

MINUTES of the meeting of Council held at The Assembly Hall, The Shirehall, Hereford on Friday, 21st May, 2004 at 10.30 a.m.

Present:

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, A.C.R. Chappell, M.R. Cunningham, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, P.E. Harling, J.W. Hope, B. Hunt, T.W. Hunt, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

Councillor J.W. Edwards took the Chair for the first item.

1. CHAIRMAN

RESOLVED: That Councillor P.E. Harling be elected Chairman of the Council until the annual meeting of Council in May 2005.

Councillor Harling made and signed the Declaration of Acceptance of Office.

Councillor Harling took the Chair for the remainder of the meeting.

2. PRAYERS

The Very Rev. Michael Tavinor, The Dean of Hereford, led the Council in prayer.

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. S.P.A. Daniels, G.V. Hyde, J.C. Mayson and R. Preece.

4. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor R.I. Matthews, Agenda Item 15, Report of the Planning Committee, paragraph 1(b).

Councillor A.L. Williams, Agenda Item 15, Report of the Planning Committee, paragraph 1(c)

Councillor R.J. Phillips, Agenda Item 13, Report of Cabinet, paragraph 1.1

Councillor D.B. Wilcox, Agenda Item 13, Report of Cabinet, paragraph 1.1.

The Chairman reminded Members of their obligation to notify the County Secretary and Solicitor of any changes affecting their Declarations of Financial and Other

Interests within 28 days of any change taking place. He asked them to complete and return the necessary forms to the Members Support Office as soon as possible.

5. VICE-CHAIRMAN

RESOLVED: That Councillor J.W. Edwards be appointed Vice-Chairman of the Council until the annual meeting of Council in May 2005.

Councillor J.W. Edwards made and signed the Declaration of Acceptance of Office.

6. MINUTES

The Chairman advised that in addition to the minutes of the meeting held on 5th March, 2004 it would be necessary to approve again the minutes of the meeting held on 16th January, 2004 because an important section had been omitted from the version that had appeared in the previous agenda.

RESOLVED: That the minutes of the meetings held on 5th March and 16th January, 2004 be approved as a correct record and signed by the Chairman.

7. APPOINTMENT OF THE LEADER OF THE COUNCIL

RESOLVED: That Councillor R.J. Phillips be appointed Leader of the Council until the annual meeting of Council in May 2005.

8. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES

In presenting his report the Chief Executive reminded Members that to maintain the status quo in relation to seats on the Strategic Monitoring Committee Council would be asked to approve alternative arrangements to strict political proportionality for appointments to committees in accordance with Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. This could only be carried if a resolution was passed without anyone voting against it. If there was any vote against, it would be necessary to recast the proportionality across all seats.

He proposed an amendment to Recommendation (b) of the report which would allow a change to Cabinet Portfolios later in the year.

He also advised that Councillor R.I. Matthews had taken over the leadership of the Independent Group of Councillors.

RESOLVED:

- That**
- (a) the arrangements for appointments to committees and other bodies be agreed;**
 - (b) Councillors be appointed to the offices described in Appendix 1 for a term of office which will expire either at the next annual meeting of Council or when the Council may agree any amendments to the Constitution, if sooner; and**
 - (c) the Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make**

appointments, as necessary, in accordance with the nominations of the political group leaders.

9. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked the Very Reverend Michael Tavinor, the Dean of Hereford for leading the annual meeting in prayer.

He advised that the Electoral Commission, which had consulted on the age of electoral majority at the end of 2003, had concluded that the minimum voting age of 18 should be maintained but that the age of candidacy should be reduced from 21 to 18.

He announced that the Planning Department had received a "Highly Commended" award for the New Mills development by Ledbury Town Council as part of its Design Award.

The Council joined the Chairman in congratulating Ian Baker, the Council's Emergency Planning Officer, who had been awarded the Queen's Voluntary Medical Service Medal.

The Council also congratulated Stuart Davies, the Home Energy Conservation Act Officer who had been chosen as the West Midlands Home Energy Conservation Act Officer for 2004.

10. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. No such questions had been received.

11. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Councillor W.L.S. Bowen asked:

"How many "rough sleepers" and how many "sofa surfers" do we have in Herefordshire generally and how many are there specifically in Hereford City?"

What are we doing to assist these people by providing some form of civilised accommodation?"

How many one bedroom flats or bed-sits do we have to relieve this problem of rough sleepers and sofa surfers? What other forms of accommodation are available to relieve this problem?"

The Cabinet Member (Social Care and Strategic Housing) replied that a recent count had found only one rough sleeper and two reported.

She went on to say that the team supporting young people leaving care currently have 8 people "sofa surfing" with friends and 17 out of 71 young people in unstable living arrangements.

She acknowledged that accommodation for single people in Herefordshire is very limited, and said that the Directorate and the Council face a continuing challenge in

that direction. There are 3,080 applicants seeking one-bedroom accommodation at present, and there are 2,700 units of single accommodation throughout Herefordshire. She confirmed that 38 new units would be in place later this year - in Ross, Hereford and Leominster, and further developments are at the discussion stage.

Councillor Mrs Barnett advised that a letter had been received from the Office of the Deputy Prime Minister confirming that the Council had reached its targets relating to provision of Bed and Breakfast accommodation. She offered a briefing for any Members who were interested.

Councillor W.L.S. Bowen asked:

"Are all school meals free of GM substances and are all foods supplied and sponsored by social services also free of GM products?"

Does Herefordshire Jarvis comply with a GM free policy in their production of foods for Herefordshire?

Does Herefordshire Jarvis use organic food products? If it does - what percentage of its meals are made from organically grown or produced materials?"

The Cabinet Member (Education) confirmed that all its caterers have policies on GM food products and have checked with their suppliers to ensure that there are no GM products or traces in the food served in our schools. Herefordshire Jarvis Services(HJS) have a policy statement to that effect in their food safety book. However, HJS does not use "organic produce" in its food products.

The Cabinet Member (Social Care and Strategic Housing) responded on behalf of Social Care and again confirmed that all suppliers to Social Care Services have been asked, and assurances have been given, that they do not use GM substances or products. However, if Social Care is supporting users to buy their own food, this is more difficult to control and obviously personal choice is an important factor.

In response to a further question from Councillor Bowen, Councillor Rule agreed to investigate whether the Council had a policy of sourcing food from Herefordshire growers, and if so, what percentage of food was sourced from Herefordshire if that information was available.

Councillor Mrs. M.D. Lloyd-Hayes asked:

"Can the Cabinet Member for Markets and Property tell us the cost of the recent consultation on the future of the May Fair? There were three to four officers for a period of three days supported by a vehicle and marquee plus copious printed material.

Why was the Ward councillor not informed of the consultation?

Why was the parish council not informed?

Is it the intention of the Cabinet Member and this administration to ignore the views of residents as their views were excluded from the consultation?"

The Leader answered on behalf of the Cabinet Member (Economic Development, Markets and Property). He advised that the cost of the consultation was £1100. He said that consultation exercises in respect of services take place frequently and it

has not been past practice to notify Council Members in all instances. He went on to say that the contract for the May Fair was due for renewal and that, on this occasion, the Local Member, should have been consulted.

He said that he took this omission very seriously and, while recognising that there would always be mistakes, he would ensure, as far as possible that this didn't happen again. He said the Council took its consultation with the public very seriously and that that particular aspect of the consultation was only a part of the overall consultation process.

In response to a further query by Councillor Mrs. Lloyd-Hayes, he agreed to explore the use of Herefordshire Matters as a part of future consultation exercises.

Councillor Miss F. Short asked:

"In light of the changes to the bus service in Hereford which come into force on Monday, would the Cabinet Member for Highways and Transportation please explain how this situation has come about and why we have ended up with such a poor replacement service, especially north of the river in areas such as Westfaling Street and Green Lanes which have now got only early morning and evening services?"

"What further services can be put in place to provide proper public transport for the residents of these and other areas?"

The Cabinet Member (Highways and Transportation) explained that bus services in Hereford were a mix of commercially operated services and council subsidised services, with the majority of daytime services being operated on a commercial basis by First who had recently reviewed their commercial operation in Hereford and had withdrawn a significant part of their operation. This had been a commercial decision taken by a private company, and included the bus service to Green Lanes and Westfaling Street.

Council officers had invited other bus operators to provide replacement services on a commercial basis for those being withdrawn but no bus company was prepared to operate commercially to Westfaling Street and Green Lanes. First Midland Red was also approached and invited to consider diverting some of its buses that operate along Whitecross Road via Green Lanes, but the bus company has declined to do so.

The Council's Bus Service Support budget is fully committed and so it is not possible to offer subsidy to operators to provide a contracted service. In view of the reluctance of any bus company to operate commercially to Green Lanes no replacement service can be provided unless the Route Subsidies budget is increased, which would entail making cuts to other council services.

In response to a further question by Councillor Miss Short, Councillor Wilson said that a review of the budget and any necessary consultation exercise would take place when the budgets were being decided for 2005/06.

Councillor A.L. Williams asked:

"Can the Cabinet Member for Highways and Transport advise me on the total fines imposed on motorists over the last year? I understand there has been a substantial increase in the numbers of motorists so penalised."

The Cabinet Member (Highways and Transportation) said that Penalty Charge Notices had raised £648,350.39 during 2003/04 compared to £534,550.79 raised during 2002/03

The number of motorists affected had risen from 20,634 in 2002/03 to 23,046 in 2003/04.

Councillor Williams disputed the figures and compared them with other authorities, saying they were excessive. He said that the parking attendants were affecting both tourism and businesses by their over-zealous enforcement and invited the Cabinet Member to ask the department to relax its targets and reduce its profile.

Councillor Wilson praised the parking attendants who did a very difficult job and said it would be inappropriate for them to exercise discretion if parking laws were being contravened. He advised that there was an independent appeal process for those receiving such a fine who thought the parking attendant had made an error of judgment.

The County Secretary and Solicitor advised that Councillor T.M. James had submitted a question addressed to the Cabinet Member (Highways and Transportation) which due to a misunderstanding had not been included in the list of questions for Council. She undertook to circulate a copy of the question and the answer to all Councillors following the meeting.

Note: the Question and Answer are set out below:

Question submitted by Councillor T.M. James:

"Can the Cabinet Member for Highways and Transport explain to this Council, the public and press here present, what matters were likely to be discussed and conveyed to members at the recent flood seminar that led him to rule that the press be excluded?"

Answer:

A flood defence seminar was prepared by officers for members of the Herefordshire Council and the River Wye Local Flood Defence Committee. This was arranged as part of the Council's regular series of service briefings for all councillors in consultation with Cllr Stuart Thomas in his independent capacity as Chairman of the River Wye Local Flood Defence Committee. The seminars form part of the council's training and development programme designed to keep members up to date with their various statutory and other responsibilities. As with all training seminars, these are held in house and are not generally open to the public. On this occasion, the seminar was held as a joint event with members of the River Wye Local Flood Defence Committee as we had been fortunate in also securing speakers from the Environment Agency. This provided a useful opportunity for members of both the Flood Defence Committee and the Council to be briefed on the various roles and responsibilities of those responsible for flood defence in the region. It is important that we make clear that this was not a decision making meeting of the Council.

It is regrettable that an invitation was issued to the press and Central TV by the Chairman of the River Wye Local Flood Defence Committee without reference to those responsible for organising the seminar. There had been a discussion about the arrangements for the seminar where it had been explained and I had thought agreed that this would be a private training event for participants. In fact the reporter from the Hereford Times who attended the event was asked to leave by the Chairman of the River Wye Flood Defence Committee. The interviews with Central

TV went ahead with a local member.

12. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

13. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 18th March, 15th April and 6th May and the supplementary report of the meeting held on 13th May, 2004.

In relation to Item 1.1 Youth Justice Plan - there were some criticisms of the format and use of acronyms throughout the document. Several concerns were raised in relation to anti-social behaviour, the limited number of referrals from schools, accessibility of entry into employment, the limited Herefordshire representation and the recruitment difficulties faced, not just in Worcestershire, but also in Herefordshire.

The Leader said that the Youth Justice Plan was a joint plan with similarities in both Herefordshire and Worcestershire, however, Worcestershire did have to deal with a larger number of young offenders. He agreed that the document was not an easy one to read and sympathised with the concerns expressed by others in particular in relation to recruitment. He stated that adopting the Plan would require a considerable amount of investment in time and resources and that all parties needed to be fully committed to it.

In relation to Item 4.1(i) Disability Scheme - the Leader confirmed that the officer steering group set up to implement the scheme would be reporting on progress to both the Strategic Monitoring Committee and to Cabinet. He went on to say that the Council was not alone in facing physical changes to premises to comply with the Disability Discrimination Act, and that officers would be sharing best practice with other authorities.

In relation to item 4.1(v) Local Area Forums - The Chairman of the Hereford City Local Area Forum advised that the date of its meeting in the autumn had been changed to avoid a clash with the Liberal Democrat Conference.

Note: the meeting will now take place on 22nd September.

In relation to item 6.1(i) County Sports Partnership - The Leader confirmed that the Council would be trying to increase its representation on the sports partnership to two. He agreed that increased participation in sport could help to alleviate some anti-social behaviour problems.

In relation to item 7.1(i) Hereford Market Auctioneers - The Leader confirmed that negotiations were still taking place over a new site for the livestock market. Members would be informed of the outcome as soon as they were completed.

In relation to Item 11.i(ii) Citizenship Ceremonies - The Cabinet Member (Human Resources and Corporate Support) advised that to date three people in the County had applied for citizenship and we were awaiting a final decision on whether they wished to proceed. Arrangements were being made for the Council to welcome these new citizens.

RESOLVED:

- That (a) the Youth Justice Plan be approved; and**
- (b) the Treasury Management Investment Strategy 2004/2005 be approved.

14. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 16th March and 19th April, 2004.

In response to a query he agreed to discuss with officers and the other Group Leaders whether it was appropriate to extend training relating to liquor licensing to include those Members who were not members of the Regulatory Committee.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 16th March and 19th April, 2004 be received.

15. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 31st March and 23rd April, 2004.

He acknowledged the enormous amount of work done on the Parish Plans, by both Parish Councils and the communities themselves. He also agreed that the Planning Department should promote the use of excellent design which would enhance the environment of the County.

RESOLVED: That the report of the meeting of the Planning Committee held on 31st March and 23rd April, 2004 be received.

16. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 26th April, 2004.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 26th April, 2004 be received.

17. HEREFORD AND WORCESTER COMBINED FIRE AUTHORITY

Councillor G.W. Davis presented the report of the meetings of the Hereford and Worcester Combined Fire Authority held on 18th December, 2003, 18th February, and 19th March, 2004.

He confirmed that he had had no indication that firefighters in the County would be taking strike action if their appeal against the capping of their budget was unsuccessful.

In response to a question, Councillor Davis explained the historic position in relation to the provision of reserves for the Fire Authority with the two constituent authorities. The Fire Authority had historically never made separate provision.

RESOLVED: That the report of the meetings of the Hereford and Worcester Combined Fire Authority held on 18th December, 2003, 18th February, and 19th March, 2004 be noted.

18. DATES OF FUTURE MEETINGS

Council noted that the dates determined for Council meetings in the year 2004/05 were as follows:

Friday, 30th July, 2004

Friday, 12th November, 2004

Friday, 11th February, 2005

Friday, 4th March, 2005 (Council Tax only)

Friday, 13th May, 2005 (Annual Council)(Shirehall)

All meetings will commence at 10.30 a.m. and will be held in the Council Chamber, Brockington, 35 Hafod Road, Hereford unless advised otherwise.

Note: The Chairman presented a cheque to the outgoing Mayor of Hereford for her charity MIND, and to the new Mayor for her charity the Macmillan Cancer Relief Herefordshire Nurses Appeal.

The Chairman of the Standards Committee, Mr. Robert Rogers presented a copy of his book "How Parliament Works" to Councillor Harling.

The meeting ended at 12.05 p.m.

CHAIRMAN