

PUBLIC QUESTIONS TO COUNCIL – 13 NOVEMBER 2009

Question from Ms P Roberts Leominster, Hereford

- 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?*

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

- 1.1 An independent valuation of compensation claims and acquisition costs will be submitted to Advantage West Midlands in an application for funding. These costs cannot be released due to the commercial and confidential nature of the negotiations currently underway.

The Council is committed to assisting companies within the ESG site find new premises. In September the Council held two seminars for businesses in the line of the Link Road and the Cattle Market; these seminars focused on providing independent property, legal, financial, and business advice when relocating a business. These seminars were free to the businesses and the full costs were borne by the Council, additionally neither the Council nor ESG were present at these events to allow truly independent discussions to be held.

The Council is also providing affected business with information on the properties that are currently vacant that might be suitable for relocation. This information is matched to particular business needs so that only the most suitable empty properties are sent out to individual businesses.

- 1.2 No businesses will have to close. We are currently anticipating that 18 businesses, including Juson, will have to relocate as a result of the Link Road proposals, accounting for 161 full time and 29 part time jobs. It must be noted that there is a mix of local and national companies within this list, ranging in size from one person operations to medium sized businesses. Obviously some businesses, both local and national, will have branches elsewhere that will not be affected.

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Question from Mr B Clay, Hereford.

- 2.1 *What is the latest estimate of the total Capital costs of the new Cattle Market and related infrastructure?*
- 2.2 *What estimate does the Cabinet Member have of the costs to the Council of maintaining the new Cattle Market?*

Answers from Councillor H Bramer Cabinet Member Resources

- 2.1 The cost of developing the site (building and infrastructure) and associated agreed traffic improvement and transport schemes is currently estimated at £7.7million as detailed in the report to Cabinet on 24th September 2009 available on the Council's website. A number of local firms will be used in delivering the contract which will ensure that as much of this money as possible supports the local economy and supports jobs of local contractors.
- 2.2 The new Livestock market will be leased to Hereford Market Auctioneers on a Full Repairing and Insuring lease so the council will have no liabilities for the building. Responsibility for the roads and car parks will be shared with the Auctioneers. However no major expenditure is expected for many years.

Question from Mr B Clay, Hereford.

- 2.3 *What is the Cabinet Member's 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 JG Jarvis Cabinet Member Environment and Strategic Housing

- 2.3 The final number of new homes at the Urban Village has not yet been finalised but a minimum of 800 new homes are planned.

There are no indicative figures yet in place for the Retail Quarter or New Area.

The Council would look to implement the current policy on affordable housing and levy the current percentage of 35% affordable units across the ESG development and is pleased that ESG is partnered in the Urban Village development by Sanctuary Housing Association, experienced in this field of provision.

Question from Mr B Clay, Hereford.

- 2.4 *Would the Cabinet Member welcome a proposal for a new Multiscreen in the Centre of Hereford if it were not part of the development Agreement with Stanhope Plc.*

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

- 2.4 I am happy to report that there are currently talks ongoing with a number of multi-screen cinema companies who are interested in coming to the City. What is clear from these initial discussions is that any multi-screen company would need to be based around other facilities, restaurants, bars etc and the ESG offers an unfettered site which would enable this integrated provision to be delivered. The companies are not seeking an out of town site and we are keen for them to be part of the night time economy of the City Centre; the critical mass of a number of business operating together is necessary to ensure that a Cinema Company will come to the City.

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Question from Mrs U Clay, Hereford.

3.1 *What plans are there for a new Hereford City Library?*

Answer from Councillor AJM Blackshaw Cabinet Member

3.1 The Council remains committed to a new Hereford Library and is currently assessing a number of locations in the City for feasibility.

Question from Mrs U Clay, Hereford

3.2 *What are the practices / procedures in place to give learning disabled adults who wish to move into supported living / residential accommodation the choice to which the legal framework entitles them to?*

3.3 *What are the advantages / disadvantages for the Council to use bloc contracts for providing services for vulnerable adults?*

3.4 *What advantages / disadvantages for service users (clients) arise from the Council's use of bloc contracts?*

3.5 *How much notice were service users given of the closure of Workmatch and what alternative workplace experiences are now available for the users who lost that service?*

3.6 *How prepared are the Council for the end date for block contracts (next spring) and what procedures will be followed to ensure an open market as well as stability for providers and people funded through a block contract?*

Answers from Councillor LO Barnett Cabinet Member Older People Social Care Adults

3.2 All adults with Learning Disabilities who wish to move into accommodation that will better meet their needs are supported by Care Managers. The process involves assessment, and care brokerage to assist people to make informed choices. The Council supports Service Users and their Carers to make choices although the national financial procedures require us to limit financial support to the fee level that the Council would normally pay.

3.3 The council use a mix of block and spot contracts to purchase services for vulnerable adults and this is carefully monitored and reviewed and as a result over the past five years there has been a move to more spot purchasing.

The advantages for the council in block purchasing services are that we can ensure that services are available at the appropriate cost and quality and can guarantee the provision of them over the length of the contract. This also provides stability and sustainability to the provider and enables them to develop other services for spot purchasing.

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The main disadvantage to the council is that although they may offer value for money it requires care management to ensure that block purchased services are fully utilised to ensure the maximum level of purchase service is actually used.

- 3.4 The advantages for service users of block contracts is that they ensure that there is appropriate access to good quality services at the time when they need them. e.g they do not have to wait for providers to develop capacity or new services. Also because they provide sustainability to the organisations then individuals have reassurance that services will continue for the length of the contract.

The main disadvantage to the service user of block contracts is that if they are not managed appropriately money can be tied up in services which may not be what the individual want or require.

- 3.5 We were not informed of the closure and therefore not able to advise service users beforehand. We have worked with all individuals concerned to ensure the individuals eligibility needs have continued to be met. We are working with other organisations, including Mencap and Scope as well as in-house learning disability services to develop other work experience opportunities.
- 3.6 It is unclear which block contract(s) the question relates to. However, if it relates back to question 3.2, then there are 2 block funded Learning Disability residential care homes which fall into this category. A project team is actively working with all stakeholders to ensure the needs of service users continue to be met. It is the intention that individuals will be able to purchase from appropriate service providers within agreed financial parameters to increase flexibility and choice.

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Question from Mr J Miller, Leominster, Herefordshire

In June of this year the Deputy Chief Executive told both myself and the local newspapers that the cancellation of the June 25 Leominster by-election was the Council's fault, that the Council apologised and that the Council only wished to discover what went wrong so that this could never happen again.

- 4.1 *Why then did the Council, in the High Court and on a very minor technicality, seek to stop my June 25 election petition, the effect of which would have been to prevent the Council's representatives repeating before an open court that what happened was the Council's fault, repeating that the Council apologised and finding out in open court what went wrong so that it can never happen again?*
- 4.2 *Who authorised a senior lawyer of the Deputy Chief Executive's office to send a letter of 14 September threatening to cripple me with punitive costs unless I withdrew my petition entirely?*

Answers from the Chairman of the Council

This is a matter relating to the conduct of election matters and not a question for Council. It is also a matter that is the subject of proceedings brought by the questioner in the High Court on an election petition.

The Returning Officer is the Council's Chief Executive. His Returning Officer duties must be fulfilled independently of the Council.

This is a matter of some public interest in the press and as such the Chairman of the Council is responding on behalf of the Returning Officer and on the advice of the Council's Monitoring Officer. The answer is as follows:

- 4.1 The Returning Officer has consistently stated that the by-election in Leominster scheduled for 25 June 2009 was cancelled because of a combination of errors.

This is a legally complex area where the Returning Officer has little or no personal discretion and must follow the election rules.

The Returning Officer took expert legal opinion and was advised that in the light of the errors the Leominster South by-election could not legally take place on 25 June. The Returning Officer was advised that only one valid nomination had been received and no election was required. Had the Returning Officer proceeded with that by-election, he was advised, it would have been an unlawful election and subject to challenge. Mr Miller disagrees with the expert advice given to the Returning Officer and believes that a by-election could have taken place notwithstanding the errors. The Returning Officer and his advisers believe that only the Court can resolve that difference of view.

That is now the subject of the ongoing court case which should not be the subject of public discussion.

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As a preliminary matter, the Court had to decide if the case could go ahead because Mr Miller made a late claim. As such cases are complex and can be costly the Returning Officer believed that it was in the public interest for him to be represented in Court. The Returning Officer's representative explained to the Court that some errors had taken place on the part of his elections team. The Court decided on balance that the case should proceed.

The case is now continuing. The Returning Officer is hopeful that the case will proceed as quickly as possible so that the matter can be resolved without delay and at minimum further cost. The Returning Officer is still advised that he cannot legally reverse his earlier decision or take any other steps to pre-empt the decision of the Court. He will comply with its decision as soon as the case is determined.

In the meantime, and in the light of the Court proceedings, the Returning Officer believes that it is inappropriate for him to comment further in the press or otherwise.

- 4.2 The letter of 14 September was written by a lawyer acting for the Returning Officer and with his knowledge. The letter was authorised by the Council's Monitoring Officer (its chief legal officer) who is responsible for acting for the Returning Officer in this case. The letter was between lawyers representing parties to litigation and should not be the subject of public debate.

PUBLIC QUESTIONS TO COUNCIL – 13 November 2009

Question from Mrs B Evans, Hereford

- 5.1 *What is the total financial contribution from the Council to the ESG company so far? Please provide outturn up to the end of the 2008/9 year, latest estimate for the current year and current estimate for the 2009/10 year.*

Answer from Councillor H Bramer Cabinet Member Resources

5.1

	ESG Total	AWM- funded	HC - funded
	£000	£000	£000
2005/6	205	125	80
2006/7	350	125	225
2007/8	545	165	380
2008/9	600	300	300
cost to date	1,700	715	985
2009/10 estimate	700	350	350

It is important to note that Advantage West Midlands (AWM) also contributes towards the operating costs of ESG.

The end column shows the actual cost to the council for ESG operating costs.

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Questions from Mr G Thomas, Hereford

- 6.1 *Can Herefordshire Council explain why a JVC Company was selected as the preferred structure to deliver the regeneration of ESG?*
- 6.2 *Can the Council state the total quantum of expenses claimed by the board of ESG in addition to salaries, since the company's inception to current filed Company accounts as of today's date?*
- 6.3 *Can the Council Leader confirm if under his general powers 'To be responsible for the Corporate Strategy and Finance Programme Area of the Councils operations,' he has ever aborted a project for fiduciary reasons?*
- 6.4 *Can the Council confirm if the ESG Herefordshire Ltd is exempt from the Freedom of Information Act?*
- 6.5 *Can the Council state where and provide a map of the Air Quality Management Area in the City of Hereford and highlight where it is getting larger?*
- 6.6 *Can the Council confirm whether the ESG Supplementary Planning Document is fully compliant with Legislation as to monitoring and baseline indicators to show 'reasonable consultation has taken place'?*
- 6.7 *Is Cabinet satisfied with the ESG masterplan and that ESG is delivering it?*

Answers from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services.

- 6.1 In July 2004 Cabinet agreed to the formation, with the Regional Development Agency AWM, of a Joint Venture Company to deliver the ESG project. The options for delivery were fully explored in the report to Cabinet on 15 July 2004 (available on the Council's website) with the chosen vehicle additionally giving the development sector confidence in the long term viability of the project.
- 6.2 ESG (Herefordshire) Ltd is a separate legal entity to the council and would file its accounts at companies' house.
- 6.3 Cabinet, collectively and as individuals, must take a wide range of factors into consideration to ensure their decision-making is robust and transparent, including legal, financial implications as well as risks and opportunities; any project not satisfying these would not be supported.
- 6.4 ESG (Herefordshire) Ltd is not covered by the Freedom of Information Act. Despite not being covered by FOI the company works to the spirit of the Act in disclosing information that relates to it's operation and projects, however it must be noted that there are obviously some aspects of the company's work that must remain commercially confidential and cannot be released.
- 6.5 The Map is on the Council's web site at:

<http://www.herefordshire.gov.uk/environment/pollution/27804.asp>

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The footprint of the area has been static for some time, although Defra has been informed that it could be extended further down Whitecross Road and to Holme Lacy Road, although this trend is still being investigated. There is also an argument to reduce its size in the north, possibly truncating the area at the Grandstand Rd/Newtown Rd/A49 roundabout.

6.6 Yes.

6.7 Yes.

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Questions from Mrs A Crowe, Traders of Ledbury Association

- 7.1 *Can you supply details of usage of St Katherine's Car Park, Ledbury for the last three years based on the amount of parking tickets bought?*
- 7.2 *Can you promise the people of Ledbury that alternative car parking to cover this capacity will be found within the centre of Ledbury during the building work at the Masters House and new library?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 7.1 Details of the number/amount of tickets bought have only been collected since 1 September 2008 therefore the figures below identify income over the three years and an estimate of the number of tickets bought based on the number of tickets bought between September 08 and April 08.

2006/07 £58k (equating to 89231 based upon 65p per average ticket)

2007/08 £57k (equating to 86364)

2008/09 £54k (equating to 81818)

It is pleasing to note that since the introduction of short term parking charges with a maximum stay of 4 hours in April 2009 both usage and income are now increasing with the total number of tickets bought in the 12 month period to 31 October 2009 being 92,510 equating to income of £61,412.30.

- 7.2 We are currently looking at a range of measures to mitigate any loss of parking that may occur during the construction of the new facility. I am hoping to share details of these measures shortly.

PUBLIC QUESTIONS TO COUNCIL – 13 November 2009

Question from Ms C Protherough, Clehonger, Hereford

- 8.1 *Now the Council have been refused funding for an Outer Distributor Road (ODR) by the Department for Transport (DfT) (letter 22 July 2009) and urged to put in transport plans in line with “Delivering a Sustainable Transport System” (DaSTS) policy for beyond 2019, are the Council going to persist with planning for an ODR, using valuable officer time and resources, rather than planning for a reduction in traffic based on walking, cycling and public transport?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 8.1 Funding for the ODR has not been refused. The Government’s response to the West Midlands Regional Funding Advice indicated that the scheme should be considered as part of the programme for implementation after 2014 rather than one of the ‘potential major schemes for preparation and commencement before 2014’. The Council has welcomed this additional preparation time which will enable further development of the scheme and consultation with the public to help determine a preferred alignment.

This Administration remains committed to the delivery of the outer distributor Road and welcomes the support given within the Inspectors’ report of the Examination in Public of the RSS, published September 2009, included the following Inspectors’ findings **“Given such issues and the limited scale of the town [Hereford], we are far from convinced that transport packages without a relief road and new river crossing would be likely to be satisfactory.....we consider the appropriate response would be for the RSS to refer to the necessary provision of a relief road as sought by the Council. We recommend accordingly”**.

This Council has already delivered a broad range of integrated transport measures through implementation of its Local Transport Plan policies including new cycle routes, improved pedestrian facilities and significant investment in low floor buses and improved waiting facilities. The Council will, of course, continue to deliver these types of measures.

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Supplementary question from Ms. Roberts

Q. Should not the planning permission application have been submitted prior to any businesses being relocated to make way for the proposed new link road? The public should be informed of the total cost paid to relocate businesses even though it is commercially confidential.

Answer from Cabinet Member Economic Development and Community Services

The planning permission would be dealt with as part of the overall process and because of the commercially sensitive nature of the information I am unable to make this information public.

Supplementary question from Mr Clay.

Q. The Council states that procurement cost for the new cattle market will be £7.7m. The Chamber of Commerce advised that the Council had already spent £2.1m prior to this therefore does the Cabinet Member think that the majority of Herefordians would prefer new housing or a new library rather than a new cattle market?

Answer from Cabinet Member Resources

The figures quoted have been widely quoted in the Hereford Times up to a year ago. £10m is a figure that has been budgeted for and allocated. The Cabinet Member said that he believed this was money well spent to protect the farming heritage of the County and that the Council should be allowed to proceed with the project rather than face continued criticism.

Supplementary question from Mrs Clay

Does the Council think people would prefer £10m to be spent on a new library or on a new cattle market?

Answer from Cabinet Member Economic Development and Community Services

The Council is involved in deep consultation on a new library with several potential sites identified, although these cannot be disclosed at this stage. It remains an ambition and part of the Council's long term vision for a new library to be built in Hereford.

Supplementary question from Mr Miller

Why are there no controls or limits on the amount of money the returning officer can spend at the taxpayer's expense?

Answer from Chairman of the Council

As the question relates to matters in the jurisdiction of the returning officer, a full answer would be provided following the meeting.

Supplementary question from Mrs Evans

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£1.25m has been spent of the ESG project by the Council to date of which half was spent on Director's expenses. How has so much been spent with so little achieved?

Answer from Cabinet Member Resources

The acquisition of the Three Elms site, Station Approach buildings and Franklin Barnes has all been achieved and this is money well spent. This will continue until the ESG project is complete.

Supplementary question from Mr Thomas

Over a four year period, the ESG Company's total operating cost to March 2009 was £1.54m. Of this, directors had claimed 25.9% of the sum for expenses. Given that MPs and Councillors expenses are open to public scrutiny, can the Council provide a breakdown of individual personal expenses as evidence that the money had been spent appropriately?

Answer from Cabinet Member Economic Development and Community Services

There is no reason to believe that any impropriety has taken place in connection with any director's expenses. The expenses would equate to £3.37 per household which is a good return on the capital invested.

Supplementary question from Mrs Crowe

Traders are concerned about the loss of parking spaces in Ledbury. Will there be short term measures taken before, during and after the construction of the new library to compensate for the lost spaces?

Answer from Cabinet Member Highways and Transportation

The current level of charging is being reviewed and will be amended if necessary. The last six months has seen an upsurge in use which has benefited traders.

Supplementary question from Mrs Protherough

How much will be spent on sustainable transport measures and how will a reduction of CO2 emissions be achieved?

Answer from Cabinet Member Highways and Transportation

There has been a £150m spend by government on integrated transport. Local Transport Plan 3 will come into existence next year and will further address CO2 emissions and other environmental issues. The plan will be put out for public consultation next year.