

MINUTES of the meeting of Council held at Council Chamber - Brockington on Friday 8 March 2013 at 10.00 am

Present: Councillor LO Barnett (Chairman)
Councillor ACR Chappell (Vice-Chairman)

Councillors: PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, WLS Bowen, H Bramer, AN Bridges, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, EPJ Harvey, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, DC Taylor and DB Wilcox

84. PRAYERS

The Very Reverend Michael Tavinor led the Council in prayers.

85. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors:

AJM Blackshaw, AJ Hempton-Smith, GA Powell, GR Swinford and PJ Watts.

86. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor AN Bridges, non-disclosable pecuniary, item 12, Director of Northolme Community Centre.

Councillor ACR Chappell, items 11 and 12, non-pecuniary, member of Standards Panel in these cases.

Councillor P Rone, disclosable pecuniary, item 10(f), holder of various licences.

87. MINUTES

RESOLVED THAT: The Minutes of the meeting held on 18 February 2013 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Item 82 bullet point 4 “price rise” to be replaced by “increase”.

Item 82 bullet point 5 after “growth” add “which generates income”.

Item 82 bullet point 8 delete “despite the Budget restrictions”.

Item 82 under ‘Link Road’ bullet point 8 after “overspend” add “in adult social care”.

Item 82 under named votes for motion (c) “Councillor GA Powell” should read “Councillor GJ Powell”.

Item 83 Add a bullet point at the end “that the Council should be aiming for a ratio of 1 to 8 and adoption of a living wage”.

88. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the Council's new Chief Executive, Alastair Neill to his first Council meeting.

The Chairman in her announcements:

- Reported attending the first Herefordshire Winter Games, with the Vice Chairman.
- Reminded Members of the forthcoming Civic Service on 17 March.
- Reminded Members of the closing date of 15 March for nominations for the Herefordshire Diamond County Award.

The Chairman reported receiving a petition from Mrs Alison Shepherd on behalf of the parents of Barrs Court School asking the Council to commission further education college provision for 19 to 25 year old young adults with disabilities, which she handed to the Cabinet Member, Education and Infrastructure.

89. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers, together with the supplementary questions and answers asked at the meeting are attached to the Minutes as Appendix 1.

90. COUNCIL TAX RESOLUTION 2013/14

Councillor. AW Johnson, the Cabinet Member Financial Management, presented the report to Council and sought amendment to recommendation “e” on page 16 of the agenda to replace reference to the 2012/13 budget with reference to the 2013/14 budget. This was agreed. In concluding, Councillor Johnson moved that the recommendations be accepted, which was seconded by Councillor H Bramer.

In discussion the following points were made:

- The figures given in the annexe appear to include the grant to make up for the reduction in Council Tax benefits and not the precepted figures.
- The overspend figure is £130k more than that in December 2012 estimate.
- That reserves will be £2.3m below the minimum and assurance was sought for the next financial year in particular should service estimates turn out to be low.
- Under S. 27 of the 2003 Act (referred to in para 10.4 of the report) there is a need to include proposals to avoid reserves dipping below the minimum level.
- There were concerns that service levels could be seriously affected, given the financial state of the County Hospital.
- That the effect on services is not always a negative one and in some cases prompts better ways of delivering those services.
- The key objective of the budget was to protect the most vulnerable in the community.
- That the Council's statutory finance officer (S.151 Officer) has approved the report as meeting all necessary obligations.

RESOLVED UNANIMOUSLY THAT:

- (a) It be noted that the Council calculated the tax base 2013/14;
- 1) for the whole Council area as 64,260.18 band D equivalent dwellings;
 - 2) for dwellings in those parts of the area to which a parish precept relates as in the attached Annex 1(i);
- (b) in respect of Council Tax for 2013/14 that the following amounts be approved by the Council for the year 2013/14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011):
- (i) £333,068,881 being the estimated aggregate expenditure of the Council in accordance with Section 31A (2) of the Act, including all precepts issued to it by Parish Councils;
 - (ii) £251,658,953 being the estimated aggregate income of the Council for the items set out in Section 31A (3) of the Act (including Formula Grant);
 - (iii) £81,409,928 being the amount by which the aggregate at (b)(i) above exceeds the aggregate at (b)(ii) calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax Requirement for the year (including Parish precepts);
 - (iv) £1,266.88 being the amount at b(iii) above divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - (v) £2,499,081 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act;
 - (vi) £1,227.99 being the amount at (iv) above less the result given by dividing the amount at (v) 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 Parish precept relates;
- (c) 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 (as amended).
- (d) That the Council Tax requirement for the Council's own purposes for 2013/14 (excluding parishes) be approved as £78,910,847; and
- (e) In respect of the Council's 2013/14 Budget a Council Tax of £1,227.99 be levied (at Band D).

91. LOCAL TRANSPORT PLAN

Councillor GJ Powell Cabinet Member, Education and Infrastructure, presented the report stating that it gave a window of opportunity to deliver schemes, encouraged communities to work together to demonstrate that change was possible. He thanked all Members, Parish Councils, interest groups and the public for contributing to the plan. The Cabinet Member stated that he was aware that the issues of maintenance, public transport, congestion and parking were the main concerns and that this plan could make a difference if Members and some 10% of the population were behind it.

In respect of particular themes, the Cabinet Member made the following observations:

Road Maintenance

The highways maintenance contract was currently going through a procurement process. The works to be carried out under the £1.6m government grant scheme were being commenced early, listings of which were on the Council's website.

Public Transport

This was about addressing rural isolation and seeking a more integrated, effective and efficient way to deliver a transport network across rural Herefordshire.

Congestion

Use of public transport, park and cycle, park and share and an increase in investment in the cycle network would have lifestyle benefits, in particular for those who start or end their journey to work or school within Hereford. A change by 10% of residents would make a difference. The week commencing 13 May would be "Choose How You Move" week.

Parking

Implementation of the new parking strategy, reducing commuter parking in the city or town centres.

The City and Towns

The 'Destination Hereford' plan recognises increased footfall from 2014. Measures would include a new 20 mph zone, improved pedestrian signage and contraflow pedestrian and cycle movement. Each town to be encouraged to develop its own town plan.

Rail

Installation of new lifts at Hereford Station. Consideration of increased park and ride facilities from Leominster Station. The Cabinet Member reiterated that the Council does not control the rail network, but would continue to support rail expansion where needed. The Rotherwas and Holme Lacy rail scheme concluded that demand, capital costs and subsidy, in excess of £10 per journey did not support progression, a view shared by Network Rail.

The Cabinet Member moved the recommendation be accepted, it was seconded by Councillor MAF Hubbard.

In discussion the following points were raised:

- That the plan addressed the 45% of car journeys that happen at peak times which are under 5km in distance.
- The Council needs to support a community shift in thinking how people get around towns.

Councillor PJ Edwards proposed an amendment to the resolution, to read :- “The Local Transport Plan (LTP) for 2013/14 to 2014/15 is approved, subject to greater consideration of rail traffic and reconsideration of the Hereford Edgar Street inner link road.” The motion was seconded by Councillor R.I. Matthews. In debate the following points were made:-

- The opinions of the 30% of residents in the county who live in Hereford are vital in respect of the £22-27m link road. Could this be done differently without increasing the Council’s mortgage? Could the housing developer pay for the costs of a link road?
- That the link road design was a flawed one, and needed to be addressed and not a case of whether a link road is needed or not.
- The link road was vital for the regeneration of the city and would open up access to the urban village, improve connectivity, reduce traffic, improve safety and facilitate the development of a new Police H.Q.
- There was only a limited window in which to reconsider the rail traffic issue of a network hub and Rotherwas link.
- The Rotherwas area is a key employment zone for the county and the Council should seek commitment from Network Rail to extend the service to Rotherwas.
- That the case for the rail scheme was not financially sound.
- That there is a planned reduction in journey times on the Hereford-Birmingham line of 12 minutes.
- That there is evidence that for every £1 spent on rail investment £4 to £5 is returned from business growth.
- That the rail freight capabilities for Rotherwas should not be overlooked as a freight train could carry up to 3k Tonnes per journey.
- Access to Rotherwas from the East and North is poor and a rail link would address this.
- Local M.P.s were pushing to extend use of the Hereford to Great Malvern line, which would include provision of passing loops rather than less efficient passing bays. Currently there is 11 miles of single track between Hereford and Ledbury and the line has been successfully defended against a downgrade to a community line already.
- There are community led plans involving the Moreton on Lugg rail head and this should prompt re-consideration.
- That cycle safety is a priority.
- There is a risk that the city will be physically divided separating the new from the old unless pedestrian access is upgraded and traffic reduced.
- There is inbuilt flexibility in the masterplan for the Rotherwas Enterprise Zone to retain entry by rail if needed.

The motion to amend was put to the vote and the vote was taken as follows:-

For:23 Against:27 Abstentions: 2

The motion to amend the recommendation was not carried.

The discussion continued and the following points were made:

- There was concern about the lack of mention of trees and their contribution to townscape, air quality and noise reduction.
- That meetings had taken place regarding trees with the Highways Agency in trying to get revision to the Agency's scheme
- That the EURO 5 emissions standard was not high enough and the Council should be aiming for the new EURO 6 standard.
- That EURO 6 was not due in for some time and therefore had not been looked into.
- There was concern with the closure of Garrick car park and the reduction in car parking spaces for those not able to cycle.
- Council noted that the new temporary parking facility at Edgar Street would provide 80 places, with further parking capacity elsewhere.
- That if parents can look at alternatives to taking children to school by car this would make a marked impact on traffic.
- Negotiations are ongoing with the NHS about staff parking in the area.

The motion was put to the vote and the vote was as follows:

For: 47 Against:5 Abstentions:1

RESOLVED: The Local Transport Plan (LTP) for 2013/14 to 2014/15 is approved.

92. ESTABLISHMENT OF HEALTH AND WELLBEING BOARD

Councillor PM Morgan, Cabinet Member, Health and Wellbeing presented the report, reminding Council that the Health and Wellbeing Board is a unique committee of the Council and therefore should not be viewed in the same way as the other committees and was not a forum for establishing Council policy. The Board had met in shadow form to date and the report set out the proposed governance arrangements for it as discussed so far.

The Cabinet Member moved that the recommendations in the report be accepted with recommendation "d" to state that the Vice-Chairman be appointed by the Board, the motion was seconded by Councillor JW Millar.

In discussion the following points were made:

- There was concern that there was no representative from a body dealing with palliative care.
- It was proposed that voting rights be extended to all members of the Board.
- That representatives from the youth, service users, arts and spiritual sectors were not currently included.
- Membership needed to be considered carefully and that careful consideration should be given to membership.

Councillor MAF Hubbard proposed a motion that the recommendations be amended:

1. Replacing the requirement that only core members be able to vote with all members of the Board being able to vote.
2. Adding a further recommendation, "g" that "in the first year the Board examines its own membership and to consider including users of the services."
3. Recommendation "d" be amended to reflect appointment of an independent chairman supported by Cabinet Members.

The motion was seconded by Councillor MD Lloyd-Hayes.

In debate, the following points were made:

- It was noted the report stated that once the Board is established it has the power to appoint further persons.
- That the number of issues requiring a vote should be few in practice.
- That this body was designed to operate at a strategic level and could commission the views of service users as and when necessary.
- Membership of the Board has evolved organically to date and the size of the Board has to be balanced against the work programme.
- That there was a representative from the community and voluntary sector already on the Board, which was omitted from the list.
- The members of the Board had chosen the restricted voting option.
- That as a committee of the Council it was appropriate for the Cabinet Member to be the Chairman.
- The Board has the option to co-opt as they think appropriate.
- That there was a Council-heavy voting presence in the proposed arrangements.
- That the members of the Board would not be paid any allowance or expenses.

Councillor MAF Hubbard withdrew the proposed amendment for an independent chairman.

The vote was then taken on the proposed amendments to the recommendations as follows:

First amendment: Replacing core members only being able to vote with all members of the Board being able to vote.

For:11 Against:36 Abstentions: Nil

Second amendment: Adding a further recommendation, "g" that "in the first year the Board examines its own membership to consider including users of the services."

For: 8 Against:36 Abstentions:3

The vote on the original motion was taken as follows:

For:33 Against:8 Abstentions:1

RESOLVED THAT:

- a) The Herefordshire Health and Wellbeing Board be formally established.**
- b) The draft terms of reference as appended be approved.**
- c) The Membership of the Board to consist of :-**

A STATUTORY CORE MEMBERSHIP of:

Two Herefordshire Councillors nominated by the Council's Leader
Herefordshire Council's Director of Adult Social Services (Post held by
the Director for People's Services)
Herefordshire Council's Director of Children's Services (Post held by
the Director for People's Services)
Herefordshire Council's Director of Public Health
A representative of Herefordshire Healthwatch

A representative of the Herefordshire Clinical Commissioning Group.

**SUCH OTHER PERSONS AS THE COUNCIL THINKS APPROPRIATE
namely:**

A representative of NHS Commissioning Board Local Area Team

A representative of a carers support organisation

The Chief Executive of Herefordshire Council

A representative of 2Gether NHS Foundation Trust

A representative of Wye Valley NHS Trust

A representative of West Mercia Police

A representative of the business community in Herefordshire

A representative of the care and community sector

- d) The Chairman be the Cabinet Member for Health and Wellbeing and the Vice-Chairman be chosen by the Board**
- e) Only the core statutory members of the Board have voting rights.**
- f) The Monitoring Officer be authorised to make any necessary consequential amendments to the Council's Constitution.**

93. ANNUAL REPORTS TO COUNCIL

The following Annual Reports were presented:

REPORT OF EXECUTIVE DECISIONS TAKEN UNDER THE URGENCY PROVISIONS

Item 10 A) The report was presented by Councillor JG Jarvis, the Leader of the Council.

It was moved by Councillor Jarvis and seconded by Councillor BA Durkin that the report be noted.

RESOLVED THAT: Council notes the content of this report.

REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE

Item 10B) Councillor J Stone, the Chairman of the Audit and Governance Committee presented the report and thanked the Vice-Chairman, Councillor JW Millar and the members of the Committee for all their hard work during a busy year.

Councillor Stone also thanked the members of the Standards Panel for their work, as since July 2012, the work of the Standards Panel has been in the remit of the Audit and Governance Committee.

Councillor J Stone moved the motion, seconded by Councillor JW Millar.

RESOLVED THAT: The report be noted.

REPORTS OF THE OVERVIEW AND SCRUTINY AND GENERAL OVERVIEW AND SCRUTINY COMMITTEES

Items 10C) and 10D) were presented together by Councillor A Seldon, the Chairman of the outgoing Scrutiny Committee and Chairman of the replacement General Overview and Scrutiny Committee. In presenting the reports, Councillor Seldon thanked the Council's Scrutiny Officer for her work and support.

Councillor A Seldon moved the motion, which was seconded by Councillor JW Millar.

RESOLVED THAT: The reports be noted.

REPORT OF THE HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

Item 10E) Councillor JW Millar presented the report and stated that although the Committee had only been in existence for a short while it was clear that not only did the right questions need to be asked but that the answers received needed to be triangulated and backed up with evidence. Councillor Millar thanked Councillor SJ Robertson, the Vice-Chairman of Health Overview and Scrutiny and the Committee as a whole in particular for the improvements based on the OFSTED work.

Councillor JW Millar moved the motion which was seconded by Councillor A Seldon.

RESOLVED THAT: The report be noted.

REPORT OF THE REGULATORY COMMITTEE

Item 10F) Councillor JW Hope MBE, the Chairman of the Council's Regulatory Committee presented the report and moved the motion. Councillor B.A. Durkin seconded the motion. A question was raised about the backlog of public path diversions.

RESOLVED THAT: The report be noted.

REPORT OF THE PLANNING COMMITTEE

Item 10G) In presenting the report, Councillor PGH Cutter thanked the Vice-Chairman Councillor BA Durkin and the members of the Committee for their hard work in this public facing committee of the Authority.

A discussion followed in which the following points were raised:

- That the Council is in something of a policy vacuum between the NPPF and our own SHLAA.
- There were concerns at the cost of Council refusing applications contrary to officer recommendations.
- Concerns at the lack of meetings held to discuss small area policies and other items.
- A seminar on trees would be held in the near future.
- The concern at the lack of a 2 year development land supply.

Councillor PGH Cutter moved the motion, which was seconded by Councillor JA Hyde.

RESOLVED THAT: The report be noted.

94. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR. MAF HUBBARD

Councillor J Stone, the Chairman of the Audit and Governance Committee, presented the report and moved that the recommendation be accepted, this was seconded by Councillor JW Millar.

RESOLVED UNANIMOUSLY: Council notes the breaches of the Code of Conduct by Councillor Mark Hubbard as detailed in the report.

95. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR. GA POWELL

Councillor J Stone, the Chairman of the Council's Audit and Governance Committee moved that the recommendation of the report be accepted, seconded by Councillor JW Millar.

RESOLVED UNANIMOUSLY THAT: Council notes the report.

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

A copy of the Member questions and written answers, together with the supplementary questions and answers asked at the meeting are attached to the Minutes as Appendix 2.

97. NOTICES OF MOTION UNDER STANDING ORDERS

The Notice of Motion tabled as number two on the agenda was withdrawn by Councillor JG Jarvis.

In accordance with part 4 of the Council's Constitution and reflecting the views of Members, the Chairman then decided the meeting would continue on past its normal three hour duration.

Councillor RB Hamilton then sought alteration of the Notice of Motion tabled as number one on the agenda, by omission of the word 'can' after the words 'Full Council'. The amendment was agreed.

Councillor RB Hamilton then proposed the motion stating that he had a belief that all the people of Herefordshire had a right to see how Members voted. At present the public were unable to see how Members voted.

Councillor GJ Powell seconded the motion stating that Councillors were not elected to "sit on the fence" and that they were collectively responsible for the voting that takes place. In respect of those who abstain, by recording votes Members could then explain to their ward residents why they were unable to have a clear position.

In debate the following points were raised:

- That this measure could be seen as a party political device.
- There is provision in the Constitution already for named voting.
- There is a resource implication to the proposal.
- When future meetings are held in the Shirehall, it is anticipated there will be the facility for both webcasting and a voting system.
- The motion is a step forward to complete transparency.
- Ultimately abstentions by Councillors would be accountable 'through the ballot box' .

The motion was put to the vote and the votes were as follows:

For:33 Against:8 Absentions:1

RESOLVED THAT: The Council's Constitution be amended to require that all votes taken at meetings of Full Council be recorded by way of named votes, excluding votes on procedural motions.

98. LEADER'S REPORT

The Leader of the Council, Councillor JG Jarvis, presented the report of the meetings of Cabinet held since November 2012. In presenting the report, Councillor Jarvis was pleased to announce that five race meetings were now scheduled at Hereford Racecourse for this year. With regard to the City centre development, Debenhams would be taking over their new building before Christmas 2013 with an anticipated opening during Easter 2014.

Councillor JG Jarvis moved the motion, seconded by Councillor GJ Powell.

In the discussion the following points were raised:

- Paragraph 6.6, whether the grant sum would be subject to scrutiny.
- The Council has been held as an exemplar of good practice in this field and this is the second year the Council has received the grant.
- Paragraph 6.7, bullet point 2 the reference to CIL should correctly be termed " preliminary draft CIL "
- That the CIL Task and Finish Group are under extreme pressure to meet the timetable set for them.
- That the views of the Task and Finish Group will inform the final version of the CIL.
- That the Enterprise Zone governance arrangements should be considered by the Audit and Governance Committee.
- The Enterprise Zone contracts have been exchanged with the land to be occupied early this summer.
- There are 53% more potholes than normal with five times more 'Bellwin' claims being dealt with. The new Highways contracting exercise will be focussing on value for money.

RESOLVED THAT: The overview of the Executive's activity be noted.

99. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brig P Jones CBE presented the report of the meetings of the Hereford & Worcester Fire and Rescue Authority dated 3 February 2013.

RESOLVED THAT: The report of the meetings of the Hereford and Worcester Fire and Rescue Authority dated 3 February 2013 be noted.

The meeting ended at 1.45 pm

CHAIRMAN