

MEMBERS' QUESTIONS TO COUNCIL – 20 JULY 2012

Question from Councillor C Attwood of Councillor PD Price, Cabinet Member Corporate Services

Council disposal of West Mercia Supplies

- 1 *Why is it that the majority of Councillors first knew of the disposal of WMS through the pages of the Hereford Times?*

As a Councillor it is not possible to defend the Council (it might have been a good decision) or otherwise when nothing is communicated to Members. It is a discourtesy to Members and reputationally highly damaging to the Council for the Cabinet to act in such a secretive manner. Can you please explain this behaviour?

Answer from Councillor PD Price, Cabinet Member Corporate Services

The decision to progress disposal was taken by Cabinet in June 2011. Leading up to the sale the four councils approached the issue of communication jointly and given that negotiations were commercially confidential the process was handled appropriately. It was important that the affected staff were kept informed in a way that gave them assurance about their future.

However the sale was concluded on 19 April and, on reflection, we should have ensured that Councillors had better visibility of this important sale at that point.

Question from Councillor P Watts of Councillor RJ Phillips, Cabinet Member Enterprise & Culture

Hereford Car Parks

- 2 *How many car parks (including those on private land and charity land) within Herefordshire County has Herefordshire Council designated "streets" – if so, what are their locations?*

Answer from Councillor RJ Phillips, Cabinet Member Enterprise & Culture

In 1999 Herefordshire Council adopted a scheme under the 1982 Local Government (Miscellaneous Provisions) Act in relation to street trading. The definition of a 'street' for these purposes is 'any road, beach, footway or other area to which the public have access without payment'.

At the time the legislation was adopted, there was extensive consultation including Public Notices in local newspapers and correspondence with all Parish Councils. A list of streets deemed prohibited for street trading was published, with all other areas deemed to be a 'street', automatically receiving consent status and thereby potentially licensable.

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Therefore the situation currently exists that any car park in Herefordshire which falls within the definition of a 'street' for street trading purposes may be a licensable area.

Traders are currently licensed at the B&Q car park Hereford, Merton Meadow car park Hereford and Lower Wyche car park, Colwall. We have historically done so at both Wickes and Homebase car parks in Hereford and, until recently, Blackhills car park on the Malvern Hills.

Question from Councillor RI Matthews of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

LDF Strategy - Costs

- 3 *Work commenced on the LDF in 2007, and it is my understanding that the Council's Forward Planning Team have been more or less fully occupied with the project ever since. Could Members be told how much overall the LDF Strategy has cost the taxpayer to date? And could we also be informed of what is the total cost of Consultants, including AMEY's input, who have been employed on this project since 2007.*

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

The expenditure figure for the LDF 2006/7 to 2011/12 was £1,132,694 (with consultancy fees, including Amey and other specialist consultants' input, accounting for £784,000 of this).

In addition, the cost of Forward Planning staff (salaries and indirect costs) from 2007-2012 was £2,912,706 (not all of this is attributable to the LDF or related activity).

The total cost is £4,045,400.

Question from Councillor J Knipe of Councillor RJ Phillips, Cabinet Member Enterprise and Culture

Locality Working

- 4 *I would like clarification of how the locality concept was conceived. Despite attending Golden Valley locality meetings over the past year, very little appears to have been achieved and decisions that have been made, have had minimal impact.*

I am concerned that little recognition has been made of the cost of these proceedings with regards to officers' time and the entailing bureaucracy. This is particularly pertinent in today's financial climate. For example: the officer chairing

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the Golden Valley locality meeting, would expect to be charged out at £400 per hour if he worked for Price-Waterhouse. This cost would be multiplied 8 or 9 times if extended throughout the county. In the private sector, these costs would have to be recognised and their impact evaluated.

Therefore, I would like the Cabinet Member to justify whether these costs will provide substantial benefit to the locality and whether he sees a future for localities working in partnership in Herefordshire.

Answer from Councillor RJ Phillips, Cabinet Member Enterprise and Culture

The Locality Strategy approved by Cabinet in March 2011 (available on the council's website at [Localities - Herefordshire Council](#)) provides both the local and national context for the development of our approach to the future delivery of public services in the county; in essence it is about working with our communities to develop local solutions.

I would absolutely agree with Cllr Knipe that, whilst we still have a long way to go to fully deliver the vision of locality working, what it is not about is developing a bureaucracy around meetings. Enhancing the role of ward members as community leaders was recognised as a key learning point from the 'Reaching the Hearts of Herefordshire' pilots which recognised the positive difference made by members working more closely with their parish councils and communities. The principles underpinning locality working build on this approach. That said, officers have been allocated to each locality area to support ward members and help coordinate the delivery of locality working (and I can confirm the private sector figures quoted bear no resemblance to the salaries of those council officers).

By working in this way we have already delivered positive outcomes in localities, for instance multi-agency working in Leominster to address a problem with anti-social behaviour, working with partners to see how we can maximise the use of our assets – there are positive examples of how that is working in practice in Ledbury and Ross. The work in the Golden Valley is strengthening community leadership. This approach is evident through the work with senior police officers to seek an explanation for the delivery of policing in the Golden Valley. Other events have seen fire staff, health employees and Amey staff meet with the locality representatives about service delivery issues and improvements.

We will shortly be publishing the Locality Engagement Toolkit which sets out a number of successful locality-based projects and I would urge members to review these to understand what can be achieved through working closely with our communities.

We will also continue to monitor the impact of locality working and I welcome the Overview & Scrutiny Committee's inclusion of this approach in its future work plan.

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Question from Councillor TM James of Councillor PD Price, Cabinet Member Corporate Services

West Mercia Supplies

- 5 *Can the Cabinet Member responsible for the sale of West Mercia Supplies inform Members of the Council:*
- A *The name of the independent advisors used for the transaction.*
- B *The cost of that advice*
- C *The fees and other costs involved*
- D *Were the Councillors on the West Mercia Board aware that it was to be sold to a third party within days of the sale of the business?*
- E *What enquiry will take place to ascertain why yet again it appears that the Council have failed to maximize the income of Herefordshire Council residents, only to benefit private and public companies outside the County?*

Answer from Councillor PD Price, Cabinet Member Corporate Services

- A Ernst and Young for financial advice and managing the sales process and Cobbetts for legal advice.
- B The advice cost £500,649 in total and Herefordshire's proportion was 25% (£125,162) that was deducted from the sale proceeds.
- C Other costs totalled £75,976 and Herefordshire's proportion was 25% (£18,994) that was deducted from the sale proceeds.
- D No. The sale of the consortium to Smiths News PLC was a sale that was confidential under stock exchange rules regarding disclosure.
- E The council (along with the other three councils that owned West Mercia Supplies) assessed this was the best price for the concern. There was a risk that any delay would be affected by declining sales. It should be noted that the Utilities Division has remained in the ownership of the councils and is expected to provide an annual dividend.
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Question from Councillor MAF Hubbard of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

Justification for and risks of including A49-A465 link in “interim” LTP, ahead of confirmation of deliverability of the road and consultation on the third revision of the Core Strategy

6 *The Cabinet has agreed that the 'A49 to A465 highway link' will be included in a 'revised' local transport plan (to 2014/15, in the report on the LDF and LTP discussed at the Cabinet meeting of 12th July). Elsewhere in the report this link is described as the 'southern route corridor of the Hereford Relief Road' (para 24).*

When I asked at the Cabinet meeting when this decision to advance this link had been discussed and approved by Herefordshire Council, I was told by the Head of Transportation and Access that the A49-A465 link had been in the LTP2 since 2006.

The 2006 LTP2 clearly identifies the link as the 'Hereford Outer Distributor Road Stage 1' (p69) where it is proposed as a 'major scheme development' to be funded by the 'LTP, Advantage West Midlands and the Highways Agency'.

A *Why is the A49-A465 link being progressed independently of the rest of the Western Relief Road and*

B *What are the implications for soundness if consultation on a key proposal for Core Strategy is prejudiced in this way?*

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

A The A49 to A465 link is being progressed independently of the western relief road in accordance with Council's adopted policy as set out in the local transport plan.

The adopted local transport plan clearly identifies the proposal to undertake a detailed assessment of the A49 to A465 link in order to secure planning approval and identify sources of funding for the link. The supporting text for the proposal clarifies that this work could progress without prejudice to the consideration of overall alignment for an outer distributor road either to the west or east of the city as the link would be required.

Whilst local residents understandably have concerns about the route of any road, they have also confirmed that continuing uncertainty represents the worst possible situation. Therefore we are taking steps to progress this element as soon as possible because we are able to do so and to remove that uncertainty.

B There are no implications for soundness. Indeed, where more detailed work has been undertaken on a specific proposal this will help demonstrate its deliverability.

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Question from Councillor MAF Hubbard of Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

Offering the public a meaningful alternative to road building in the next consultation on the Core Strategy

7 *In the first consultation on the Core Strategy (January to March 2010), the only choice offered to the public was between road corridors — to the east or west — for an 'Outer Distributor Road'. No alternative to road building, supported by evidence, has ever been put to the public.*

When the public did have evidence about the impacts of road building, at the Autumn 2010 consultation on the Hereford Preferred Option, they overwhelmingly rejected the Movement Policy. The consultation report shows that their top two comments were 'disagree with the need for relief road/no road' and 'provide further sustainable measures'.

The 2011 Revised Preferred Option consultation shows 'a level of public concern and opposition remains regarding ... in particular, strategic proposals at Hereford, including matters regarding the provision of a relief road ...' according to the report to Cabinet on 12 July.

A *Will the Council undertake to present a properly tested, reasonable alternative to road building to the public in the forthcoming consultation on the Core Strategy?*

Answer from Councillor RB Hamilton, Cabinet Member Environment, Housing and Planning

The Core Strategy Developing Options Consultation undertaken between June and August 2008 specifically included a no-road option. Almost 80% of the responses to this consultation supported the package of transport improvements which included a new road.

The forthcoming Core Strategy consultation will not include a set of proposals without a relief road for Hereford. The “no road” option has been tested but the evidence is that the relief road is needed to support proposed growth of the city for the period up to 2031. The Strategic Environmental Assessment which will accompany the Core Strategy will fully set out the reasonable alternatives considered in its preparation.

Question from Councillor WLS Bowen of Councillor H Bramer, Cabinet Member Major Projects

Floods and heavy rainfall

8 *Knowing that Amey has recently made 50 people redundant:*

A *What assurances can we be given that Amey has sufficient manpower and resources to cope with the aftermath of the repeated floods and heavy rain storms that we have recently encountered?*

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- B *Will they be able to restore our drainage systems and roads to a decent state that will be able to cope with any reasonable eventualities in the future?*

Answer from Councillor H Bramer, Cabinet Member Major Projects

- A The existing contracts with Amey are structured in a way that maintains a core set of routine activities. In addition to this Herefordshire Council does pay a routine fee to retain an emergency response capability and similarly if that capability is not being maintained this payment would also be withheld.
- B The ability of our assets, be they drainage systems or roads, to cope with 'reasonable eventualities' now and in the future is a question that is being actively considered in the development of our Asset Management Plan and our Local Flood Risk Management Strategy. Clearly, as with all our assets, these needs must be prioritised in the context of limited and reducing financial resources.

Having regard to the recent impacts of the exceptional bad weather, we are compiling a claim to Government for additional funding for the repair of flood damage under the Belwin scheme; the government has committed to fund all claims above the 2012/13 threshold (which is £459,165 for Herefordshire) at 100%. This funding together with the core resources directly employed by Amey Herefordshire and the use of sub-contractors when needed should ensure that Herefordshire's capacity and capability to recover from repeated weather events is maintained.

Question from Councillor SJ Robertson of Councillor GJ Powell, Cabinet Member Education and Infrastructure

Speedwatch

- 9 *A number of Police Forces (Cambridgeshire, Thames Valley, Hampshire, Leicestershire, Devon and Cornwall to name a few) are running the initiative "Speedwatch" with volunteers from the general public. This initiative allows the public to get actively involved in monitoring the speed of vehicles travelling through their neighbourhood.*

Speeding has been highlighted in the majority of parish plans as a major issue. Having tried for many years to resurrect "Speedwatch" in Herefordshire, would the cabinet member support me in investigating the possibility of trialling a pilot in Burghill?

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

Yes; community Speedwatch schemes are very much about empowering communities to address issues which are important to them and which are having a real impact on their quality of life. Whilst there are various such schemes around the country, they are led by the police and West Mercia Police do not currently support such schemes. This issue has been raised with the local Area Commander on a number of occasions, and I would be

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happy to support the local member in seeking West Mercia Constabulary's development of a trial in Burghill.

In the meantime we are working with the police to develop a scheme using their specials to carry out speed enforcement in those areas which are not currently targeted by the Safer Roads Partnership but which have a demonstrated problem with speeding traffic. This is being supported by the Community Safety Partnership with a target date for implementation in the autumn.

Question from Councillor PJ Edwards of Councillor PD Price, Cabinet Member Corporate Services

Corporate Services letter (13 July) to Parish Councils

- 10 *How can it be right that the content of a letter apparently sent to all Parish Councils quotes that “**Council is to agree to proposals for a new pattern of wards which can be seen by following this link on the Council’s web site**” in advance of any such agreement having been made by Council?*

Please note that following the provided 'link' no alternative options of warding are provided.

Answer from Councillor PD Price, Cabinet Member Corporate Services

The purpose of advising local councils of the recommendation to today's Council meeting was to give them advance notice of what was being recommended to Council and to remind them that they could also make representations to the Local Government Boundary Commission on warding arrangements, if they so wished. Of course any changes to the recommendations agreed by Council today will be communicated to the local councils.

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Question from Councillor R Preece of Councillor GJ Powell, Cabinet Member Education and Infrastructure Highway Repairs

11 *Over the last few months, certainly in South Wye and talking to other Members it seems countywide, there has been a drastic reduction in what I would call proper highway repairs. All that I have seen are quick repairs that may last a few weeks and I have reported the same ones two or three times recently.*

What is the policy regarding repairing these works properly and also who is responsible when damage to vehicles and persons arises resulting from poor workmanship or just ignoring Members requests?

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

The policy in regard to the repair of roads is set in the Highway Maintenance Plan. This plan is available on the Councils website.

In times when the demand on this service is high, the need to address a vast number of safety repairs quickly does lead to the use of temporary repairs and as a consequence repeat repairs. This action has to be considered in the context of the high demand for these repairs following severe weather across the whole highway asset and our duty to maintain the highway in a condition that reflects its character and usage to which it is put.

I would also wish to put the overall repairs and maintenance issue into context. As a rural county Herefordshire has in excess of 2000 miles of publicly maintained highways. Whilst we have achieved a sustainable road condition for our A & B roads across the county, over 50% of our network is made up of C or Unclassified roads. It would take over £17m to achieve a sustainable condition for these. This is not a position unique to Herefordshire; we are investing over £10m annually in maintaining and improving these assets, but financial resources are reducing and we must continue to prioritise available funding to ensure that we get the best value out of every pound we spend.

As the Highway Authority, Herefordshire Council are responsible for the roads and whenever damage or injury occurs, any claim for compensation should be directed to us. Should there be proven liability against the contractor the matter would be pursued through the appropriate contract process.

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Question from Councillor L Harvey of Councillor PD Price, Cabinet Member Corporate Services

Payments for Services

- 12 *What work has been undertaken by Bloor Homes for the council since April 2010? Please can you list the invoices (paid and outstanding), their dates, their amounts, the services procured in each instance and whether the contract was competed or single source.*

Answer from Councillor PD Price, Cabinet Member Corporate Services

None

Question from Councillor L Harvey of Councillor PD Price, Cabinet Member Corporate Services

Interim Appointments

- 13 *I am concerned to understand the council's reliance and strategy relating to the use of interim appointees. So I would like to know:*
- A *How many interim appointments are currently in place across the council?*
- B *What is the longest period of time an appointment has been running*
- C *What is the most senior position currently operating as an interim appointment?*

Answer from Councillor PD Price, Cabinet Member Corporate Services

- A Assuming the definition of 'interim' includes individuals who are in permanent posts where we've yet to appoint and excludes wider fixed term contract posts or agency/bank staff there are currently 57
- B 4 years and 10months (*NB the contract is due to end in 8 months*)
- C There are 2 positions graded at HC13 (salary band £50,206 - £54,412) within these figures.

NB All figures as at 18/07/12

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Question from Councillor WLS Bowen of Councillor GJ Powell, Cabinet Member Education and Infrastructure

Broadband

- 14 *Can the Cabinet Member bring us up to date with the timescale for the implementation of high speed broadband throughout Herefordshire.*
- A *How much slippage has there been in the timescale?*
- B *What are the names of the firms involved in the roll out of broadband in Herefordshire?*
- C *Are sufficient resources being employed to produce the high speed broadband required throughout Herefordshire at this moment?*

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

- A The Borders Broadband project is reaching the final stages of the procurement process to secure a telecommunications company to design, build and operate a wholesale broadband network in those areas of Herefordshire and Gloucestershire which will not receive commercial investment.

The "Call for Final Tender" has now been issued which is the final and shortest part of the process. The final submission will be received in early August which will then be evaluated based on coverage, cost and long term viability, with a view to a report coming forward for Cabinet consideration in September.

At the start of the procurement last year the original timescale for a decision on contract award was estimated as May 2012. This was extended because the contract can not be awarded without EU State Aid approval of the national programme (the timescale for the approval has not been confirmed but is estimated to be early autumn), and to enable negotiations with BDUK to take place resulting in additional funding being made available in recognition of the sparsity issues within the county.

- B The intention is that the Cabinet will consider contract award in mid September 2012 following which the name of the recommended supplier will be released.
- C Sufficient resources are being employed to support this vital work. As a cross county project with Gloucestershire we are able to share management and administration resources. At relevant stages of the procurement, specialist expertise has been commissioned to ensure bids have been fully tested.

With regard to capital resources, this will be addressed in the report to Cabinet in September.

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Question from Councillor FM Norman of Councillor GJ Powell, Cabinet Member Education and Infrastructure

School Meals

15 *Once again, concern has been expressed at the national level about the quality of school meals. This concern is also shared locally by parents, teachers and governors.*

Bearing in mind:

- (a) the importance of good nutrition both in reducing poor behaviour and increasing concentration and academic progress,*
- (b) the high number of children entitled to free school meals in some of our schools,*
- (c) the low uptake of school meals in some of our schools,*

A *How much support are we giving schools in sourcing high quality, nutritious school meals?*

B *How are we helping schools to improve the uptake of school meals?*

C *How much autonomy do schools and governors have in selecting the providers of school meals, and ensuring that the meals are of high nutritional value and sourced from fresh, local produce?*

Answer from Councillor GJ Powell, Cabinet Member Education and Infrastructure

A Ensuring that our children have the healthiest possible start in life is clearly a priority; the 'Yes We Can' plan (appearing elsewhere on the council agenda today) reflects this priority, and also demonstrates that like many of the issues we have to address, it is something that the council can't address on its own – all partners, including schools, must help move things in the right direction.

Currently 40 schools have a service level agreement with the council for the provision of school meals and all those schools have had access to the support and advice of a catering officer. The council's catering contracts incorporate the Soil Association's 'Food for Life' standards.

It is a matter for the remaining schools to work with their caterer in supplying healthy nutritious lunches that comply with the Food and Nutritional Standards.

The sustainable food & drink strategy for the county has been made available to all schools.

B An annual survey by the School Food Trust shows that uptake of school meals has increased both national and locally in Herefordshire between the academic years 2009/10 and 2011/12, although uptake remains below 50%.

Although there is no specific council activity currently underway to encourage uptake of school meals, the joint public health team are running initiatives to

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promote the national Change4Life programme in schools, which includes top tips for eating a healthy diet as well as increasing physical activity to prevent obesity.

- C Schools have complete autonomy to source school meals from a supplier of their own choosing; school meals served in Local Authority maintained primary, secondary and special schools and pupil referral units are legally required to comply with the School Food Regulations which specify the minimum nutritional standards for school meals which include a maximum amount of unhealthy salt, fat, and sugar and a minimum amount of healthy fruit and vegetables.

The emerging issue is that new academies established in 2010 are not legally bound to serve meals that meet the School Food & Nutritional Regulations and national research by the School Food Trust shows that while some do others do not.