56. PLANNING COMMITTEE

Councillor TW Hunt presented the report of the meetings of the Planning Committee held on 7 August and 23 October 2009.

RESOLVED: That the report of the meetings of the Planning Committee held on 7 August and 23 October be received.

57. STANDARDS COMMITTEE

Mr Robert Rogers presented the report of the meeting of the Standards Committee held on 2 October 2009. He advised Council of two cases that had been delayed in circumstances beyond the Committee's control and which were not typical of the committees handling. Councillor Bowen raised his concern over the minimum of communications with the people involved. The Standards Committee advised that he would speak with the Member following the Council meeting.

RESOLVED: That the report of the meeting of the Standards Committee held on 2 October 2009 be received.

58. STRATEGIC MONITORING COMMITTEE

Councillor PJ Edwards presented the report of the meeting of the Strategic Monitoring Committee and stated that he welcomed the closer working between the Cabinet and the Strategic Monitoring Committee with regard to the corporate monitoring report.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 21 September and 19 October 2009 be received.

59. REGULATORY COMMITTEE

Councillor Brigadier P Jones CBE presented the report of the meeting of the Regulatory Committee held on 10 August, 9 September, 6 October and 3 November 2009.

RESOLVED: That the report of the meeting of the Regulatory Committee held on 10 August, 9 September, 6 October and 3 November 2009 be received.

60. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor ACR Chappell presented the report of the meeting of the Audit and Corporate Governance Committee held on 28 September 2009.

RESOLVED: That the report of the meeting of the Audit and Corporate Governance Committee held on 28 September 2009 be received.

61. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the annual meeting of the West Mercia Police Authority held on 14 July 2009. A question was raised in relation to special priority payments and how they were agreed. Councillor Hunt agreed to provide further information on the topic.

RESOLVED: That the report of the annual meeting of the West Mercia Police Authority held on 14 July 2009 be received.

62. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brigadier P Jones CBE presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 14 September 2009. He referred to the Regional Fire Control Project, which should have been completed in 2007 but had still not been completed and the problems caused in obtaining the new equipment.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 14 September 2009 be received.

The meeting ended at 3.28 pm

CHAIRMAN