

PUBLIC QUESTIONS TO COUNCIL – 15 JULY 2011

Question from Mr P McKay, Hereford.

Question 1

At Council Meeting of 4 March I was advised that it is Council's objective to have complete and correct highway records, and that Council will consider if Council's map of recorded roads could be put online, combined with the map of rights of way, and Government Minister has also reportedly said that access is now taking on a central role in achieving many of the governments targets on health and promoting more sustainable rural communities. Looking through Council records it is apparent that for many years requests to add minor unrecorded roads to the records was considered by the Highway Committee. This committee no longer exists, and has not existed for many years, leaving no clear transparent democratic procedure for processing such requests, leaving house holders facing difficulties in getting roads to their properties recorded, and others such as parishes facing difficulties in getting corrections and additions made such as minor unsurfaced roads suitable for recreational use, with loss of access occurring from time to time. (The procedure for adding public rights of way is not considered to be appropriate it being limited to main use of foot or equestrian, does not record vehicular access, addresses public rights over land holdings rather than roads between land holdings, and takes Council many years to determine such applications)

Could requests to record our minor unsurfaced roads be considered by the Regulatory Committee, which committee already considers diversion applications and the like, or some other suitable committee, so that our Councillors may decide such matters within a reasonable time scale, subject to reasonable verification such as Parish Council being in agreement that it is a road that ought to be recorded?

Answer from Councillor AJM Blackshaw, Cabinet Member Highways Transportation & Waste

The Council Constitution sets out (in part 3.6.2) the respective responsibilities for discharging functions within the regulatory framework. Such matters as referred to by Mr McKay are not reserved to the Regulatory Committee; however the Committee does retain responsibility for overseeing the discharge of regulatory functions by officers and to consider and approve regulatory policies and procedures.

Question from Mrs J Potter, Leominster.

Question 2

Vicarage Street Neighbourhood Watch, attempting to protect their neighbourhood, are concerned that Council would consider authorising a change to surface of a grass footpath at end of their street for purpose of vehicular use on balance of probabilities that an adjacent owner also owns part width of footpath under common law, whilst West Mercia Police have consulted their solicitor and adopted the view

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the Land Registry are the proper people to determine who owns what, and that any vehicular use of the footpath until land ownership was registered would be unlawful.

Would the Council please take likewise view that it would not authorise any work on and along the footpath for purpose of vehicular use until such time as the ownership of the land is registered with the Land Registry that would establish that vehicular use by landowner would be lawful?

Answer from Councillor AJM Blackshaw, Cabinet Member Highways Transportation & Waste

Yes. However I can confirm that on the basis of the outcome of a land registry search, authority has been granted to the developer to carry out work along the public right of way within the legal limits allowed by the respective ownerships.

Question from Mrs E Morawiecka, Breinton, Hereford.

Question 3

As chairman of Breinton Parish Council I raised concerns about the local development framework process to the Overview and Scrutiny Committee back in October 2010. In particular I raised concerns over the consultation process, the reporting of subsequent feedback and reports that failed to accompany the core strategy and which are still not publicly available, such as the infrastructure delivery plan and the habitats registration assessment. In December 2010 written replies on all areas of the preferred policies were published except for those on the preferred options for Hereford City, which are still not available, over 6 months after the consultation was completed.

Will the new Overview and Scrutiny committee consider the whole LDF consultation and reporting processes prior to the next public consultation, which Herefordshire Council proposed would start in July 2011, a timetable which was approved by the Conservative Council back in March 2011?

Answer from Councillor H Bramer, Chairman Overview & Scrutiny Committee

As Chairman of Overview and Scrutiny Committee I have a responsibility to ensure provision in the committee's work programme to consider plans and strategies forming part of the Council's Budget and Policy Framework, of which the LDF is one; this I will do. However, given that Council has already endorsed the need for further consultation including a poll, I do not propose to schedule this work prior to the consultation; rather I would expect the Committee to be able to add most value in the development of this key Council policy statement if it is able to take account of the outcome of this consultation in its deliberations.

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Question from Ms V Wegg-Prosser, Breinton, Hereford.

Question 4

The minimum costs of the proposed but not yet approved non-binding advisory community poll regarding the subject of a road round the city of Hereford were estimated to be around £50,000 in January 2011.

What is the revised cost of this proposed but not yet approved non-binding poll now that the earliest date on which the poll can be considered by Overview and Scrutiny, were it to be approved, is 30 September 2011, and the poll itself will not be able to take place until after its wording has been subject to independent scrutiny before being publicised, therefore resulting in the likely date of the poll, if approved, in these inflation-rising times, to be some eleven months after the date of the provisional costing?

Answer from Councillor DB Wilcox, Cabinet Member Environment Housing & Planning

At its meeting on 28th July Cabinet will receive a report on the strategy for the Local Development Framework. This will encompass any further consultation proposed, including a poll, and will set out the costs associated with this as well as proposed timing. I would also refer the questioner to the answer provided by the Chairman of Overview & Scrutiny to question 3.

Question from Mr P Mitchell, Herefordshire.

Question 5

Herefordshire Council's unlawful sanctioning of commercial advertisement along the open highway.

Would the Cabinet member explain why Highways Policy application currently unlawfully sanctions these advertisements in direct contravention of numerous clauses of the Highway Act as well as the Authority's own Highway Policy and directly in contravention of statutory requirements for prior express planning consent under the Planning Act; and would the cabinet member explain why contrary to applicable legislation his Department no longer ensures that any of these unlawful advertisement displays have express planning consent as stipulated and required that they should have under the Planning Act?

The consequence of the Authority's Planning and Highways Policy application is that legislative intent to regulate and control these advertisements is virtually completely undermined, subverted and effectively discarded by the Authority for these advertisements along the open highway - unlawfully"

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Answer from Councillor AJM Blackshaw, Cabinet Member Highways Transportation & Waste

The Council's policy in relation to highways signage sets out the approach that is taken to enforcement which is undertaken in accordance with the resources available. This policy was adopted in July 2009 following extensive consultation and legal opinion, and I can confirm the council is acting lawfully.

Question 6 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (19 November 2010) Herefordshire Council Constitution Part 4, 4.1.14.7 c.
