

PUBLIC QUESTIONS TO COUNCIL – 6 FEBRUARY 2009**Question from Ms P Mitchell, Cycle Hereford***Question 1*

When will the Council introduce 20mph speed limits on all roads not wide enough to accommodate both two-way motor traffic and full-width cycle lanes and when will it introduce full-width cycle lanes in both directions on roads in the City of Hereford where the speed limit is higher than 20mph?

Summary

- *The Council departs from national guidance and good practice in its treatment of cyclists.*
- *The safety of cyclists is a prerequisite to increasing levels of cycling in Hereford.*
- *Traffic speed is both the most important and most readily managed aspect of road safety.*
- *When the Council's management of the road network fails to take the safety of cyclists and pedestrians fully and systematically into account, it discriminates against these road users.*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

Answer to question 1

The Council has no proposals to introduce 20mph speed limits on all roads not wide enough to accommodate both two-way motor traffic and full width cycle lanes. We have been following our LTP policy to introduce 20pmh at schools and have now implemented 10 permanent schemes and 3 part time 20mph speed limits.

In terms of emerging policy being developed for the third Local Transport Plan we will set out proposals for the continuation of schools 20mph zones and the introduction of other 20mph speed limits in appropriate locations including residential areas. In developing this policy we will take into account Department for Transport Guidance and best practice.

The Council does not have a blanket proposal to introduce full width cycle lanes in both directions on city roads where speed limits are higher than 20mph. However, the process by which cycle routes are identified and prioritised for construction takes traffic speed into account and also favours schemes that re-allocate road space in favour of cyclists. This approach has the advantage of focussing efforts to the locations where they are needed while maintaining the right of cyclists to use the carriageway.

No supplementary question was asked but Members encouraged to visit Cycle Herefordshire's website.

PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

Question from Mr M Harding, Chairman Ledbury Town Council Planning and Economic Development Committee

Question 2

Is there a set criteria for ward members to follow in the Herefordshire constitution and how can a ward member agree to delegate a planning application when they do not know the location or details of the plan?

Answer from Cllr J French, Cabinet Member Corporate & Customer Services and Human Resources

Answer to question 2

The Constitution makes a number of references to ward councillors and their roles and responsibilities and the role of the ward member in relation to planning matters is set out in the Planning Rules (section 4.8) and the Planning Code (section 5.14).

Ward councillors cannot delegate a planning decision because planning applications are not within their remit. The Constitution provides a ward councillor with a right to ask that an application be redirected to the Planning Committee if certain criteria are met. The Planning Committee then deals with the matter. Otherwise decisions are made by the relevant planning officer under the delegations in the Constitution

The Council's constitution is available on the website and open to inspection at the Council's offices at Brockington. The Council's democratic services team will be happy to provide further advice about how the Council's delegations work upon request.

No supplementary question was asked

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Question from Mr D Packman, Withington

Question 3

In recent months, when following up matters of interest to each of us as individuals rather than of joint interest, my wife and I have become increasingly concerned at the length of time it has taken to obtain acknowledgement of our emails, still less to be provided with answers to the questions we have raised. This observation applies not only to our attempts to contact Herefordshire Council officers but also to requests for information from the staff of the Herefordshire Partnership and of Amey Herefordshire. In view of this, and following discussions with a number of Herefordshire Councillors, we ask that the following written questions be put on the agenda for the next Council meeting.

What is the target period within which members of the Council's staff are required to respond to electronic correspondence; is it enforced; can automated acknowledgements be sent and what arrangements are in place to acknowledge incoming messages when staff are away from the work place?

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

Answer to question 3

Currently, whilst there are general guidelines there is no prescribed response time for staff to reply to correspondence whether received by email or other channels, and therefore no means of enforcement. As part of the drive towards improving services delivered to our Customers, we are in the process of developing a Customer Charter, which will set out some simple, consistent service standards for all employees to work towards; this will be prescriptive about expected response times.

The use of automated acknowledgements is being considered, including for use when an individual is away from the office. However, whilst acknowledgments can provide a degree of assurance to the correspondent, I am sure Mr Packman will agree with me that our primary concern should be to ensure that customers receive a substantive response to their enquiry in a timely manner. I would therefore ask that any specific instances of concern are brought to the attention of the customer services team, which provides information, advice and assistance, progress chasing and complaint handling for all our services, and can be contacted at info@herefordshire.gov.uk .

Supplementary Question

When would work on the Customer Charter be completed?

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

Work was currently underway and would be completed during Autumn 2010.

PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

Question from Mr C Grover, Much Birch, Hereford

Question 4

During the last two years three gates or swinging bars have been erected on Bromyard Downs. The digging of six holes, inserting six, six by six inch five foot high wooden posts, concrete and fitting swinging bars would for most people's interpretation be regarded as "works" as described in the Commons Act 2006 Section 38. Why have the public been denied the consultation required under this law despite the fact that all persons in authority in Hereford Council and the Parish Council concerned with the administration and management of the Downs have been aware of the works?

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

Answer to question 4

Bromyard Downs Common is managed under a management agreement by Brockhampton Group Parish Council who in turn has delegated that function to its Commons Management Committee. I can confirm that all issues raised in relation to Bromyard Downs are receiving careful consideration and I will ask that consideration is given to what the Council can do to enforce obligations on the Parish Council and/or the Commons Management Committee under the Commons Act 2006 or other relevant provisions.

It is important that Commons management is effective across the County and for that reason and to prevent problems occurring in future, arrangements for the management of commons including Bromyard Downs are being reviewed and I am expecting a report on this in September 2010.

Supplementary question

Why was no public consultation undertaken regarding the erection of the gates?

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

A large amount of correspondence has been received from both officers and Members on issues relating to the Downs. A detailed consistent reply would be provided in the next 10 days. A review would report in September 2010 and would outline a holistic approach to management arrangements for Downs and Commons county wide.

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Question from Mr R Steeds, Bringsty

Question 5

Many folk have written numerous letters to Herefordshire Council staff concerning Bromyard Downs Management; planning applications for Olivers Field, Clatter Park and Slipstone Workshop; and breaches of the code of conduct associated with SCO916 few have been acknowledged and none that I am aware of has received a considered response.

Is this acceptable for an organisation whose leader is paid more than the Prime Minister and what is the Herefordshire Council policy on responding to correspondence?

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

Answer to question 5

No it is not acceptable that questions remain unanswered. There has been a considerable volume of correspondence to a wide range of Council officers and Councillors about a considerable number of different issues. It is important that all the issues raised receive a considered response and that the Council in the light of all the issues raised considers carefully what action it can take to resolve those issues.

A complete review of all the issues raised is now underway and full responses to all outstanding correspondence will be sent very shortly.

It is important that Commons management is effective across the County and for that reason and to prevent problems occurring in future, arrangements for the management of commons including Bromyard Downs are being reviewed and I am expecting a report on this in September 2010.

The Council's policy on responding to correspondence is explained by the relevant Cabinet Member, Cllr Mrs French in response to Question 3 of the questions from members of the public.

Supplementary Question

When would the Council remove the common thread linked to these issues to free officers to do the jobs that they are paid to do?

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

The issues referred to in the original question are several and complex in nature. The Cabinet Member would continue to impress the importance of resolving specific issues. A detailed report on the review of downs and commons management would be considered in September 2010; prior to the publication of the report, patience was requested.

PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

Question from Mrs M White, Bringsty

Question 6

Completion of Malvern Road Drainage

I am 75 years old and registered blind. My home was flooded in July 2007 and under repair until May 2008. The flood was due to the negligence of Herefordshire Council's agents the Brockhampton Group Parish Council whose Chairman's "unlawful" decision (See SCO916) has left a serious local hazard. This is the third formal request to Herefordshire Council for the work to be completed urgently to our satisfaction and that of the Land Agent, Mr Thompson. When can we expect completion?

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

Answer to question 6

Bromyard Downs Commons is managed under a management agreement by Brockhampton Group Parish Council who in turn has delegated that function to its Commons Management Committee. Consequently, Herefordshire Council did not start these works. For that reason I cannot say when completion can be expected. I can say that, the Council will continue to do what it can to ensure that the Commons Management Committee meets its obligations, through its land agent.

I cannot comment on the Standards Committee case SCO916.

Supplementary Question from Mrs M White's representative, Mr R Steeds, Bringsty

What is the mechanism to ensure that decisions, once made, are carried out?

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

It would not be possible to answer the question in detail at this time. A detailed report on the review of downs and commons management would be considered in September 2010; prior to the publication of the report, patience was requested.

PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

Question from Mr P McKay

Question 7

Legislation provides that legitimate limitations and conditions, such as structures across paths and ways, i.e., gates and stiles, be recorded on the definitive map written statements, with procedures for correcting errors and omissions, so I am somewhat concerned when enquiring why gates and gaps have been replaced with stiles (or other structures such as kissing gates and narrow pedestrian gates) to be told that they are suitable for the status of the route, a reply that ignores a) whether or not they are legitimate, b) ignores the disability discrimination act, and c) ignores the fact that the status of the route is without prejudice to higher rights over it, refer Council web page. So may I ask in this time of cutbacks, with structures of questionable legitimacy having been installed, and Council's accounts having previously been endorsed by auditor due to unlawful expenditure on structures such as these, just which section of Highway Act gives you the power to restrict the highway in this way, and if expenditure on maintenance, other than removal of the structure, could be curtailed to those structures that may be verified by audit to be legitimate, my objecting to my money being used to hinder access to the countryside?

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

Answer to question 7

It should be recognised that stiles, gates and similar structures are normally the property of the landowner and they are responsible for their maintenance and upkeep, with a 25% contribution towards reasonable costs from Herefordshire Council.

Herefordshire Council does not authorise new stiles where none previously existed, and will only authorise replacement stiles in exceptional circumstances after efforts have been made to secure a gate; we are also confident that current policies meet with the statutory requirements.

Most of the structures in place are reasonable for the status of the route and have provided access to the countryside for countless visitors and allowed the public and landowners to enjoy and work the countryside in comparative harmony. This is not to say that there are not improvements that can be made, however these have to balance the needs of the landowners with the wishes of the public and be set in the context of an increasingly challenging financial climate.

No supplementary question asked.

PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

Question from Ms K Rock, Bromyard

Question 8

In addition to general overgrowth of paths, Mr Barnes' gate, Mr Lane's hedge and shed and numerous "earthworks" which have been put up illegally on Bromyard Downs, we now have single bar gates erected. These are not only unlawful but extremely dangerous for horse riders due to the design, height, type of fastening (which has been fitted on some) which are hazardous for both rider and animal. They also very effectively block disabled access onto the Downs at the bottom of the Racecourse (where access was previously possible). There have also been large stones placed on the track by Foxglove Cottage which again are hazardous to horses and completely block wheelchair access.

Given all relevant authorities are aware of the various impediments currently on Bromyard Downs, when will the Council take action to remove these gates and other impediments to access?

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

Answer to question 8

Bromyard Downs Common is managed under a management agreement by Brockhampton Group Parish Council who in turn has delegated that function to its Commons Management Committee. Consequently, Herefordshire Council did not undertake these works. For that reason, the Council cannot take the action suggested in the question. I can say that, the Council will raise these issues again and continue to do what it can to ensure that the Commons Management Committee meets its obligations, through its land agent.

Supplementary question

How can the Council ensure that access for disabled and other users will be safeguarded?

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

It was acknowledged that a number of issues needed to be clarified, one of which related to users of the Downs. A detailed report on the review of downs and commons management would be considered in September 2010; prior to the publication of the report, patience was requested.