

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 5 March 2010 at 10.30 am

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, Brig P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, PJ McCaull, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, PD Price, SJ Robertson, A Seldon, RH Smith, RV Stockton, AP Taylor, DC Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

73. PRAYERS

Canon Andrew Piper, Preceptor of Hereford Cathedral, led the Council in prayer.

74. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DJ Benjamin, R Mills, JK Swinburne.

75. DECLARATIONS OF INTEREST

There were none.

76. MINUTES

RESOLVED: That the minutes of the meeting held on 5 February 2010 be approved as a correct record and signed by the Chairman.

77. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported the death of former Councillor Nigel Davies. The Council stood in silence as a mark of respect.

Councillor Davis started his service as a Hereford and Worcester County Councillor in May 1985 when he was elected to the Dore and Bredwardine Division and served until May 1993. Councillor Davies was elected to Herefordshire Council in May 2003 and stood down in 2007. He was a highly regarded local community leader serving in many capacities within his community for many years. In later years he suffered from ill health but continued his public work and was a true example to all.

Councillor Davies was a very committed Councillor and with his farming background his main interests revolved around rural matters including being a member of the Agriculture Sub Committee whilst serving as a Hereford and Worcester County Councillor and being involved in the Smallholdings Selection Panel during his elected time as a Herefordshire County Councillor.

Members were informed that the meeting would be the last meeting of Council attended by Annie Faulder, the Interim Deputy Chief Executive and Sharon Menghini, the Director of Children's Services. Thanks were expressed to both for their services to the Council and the Chairman wished them well in their future ventures.

A petition had been received from Holmer Parish Council Residents regarding improvements and speeding in Attwood Land / Church Way and had been presented to the Chairman from Councillor SJ Robertson. The petition was presented to the Cabinet Member Highways and Transportation.

78. QUESTIONS FROM MEMBERS OF THE PUBLIC

Copies of all public questions received by the deadline, with written answers, were distributed prior to the commencement of the meeting. Supplementary questions were asked by Mr P McKay. A copy of the public questions and written answers together with the supplementary question and answer are attached to the minutes as Appendix 1.

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

Following a request for the written questions to be made available more than 15 minutes prior to the start of the meeting, the Chairman advised Council that this request would be put to the Constitutional Review Working Group for consideration.

Question from Councillor ACR Chappell to the Leader of the Council,

Question 1

1 *During the Public Inquiry into the Hereford By-Pass twenty years ago, Environmentalists and members of the Green Party, were bussed in from across the country to oppose the views of the majority of Herefordians who by a sizeable majority, were in favour of the by-pass. Government needs to know that the Outer Relief Road/By-Pass, has the support of the majority of Herefordians before they will consent to give funding to build a second road bridge and necessary road works.*

As the Relief Road/By-Pass is an important element of the regeneration of the City, is it not appropriate for the Council to hold a referendum, at the time of the general election, to see if there is a majority still in favour of the by-pass?

Answer from Councillor RJ Phillips Leader of the Council

Answer to question 1

1 The Council is currently consulting on both its Local Development Framework (Shaping Our Place 2026) and Local Transport Plan strategies. Both consultations enable all residents to make specific comment on the need for a Hereford Relief Road and a preference for an eastern or western option; rather than incurring the additional costs associated with a referendum, and the potentially negative impact this would have on the timetable for the core strategy, I would prefer to encourage everybody to fully engage with the current consultation to make their views known.

Supplementary question

Would the Leader reconsider and support a referendum?

Answer from Councillor RJ Phillips Leader of the Council

The importance of the issue was acknowledged, however the process for the Local Development Framework should not be disrupted. Holding a referendum at an appropriate time would not be ruled out and the outcome would demonstrate the will of the people to Government. This was a significant issue and it would be interesting to hear candidates' views in the lead up to the national elections.

Question from Councillor ACR Chappell to the Chairman of the Regulatory Committee

Question 2

- A *Worcester City Council has recently admitted that a number of the city's taxi drivers have had convictions for sex crimes or other violent offences. How many taxi drivers licensed by Herefordshire Council have convictions, spent or otherwise, for similar offences?*
- B *What precautions are taken to ensure that applicants for a taxi driver's licence in Herefordshire with similar convictions are no longer a danger to women or vulnerable people?*

Answer from Councillor Brigadier P Jones CBE, Chairman Regulatory Committee

Answer to question 2

- A None.
- B Regulatory Committee recognises that safeguarding issues are paramount and takes every action necessary in this regard.

Every month the Regulatory Committee considers any unfavourable CRB returns in relation to taxi drivers whether existing licence holders or new applicants. Such offences typically are minor, but our taxi licensing policy requires that all relevant offences are automatically brought before committee to determine whether or not they are 'fit and proper'.

From time to time, cases are brought before the committee relating to alleged sexual assault or battery/actual bodily harm/grievous bodily; any such cases are automatically suspended the moment notification is received by the council. The suspension remains until the police investigation is concluded. If a conviction is secured the licence is immediately revoked; if there is no conviction the committee requires a further CRB check to be undertaken to inform their considerations.

No supplementary question asked.

Question from Councillor ACR Chappell to the Cabinet Member Highways and Transportation

Question 3

- 3 *How long is it expected to take to repair the pot holes on the major routes across the county following the recent snow?*

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

Answer to question 3

- 3 The recent prolonged and extreme winter weather conditions have resulted in a significant increase in the number of recorded potholes as the figures below show:
- January 2008 1132
 - January 2009 1211
 - January 2010 3422

Whilst it is not possible to give a precise date for completion of repairs to all potholes as there may be other external factors which arise, it is worth noting that Amey are currently filling an average of 200 potholes a day.

The additional £1m funding allocated for road maintenance in the budget will contribute to the delivery of a programme of capital highway maintenance of £10.7m during 2010/11, an increase of over £3m. In accordance with highway maintenance policies, priorities for investment will be based on need within the following hierarchy:

- i. Principal roads
- ii. Non-principal classified roads
- iii. Unclassified roads

By prioritising investment, and through effective joint working with Amey, maintenance in the coming financial year will return the network to an acceptable standard.

Supplementary question

Could the Cabinet Member review the policy in relation to the filling of potholes on residential estates? There are widespread concerns due to the safety of road users and the public, damage caused to vehicles and the expense of repairs.

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

The original answer provides the maintenance hierarchy for the 2000 miles of Herefordshire's roads. The residential roads are not being neglected, but are not the highest priority. An additional £150k has been made available to carry out emergency road repairs in this financial year. During the current financial year, and additional £600k will be allocated to highways maintenance and for 2010/11 a further additional 2.1million has been identified to support the programme of maintenance work.

All Members were reminded by the Chairman to contact the Council's pothole helpline.

Question from Councillor PA Andrews to the Cabinet Member Economic Development and Community Services

Question 4

- A *In view of Hereford Council's commitment to promote Hereford City as a sub-regional shopping centre with a vibrant evening economy, is the Council happy*

that all four external step accesses to Maylord Orchards car park, which is operated and leased by the Council have been closed, forcing users to enter through Maylords atrium?

- B Evening users after 7.00pm have to use the vehicle access ramp. Did the Council object to the retrospective planning application to close the two access points from Blueschool Street?*

Answer from Councillor H Bramer Cabinet Member Resources

Answer to question 4

The stairwells referred to are fire exits and are not public rights of access to or from the car park. The owners of the Maylords Shopping Centre have responsibility for management of fire exits within their buildings. Enclosure of the two staircases that exit onto the service yards was permitted development; planning permission was sought in respect of the works around the two stairwells fronting Blueschool Street; Herefordshire Council did not object. The gates have also received full building regulations consent.

The way in which the gates affect the operation of the car park is being monitored and will be subject to an audit by Hereford and Worcester Fire Service to be undertaken shortly.

Supplementary question

Is the Cabinet Member happy that the public are now using the public vehicular access as a walkway to get out of the car park?

Answer from Councillor H Bramer Cabinet Member Resources

No, the situation is far from ideal and will be looked into.

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

Question 5

- A Has Hereford Council yet managed to obtain base line information for energy and water use at all its properties, both owned and rented? If not, why not?*
- B If the information is now to hand – what plans are in place to reduce the usage of energy and water?*
- C When will these plans become effective and how much energy and water will be saved?*
- D Is the Cabinet Member aware that there are many grants available to Councils for energy efficiency programmes?*
- E Are any of these possible grants being pursued? Is he aware that these grants will only be available for a limited time?*
- F Can we be assured that these grants and all energy and water saving plans will be pursued with great vigour?*

G *Is he aware that our NHS partner seems to be much more advanced in these matters? When will Herefordshire Council catch up?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Answer to question 5

All building occupiers obtaining energy through West Mercia Supplies are asked to use their web based reporting system on a monthly basis, providing sufficient information to establish an accurate base position for the purposes of determining our carbon reduction target

Energy consumption is dependent on three main variables:

- 1) The quality of the building construction
- 2) The efficiency of any heating and ventilation systems
- 3) The way in which the building is used

Building Construction

The Joint Property Strategy approved by cabinet and the Board of NHS Herefordshire last year sets out the framework for creating a building portfolio fit for future needs. This approach is expected to save several hundred tonnes of carbon dioxide emissions.

Building Machinery

We have a total of 65 sites with Boiler Management Systems of which 56 sites can be remotely monitored and energy use controlled. This means that we can vary energy use across the county remotely and therefore reduce consumption at off peak times. The system is “self learning”, responding to varying weather conditions and cutting short the heating periods as appropriate to save energy.

There is a rolling programme to upgrade and install new systems where economically justified, and we inspect heating and ventilating equipment on an annual basis to determine efficiencies and replace equipment that has become ineffective

Building Use

Our schools are encouraged to join the ECO schools programme and GEM (good Environmental Management) guidelines are issued to all building occupiers

We have purchased data collection devices to record temperature and humidity, showing how a building is used and how, and at what time, energy is lost through an occupier’s actions. Where building occupants control access times and set temperature we work with relevant occupiers to determine actions to save energy.

Council officers regularly assess external funding opportunities and, for example, has utilised Salix funding to support delivery of a number of projects.

The adoption of the joint property strategy by the council and NHS Herefordshire will enable us to reduce costs, and energy use by rationalising its building stock; the partnership working also enables both partners to benefit from each others experience and expertise.

Supplementary question

Do all buildings submit information to the reporting system, and is water consumption monitored?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Not all buildings provide responses, this situation is being actioned and water consumption is measured. The situation will be confirmed and a written response provided to the Councillor.

Question from Councillor WLS Bowen to the Chairman, Standards Committee

Question 6

- A With reference to the recent Standards Committee hearing (in particular SC0802 held on 11 December 2009) why were the minutes not approved at the meeting on 8 January 2010 with the other collection of minutes and the outcome not included on the web site under the list of hearings to date, especially as the outcome was published under Public Notices, in the Hereford Times of the 4 February 2010?*
- B Why are not all outcomes of the meetings of the Standards Committee which were held in public not entered onto the Hereford Council website?*
- C Why does the committee continue to discourage Members of the public from attending its meetings?*
- D Do you agree that this Council should be encouraging an open and transparent way of working and ethos?*
- E If you do agree: why is so little to do so? Why has it taken about a year to begin to deal with the cases of the two parish Councillors in the North of the County and why were they never kept abreast of the current state of their cases – even if that states was stasis?*
- F Do you not agree that this is a shameful way to treat anyone – especially those caught up in a little known and worrying process?*

Answer from Mr Robert Rogers, Chairman Standards Committee

Answer to question 6

May I first apologise to Councillor Bowen and to the Council for being unable to answer this question personally at the Council meeting. The Standards Committee had no report to present, and I had accepted commitments elsewhere which I had to fulfil.

Councillor Bowen raised these issues with me publicly at the Council meeting on 13 November 2009, and he and I discussed them after that meeting.

On the detailed points in his question: the minutes were not approved at the 8 January meeting because the full Decision Notice for the approval of the Chairman of the hearing was not completed for his signature until 11 January. This was too long, even given the interposition of Christmas and the New Year, and I raised the matter at the time with Council Officers. But the important thing

was to make that Decision Notice publicly available as legally required and, as Councillor Bowen acknowledges, this was done in the *Hereford Times*.

We normally put all our material on the Council website; this is an important way to engage with the public. I am aware of two documents from last year which were not so posted, but this is because they relate to exempt – in other words confidential – items. We try to operate in as transparent and open a way as possible, subject of course to the necessary confidentiality associated with individual cases. I am very surprised that Councillor Bowen is under the impression that we discourage members of the public from attending our meetings. On the contrary, we encourage public interest and engagement, and in the seven years I have been associated with the Committee, members of the public have been present at almost all our meetings. If Councillor Bowen is aware of some particular complaint, I hope he will share it with me.

I am not satisfied with the handling of the two cases to which Councillor Bowen refers. A substantial part of the delay arose from the absence of the original investigator on extended sick leave, but there were other administrative delays as well. In the latter part of last year the Committee expressed concerns about the administrative support of its work, and the Interim Head of Law and Governance and the Interim Assistant Chief Executive – Legal and Democratic have been working to ensure that adequate resources are available. I know that the Assistant Chief Executive has also spoken with Councillor Bowen, and that the two individuals concerned are aware of the present situation. Councillor Bowen is right to say that the investigative process can be worrying, and it is in everyone's interest to ensure that it is completed as quickly as possible, consistently with being thorough and fair. This has been our aim from the establishment of the Committee, and I much regret the delays that have occurred in these two cases.

I am of course happy to meet Councillor Bowen, or any other Member of the Council, to discuss the Committee's work, although I know that he and others will understand the constraints upon discussing details of individual cases.

Supplementary question

Why was no contact made with the parish councillors for a year?

Answer from the Council Chairman

A written response will be provided by the Chairman of the Standards Committee.

Question from Councillor RI Matthews to the Cabinet Member Corporate and Customer Services and Human Resources

Question 7

- 7 *It has been brought to my attention that a member of the public has been refused permission to put questions to Council because he presented more than one question and he failed to meet the eight day deadline as introduced by the new constitution, which took effect from 1 January 2010. However, he did meet the seven day deadline required by the Agendas for both the February meeting and this meeting of Council, which also allowed for multiple questions. How was this change made known to the public, why were the agendas, both available on the Council website, not updated and what is the legal position on this matter?*

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

Answer to question 7

- 7 The new Constitution was implemented on 1 January 2010, following its adoption at Council on 13 November 2009. The new Constitution has been made available on the Council website and in libraries and info shops around the county since 1 January 2010. Whilst every effort has been made to update public information following on from changes in the Constitution, unfortunately the information contained within the agenda, had not been identified. This has now been rectified.

Any member of the public who has submitted a question to Council, which may not have conformed to the requirements of the current Constitution, has been advised of these changes and have been provided with alternative options for ensuring their questions are answered.

No supplementary question asked.

Question from Councillor AP Taylor to the Cabinet Member Highways and Transportation

Question 8

- 8 *Who authorised the digging up and tarmac over of the flower bed at the junction of Eign Road and Ledbury Road? Why were local Members not informed of this decision and also how many other flower beds face the same prospect?*

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

Answer to question 8

- 8 Amey Herefordshire carried out the surfacing over of a small section of the flower bed at the junction of Eign Road and Ledbury Road to enable planting and routine maintenance work, including litter picking, to take place safely without causing undue levels of congestion or impacting on the safety of workers or other road users.

Parking work vehicles in the road itself caused concerns regarding visibility and congestion issues at this and nearby junctions; this area will now be able to accommodate a vehicle off the road when undertaking any such works required to other larger adjacent beds. No authorisation was required, and ward members are not normally advised of routine or minor works being undertaken although it is accepted that on this occasion some notification would have been helpful; Amey have asked for their apologies to be tendered.

No other flower beds are currently being considered for removal from the city on these grounds.

Supplementary question

In light of the current economic climate, would it not have been more productive to fill pot holes, not flowerbeds.

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

The comment was taken on board.

Question from Councillor GFM Dawe to the Cabinet Member Corporate and Customer Services and Human Resources

Question 9

- 9 *Who were the people photographed in the wrap around AdMag and Herefordshire Journal LDF / Place Shaping advertisements, were they real people or models, who decided on the content and who authorised and signed off the content?*

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

Answer to question 9

- 9 The promotional material for the Local Development Framework and Local Transport Plan consultations was designed by the communications unit, based on the options in the consultation document available on the website, and approved by the planning department in line with agreed council communication protocols and guidelines. The consultation refers to the needs of local people (including for example housing, employment and care services), to avoid any perception that an identifiable local person is in need of a particular service, and in line with good practice, stock photographs (of real albeit not local people!) were used to illustrate the issues.

No supplementary question asked.

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

Question 10

- A *Many constituents are disturbed by having to support Herefordshire Council's 'growth-agenda' via responding to the LDF / Place Shaping planning consultation. They find they cannot choose a 'no growth' option. In other words they have to effectively 'vote' for a bypass or Outer Distributor Road (ODR) plus associated housing (8000 plus within Hereford City), whichever option they decide to tick. Why is there not a 'no growth' option within the questionnaire?*
- B *How did the Council get its 79% of people supporting the bypass / ODR statistic? Was it obtained via proper statistical techniques e.g. giving a full range of alternative transport options and by random or stratified random sampling of the population?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Answer to question 10

- A As Cllr Dawe will be aware, the national Growth Point policy, Regional Plan (with which the local development framework must, by law, comply) and the Herefordshire Sustainable Community Strategy all reflect the need for growth the

ensure the future economic viability and wellbeing of the county and its residents. Indeed in November of last year Council itself carried the following motion:

“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.”

- B The support for the Hereford Relief Road reflects consultation carried out in Summer 2008 on the LDF Developing Options Report. 530 comments were received from the Herefordshire Voice panel and 277 comments were received through general consultation to the issue of new transport infrastructure in Hereford.

The combined response was 79% of respondents who were in favour of transport and public transport improvements in Hereford including an outer distributor road, and 21% who were in favour of the same package of transport improvements and without the provision of an outer distributor road.

The wider questionnaire was designed to normal standards and the results were analysed and compiled independently by the Council's Research Team

Supplementary question

How could any housing be affordable if the section 106 monies will be required to contribute to the £130million ODR?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Not all the monies from the development of houses will be used for the ODR. 35% of developments of over 15 homes will be affordable housing

Question from Councillor SJ Robertson to the Cabinet Member Corporate and Customer Services and Human Resources

Question 11

- 11 *Regarding the Council's smallholdings, the tenant from the Old Farmhouse at Hospital Farms has been given notice to quit from July, could the Cabinet Member answer the following questions:-*

A *What is the planned usage for the Old Farmhouse and land when the farmer leaves?*

B *Why was the tenant allowed to stay at the farm without a tenancy agreement when his original agreement expired in 2002?*

C *Why has the new Hospital Farm house been allowed to remain empty for nearly four years when there are so many people on the housing list?*

D *During this time the property has deteriorated and will now require major refurbishment. Why has this been allowed to happen?*

E *How much did the new roadway to this empty property cost and why was this commissioned when there is a perfectly good access already in existence?*

F *Lion Farm house, another smallholding property, has been empty for sometime, why was this property and the new Hospital Farm not used for temporary housing rather than the Council incurring bed and breakfast accommodation costs?*

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

Answer to question 11

A & B In line with the current policy the proposal is to re-let the holding after refurbishment; a full survey is being carried out at present. In line with our policy, we apply discretion where appropriate to any tenancy agreement, for example to assist a tenant in relocating.

C,D,F Whilst it would be open to the council to lease individual smallholdings to a housing association for use as temporary accommodation, the need for such emergency accommodation in rural areas is generally very low and it is unlikely that an association would be able to make significant use of such agricultural properties. As with all council property, we actively consider options for current or potential use, including any potential for affordable housing and/or care farms. Refurbishment requirements of vacant properties are also assessed, and schemes progressed as funds become available.

E The cost of the road was £17,147.82. This work has improved access to the holding.

Supplementary question

Why after eight years does the tenant need to sign an agreement; what are the consequences of not signing?

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

A response would be provided to the local ward member outside of the public meeting as a response would not appropriate in a public forum.

Question from Councillor AT Oliver to the Cabinet Member Resources

Question 12

A *The treasury management strategy states that part of the Capital programme will be funded by borrowing from internal reserves, i.e. from cash and bank balances held by the Council, rather than external borrowing. Nevertheless the net borrowing requirement is projected to rise from £115,000,000 to £142,000,000 at 31 March 2011. This strategy seems to rely on the fact that there is always slippage in the capital programme and that projects included in the 2010/11 capital budget will not be started or completed until 2011/12. Is there not a risk that if all projects start on time, or there is a considerable cost overrun, the Council may have to borrow short term to cover a cost flow deficit at greater cost, than external long term borrowing?*

B *From a review of the Council's capital programme for 2010/11 would it be correct to assume that it is extremely unlikely that any refurbishment to the Butter market will take place within the period 2010/11?*

Answer from Councillor H Bramer Cabinet Member Resources

Answer to question 12

- A In the last eighteen months the council has moved to using internal borrowing to fund its capital programme. This was a decision taken due to the large differential between the borrowing interest rates and the interest rates that the council is able to earn on its investments. In other words it has been cost effective to use our internal balances at a time when those balances only received a very low level of interest.

It is now appropriate to take out the planned borrowing contained in our Treasury Management Strategy to replace amounts internally borrowed. This is because interest rates for borrowing are at very low levels and therefore the costs to be incurred by future taxpayers in the county will be minimised.

The Treasury Management Strategy includes our likely borrowing requirements. These requirements assume that projects start in line with the capital programme and therefore the borrowing requirement is at a level to accommodate the delivery of the programme.

Should we need to borrow over a short period the interest rate is extremely favourable – and is currently at 0.4% per annum.

Of the council's existing £115 million borrowing the overwhelming majority (£86 million) is funded by the government who provide grant in our annual settlement to meet the costs. This means there is no direct cost to the council tax payer for 75% of our capital programme that has funded many community and schools projects including for example Riverside Primary School, a new swimming pool in Leominster, new gym equipment in all HALO leisure centres and the mortgage rescue scheme. It is important to note that as reflected in our 2010/11 budget we will use our ability to borrow to repair roads damaged by the recent bad weather.

We also need to acknowledge that the council is well within its limit for all borrowing as set out in the Treasury Management Strategy. This limit is annually reviewed and for 2009/10 it is £174million and will rise to £190million in 2010/11.

- B The Council's 2010/11 capital programme is currently under review and no decision has yet been made.

Supplementary question

Capital spending has fallen sharply – how will the Council be able to support a future capital programme (including ESG, Model Farm, Butter Market, Disabled Facilities Grant, Hereford Centre etc) if there is no capital to fund the projects?

Answer from Councillor H Bramer Cabinet Member Resources

The figures shown in the response to the question are current expectations of demand. New items would be considered in light of priorities. The council is well within the £174million for Capital Programmes, which will rise to £190million. Future will be looked at as the demand rises.

No supplementary question

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

Question 13

- 13 *Now that the Council has had time to assess the damage to our roads from the recent severe weather, could we be re-assured that the additional £1 million allocated for road maintenance in the budget will be adequate to cover all the work necessary to bring our roads back up to standard?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

Answer to question 13

- 13 I refer to my answer to Cllr Chappell at Q3.

Supplementary answer

Would the Cabinet Member agree that there are concerns regarding the quality of pot hole filling as some holes have reappeared deeper and wider than before?

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

200 potholes are being addressed per day. It is accepted that such emergency repairs are not necessarily permanent solutions as if these are completed to the highest specification fewer potholes would be able to be dealt with. £3.7million had been identified to address the damage caused to the network over the winter.

80. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman moved urgency on the notice of motion received on The Personal Care at Home Bill which was moved and seconded.

In seeking the support of Council to the notice of motion the Cabinet Member for Adult Social Care, Health and Wellbeing stated that:

- Whilst she fully supported the provision of care to the vulnerable in the community, especially those dealing with chronic or life threatening diseases, there were concerns that the Bill was raising people's expectations.
- Prominent people had stated that the Bill was flawed and, as it was due to be enacted for October 2010, this would be a difficult situation for the government of the day to deal with. National politicians needed to be more engaged and aware of the consequences of the Bill's impact on individuals and local authorities.
- Local Authorities would have to find in excess of a further 4% of savings to deliver such provision of care.
- The county had an increasing aging profile which was significantly higher than both the regional and national averages.
- Home care costs had increased between 2006-2009 by 9%, and costs associated with Learning Disabilities and Residential care by 30%.
- The Council would experience further funding pressures in future years, therefore working in partnership was vital.

In debate Members expressed their support for the motion and specifically raised the following points.

- The Bill should be good news for those people not experiencing good health, however organisations such as Age UK have commented that it would be essential that councils were properly funded to provide care in order that there was not an incentive for local authorities to push older people into care homes or claim that their needs were not critical enough to warrant free care at home.

- As the costs of care provision are unknown, it was unlikely that efficiency savings alone would be able to meet the costs. It was imperative to adequately fund such support from the start.
- Home care could be provided at a relatively low cost, but only when well resourced and commissioned.
- Examples were given for the costs of home care provision and medication as well as the types of conditions which require prolonged care support (e.g dementia).
- Whilst recognising the implementation of the Bill would have a national impact, due to its demography and sparsely populated area, the effect would be significant for Herefordshire.
- There were many pockets of poverty within the county, with individuals reliant on state provision. Others who appeared affluent had been hit hard by the economic climate with those in receipt of private pensions having seen their income severely reduced and who now existed on low incomes.
- The experience of Scotland, which had introduced free care provision, was shared with council. This included a 36% increase in costs within three years from £129million to £257million. The projections for English local government based on such figures would be from £580 million to £1.73billion in five years.
- The only means by which local government could part fund the requirements would be by either increasing council tax or reducing services. In Scotland's experience, local government reduced elements of discretionary care received e.g shopping etc by 24%. Such support was vital to prolong independence.

The following addendum was proposed to run on from the end of the notice of motion: *'and the LGA and local authorities in similar positions to put pressure on the Government to find a long standing solution to the financing of the Personal Care at Home Bill'*.

The notice of motion to read:

This Council welcomes the general principle of the Government's proposal in the Personal Care at Home Bill to offer free care at home to people with the highest needs, but this Council is dismayed that the Government will only fund a limited part of the costs and expect local authorities to fund the rest (in excess of £250 million if Government figures are correct). All local authorities will be under increased pressure with the age profile rising, particularly with the increases in dementia cases. Herefordshire contrasts greatly from the whole of the West Midlands having 4.5% more older people than the West Midlands, and 5% higher than the average for England. The net average cost of dementia care packages is £17,700 p.a. This Council asks the Leader to communicate to the Secretary of State our Council's grave concern of having yet another unfunded mandate imposed on local authorities, and the LGA and local authorities in similar positions to put pressure on the Government to find a long standing solution to the financing of the Personal Care at Home Bill'.

The notice of motion with its addendum was voted upon and was carried unanimously.

81. LEADER'S REPORT

The Leader of the Council, Councillor RJ Phillips, presented his report which provided an overview of the Executive's activity since the previous Council meeting held in November 2009. A correction was provided to paragraph 13 of the report; the figure £650million should have read £280million.

Members were informed by the Leader that the aligned joint corporate property strategy was being used by the Audit Commission as an example of good practice. Such initiatives not only demonstrated the commitment to the partnership, but were in line with Total Place, which sought to make efficient and effective use of public sector monies. The West Midlands Leaders Board had agreed to lobby for the West Midlands to be the first region to undertake a Total Place approach.

Responding to questions raised in relation to the Herefordshire and Worcestershire Waste Disposal Contract, the Cabinet Member Environment and Strategic Housing stated that the Council would be underwriting expenditure incurred by Mercia Waste should the proposed development not be successful; such costs would equate to 25% of the total (75% being underwritten by Worcestershire). Whilst the liability was recognised as a risk it was smaller than other risks identified in the project. Developing an Energy from Waste plant on Rotherwas, whilst technically a possibility, would not prove as viable due to the amount of waste produced by the county (currently circa 55k tonnes) which would increase the cost per unit. The Hartlebury site had been considered to be the most appropriate to deal with the collective waste for both counties of around 200k tonnes. It was acknowledged by the Leader that further debates would need to be held in relation to the energy from waste issue.

The Cabinet Member Economic Development and Community Services, in response to a question posed on the need to urgently address issues of connectivity and the unacceptable levels of 'not spots' in the county, emphasised the importance of broadband both economically and socially in growing sustainable communities. Members were advised that a variety of options and methods which would increase connectivity and capacity were being considered

The Leader informed Council that the Government criterion for the future funding for schools was expected to be published in advance of the pre-election period; the authority (together with other Councils) had been lobbying for the criterion to include the number of children per hectare, however this would not be known until publication of the criterion.

Members acknowledged the quality of the work being undertaken as part of the Local Development Framework consultation and commended the efforts and commitment of the team. Council Members were thanked for their support and responses to the consultation process.

Responding to a question which sought clarification as to the opportunity given to Hereford City residents to formally consider and sign up to the growth agenda and the deep concerns expressed that decisions relating to the city would be determined by those not living in the city, the Leader outlined some serious underlying issues that needed to be addressed which underpinned the options for growth. These included the average wage levels being sub £20,000, with the average house price being £200,000. The agenda for growth included employment, infrastructure and increased standard of living. The Leader posed the question that should these options not be acceptable, what could be the alternatives?

The Cabinet Member Highways and Transportation, in response to a question raised, advised Council that the Widemash Street and Maylord Street refurbishment scheme was the first part of the design strategy as presented by Bill Hamilton Baillie. A commitment had been given to keep businesses informed of developments and a further newsletter would be issued soon. Shoppers were being encouraged to continue to visit and purchase from businesses on the Street. The project was scheduled to last 40 weeks and would be due for completion for the end of October/early November, in time for the Christmas shopping period.

The Leader informed Council of the development of the West Midlands Leaders Board (WMLB), which included all of the region's 33 local authority Leaders, which had been established to reflect the changes within the regional governance landscape. Executive Groups would be set up to support and advise the WMLB on specific areas (Transport and Planning currently proposed) with task and finish groups formed as appropriate. Sub regional groupings had been established, though it was emphasised that

discussions and decisions needed to be held at the appropriate level. Whilst nationally the number of private sector jobs increased during 1998-2005, there had been a 2% decrease in the West Midlands. The region needed to work together to rebuild a successful regional economy and support such initiatives as the advancement of the carbon agenda in the motor vehicle industries. The Leader acknowledged comments raised by a Member in attendance regarding the need to create and incubate businesses and encourage entrepreneurship (as well as ensure growth and prosperity) by making available appropriate support and affordable business accommodation in the right locations.

RESOLVED: That the Leader's reports be noted.

82. BUDGET AND COUNCIL TAX

FINANCIAL STRATEGY 2010-2013 (INCLUDING BUDGET 2010/11)

Members were reminded that any debate on the Budget and Council Tax would be held during consideration of agenda item 10(a) Financial Strategy 2010-2013 (including Budget 2010/11) and that there would be no further debate under agenda item 10(b) Council Tax Resolution 2010/11.

The three year financial strategy for 2010/2013, which included the 2010/11 budget previously approved at Council on 5 February 2010, was proposed and seconded.

Several Members stated that they would not support the Cabinet's recommendations, the reasons included:

- Vital information remained lacking (including capital projects, superannuation funds, and seven areas of specific grants) which undermined the budget through omissions and assumptions.
- The MTFs as the framework within which cash resources follow corporate priorities had not appeared to allocate budget to take account of the major consultation on Placeshaping and Local transport Planning.
- In recognising the challenges ahead, many parish councils had increased their precepts in order to progress agreed actions.
- Any increase in council tax would be a strain on household finances; the council should look to deliver additional efficiencies especially as an additional 89-100 staff (costing in excess of £1million) had been recruited in the last year. Further concerns were raised in relation to capital assets, a reduction in reserves to 50% and proposed borrowing increase to £169million by 2010.
- The proposed council tax rise of 2.54% was still too high; potential sources of savings could be cutting the cost of the cattle market, and rationalisation of buses to faith schools.
- The £6million savings initially proposed from the original connects project would now deliver £1million. This did not demonstrate good value for money to the public.

Several Members supported the Cabinet's recommendations and the following statements were made:

- Those Members who would not support the recommendations were challenged as to why no alternative budget had been prepared and proposed. This course of action had been undertaken during a previous administration. All Members had the opportunity to discuss alternative costing with officers and Cabinet Members following the February 2010 Council meeting.
- Herefordshire Council was underfunded at a time when service demand and delivery was growing. Given the situation 2.54% was an acceptable increase when compared with other local and police authorities.

- The proposed council tax of 2.9% considered in February 2010 had been reduced to 2.54%. No service delivery would be affected and additional funding would be given to services which support the most vulnerable in the community. This was the lowest council tax rise in the county's history.
- The budget was balanced and this was confirmed in the signed statutory statement by the Council's Chief Finance Officer.
- Whilst it was appreciated that difficult times would be ahead, it was essential for the Council to work within a three year strategy.
- It was prudent to review capital programmes, their timescales and project spend to ensure the best outcomes for both the Council and public.
- The borrowing requirements outlined in the budget were sound and were well within the criteria set by CIPFA guidance.
- Reducing spend required more efficient working or the cutting of non statutory functions, Members would need to make harder decisions in future years.
- Officers were thanked for their work in producing a balanced budget.

In responding to the comments raised in discussion, the Leader stated:

- That the pension fund valuation would be addressed during 2010/11
- The importance of retaining flexibility with capital projects funding to ensure best results (e.g match funding), especially given the certainty of a cut in public funding. Serious consideration would need to be given to the consequences of a possible cut in the Area Based Grant
- The budget proposed was as fair as possible with levels of borrowing well within the scope of CIPFS guidance.
- That should Members not support the budget, it could be assumed that they did not support projects such as school buildings, children centres etc. The purchasing of Plough Lane, associated land and access for £4million was a great deal with the borrowing payments lower than the rent previously paid.
- That there was a need to prepare for future years in order to consider increases and changes in service delivery such as the number of intensive home care clients had increased by 25% in recent years; the number of children with Child Protection Plans had doubled in the last year.
- Savings of £4.5million had been budgeted for and additional funding would be available for highways, children's services and adult services; the previous debate acknowledged potential future strain.
- Budget in future years will be tougher and difficult decisions would need to be made by elected members. The budget for 2010/11 set out a programme for difficult times ahead.

A vote was taken and the recommendations carried.

REOLVED that the Council approve:

- (a) **The Medium Term Financial Strategy (MTFS) shown in Appendix A of the report, which includes the 2010/11 budget at section 7 of the MTFS and the 2010/11 to 2012/13 revenue overview summarised in the Finance Resource Model (FRM);**
- (b) **A council tax increase of 2.54%;**
- (c) **The Treasury Management Strategy in Appendix B of the report, including:**
 - **the Prudential Indicators detailed in Appendix 1 of the Treasury Management Strategy, which includes the draft Capital Programme,**

- the council's Minimum Revenue Provision Policy for 2010/11,
- and formal adoption of the revised Treasury Management Policy Statement as per Appendix 4 of the Treasury Management Strategy.

The Council was requested to set the council tax amounts for each category of dwelling in Herefordshire for 2010/11 and to calculate the Council's budget requirements.

A vote was taken and the recommendations carried.

- (1) In respect of the Council's 2010/11 Budget a council tax of £1,205.09 be levied (at Band D);

And

- (2) in respect of council tax for 2010/11 that the following amounts be approved by the Council for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:
- (a) £347,362,467 being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
 - (b) £202,029,904 being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
 - (c) £145,332,563 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;
 - (d) £57,583,866 being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
 - (e) £1,240.26 being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
 - (f) £ 2,488,463 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
 - (g) £1,205.09 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
 - (h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and

Hereford and Worcester Combined Fire Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992.

- (3) Pursuant to the requirements of the Local Government (Functions and Responsibility) (England) Regulations 2000, any decisions on the application of reserves and balances as required from time to time during the financial year be taken by Cabinet.**

83. SUSTAINABLE COMMUNITIES STRATEGY - REFRESH

The Leader presented the report on the Sustainable Community Strategy which sought approval of the revised Strategy.

The following points were made by Council:

- The Strategy was central to the Herefordshire Partnership.
- It was important to have common goals with the partner organisations.
- To reduce production costs it was felt a full colour document was unnecessary. Consideration should also be given to the document availability on line.
- Bullet points on page 123 of the Strategy refer to groups working together. Members requested clear indications in the Strategy of where groups were working together and evidence of where group working had been successful.
- A Member voiced concern over the percentage of new housing proposed and the effect this might have on the look of the county.
- It was felt the phrase 'everyone matters' instead of 'everyone is someone' gave a better sense of inclusion.
- Under Healthier Communities the percentage of children classed as obese is quoted. It was requested that reference should be made to where the information came from and that headteachers should also be informed of these figures.

The Leader emphasised the importance of all partner organisations being committed to the partnership, maintaining targets and partners being held to account if targets were not met in order to improve the quality of life and the economy of the county.

RESOLVED That: the revised Sustainable Community Strategy be approved.

84. CONSTITUTIONAL UPDATE

COUNCIL CONSTITUTION

Members were requested to note the completion of the Constitution as required by Council at its meeting on 13 November 2009.

The comments raised by Members regarding the contents page and index were noted and would be progressed through the Constitutional Review Working Group (CRWG). Members were advised that the CRWG continued to meet and were progressing further work. The dates of future CRWG meetings, once confirmed, would be circulated to all Members for information.

RESOLVED that Council

- (a) Note that Herefordshire Council's constitution was complete and was publically available on the authority's website, in libraries and in infoshops.

THE APPROVAL OF THE ANNUAL STATEMENT OF ACCOUNTS

Council was asked to consider and agree the approach for approving the annual statement of accounts.

RESOLVED that Council:

- (a) the function of approving the statement of accounts is delegated to the Audit and Governance Committee to receive, review and approve them before the 30 June statutory deadline;
- (b) following approval from the Audit and Governance Committee the statement of accounts is then referred to the Council for formal receipt and noting; and
- (c) the Assistant Chief Executive Legal and Democratic (Monitoring Officer) be instructed to make appropriate changes to the Constitution to give effect to recommendations (a) and (b) above and publish the amendments.

85. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority held on 15 December 2009. Council members were informed of the proposals for change which would reshape the internal organisation of the West Mercia Police to free up more time to focus on issues such as frontline policing. Shift patterns would be changed to ensure increased police counter cover and the provision of 24 hour police cover in rural areas. The changes would be monitored closely by the authority's representatives through the Community Policing Board. Emphasis was also given to West Mercia being assessed as having good performance in relation to the Policing Pledge.

Councillor B Hunt provided assurance that all police stations in the county would have counter service seven days a week.

Specific praise was offered to the Police by a member for their approach in handling an issue within the ward.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 15 December 2009 be received.

86. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brig. P Jones CBE presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 18 December 2009.

Council was additionally informed that:

- Paul Hayden, Chief Fire Officer/Chief Executive had notified the Authority of his intention to retire from the Service on 12 May 2010, and the Appointments Committee had recommended the appointment of Mark Yates to this position.
- The Queen's Fire Service Medal had been awarded to Paul Hayden in the New Years Honours List

- Hereford & Worcester Fire and Rescue Service was to receive additional funding to help support rescue teams that can deal with major incidents such as extreme weather, building collapses or terrorism.

Responding to a question asked about the fact that 54 fire crews responding to 999 calls had been delayed in reaching their destinations due to complications with their satellite navigation equipment, and the fact that this information was only made public following a freedom of information request, Councillor Brig. P Jones stated that he would look into the issues and would provide a response. Members were reminded that the Fire and Rescue service was in the middle of a transition to regional control.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 18 December 2009 be received.

The meeting ended at 1.25 pm

CHAIRMAN