

**MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 20 July 2012 at 9.30 am**

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

**Councillors:** PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, AJM Blackshaw, 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, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, DC Taylor, PJ Watts and DB Wilcox

**20. PRAYERS**

The Very Reverend Michael Tavinor led the Council in prayers.

**Councillor Julie Woodward**

Councillor MAF Hubbard paid tribute on behalf of Council to Councillor Julie Woodward who had died suddenly.

Council stood in one minute's silence in remembrance.

**21. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RC Hunt and GA Powell.

**22. DECLARATIONS OF INTEREST**

Agenda Item 6. QUESTIONS FROM MEMBERS OF THE PUBLIC.  
Councillor AN Bridges, Personal, Employee of Network Rail.

Agenda Item 8. NOTICE OF MOTION ONE UNDER STANDING ORDERS.

Councillor PA Andrews, Personal, Member of Hereford City Council.

Councillor AM Atkinson, Personal, Member of Ross Town Council.

Councillor ACR Chappell, Personal, Member of Hereford City Council.

Councillor EMK Chave, Personal, Member of Hereford City Council.

Councillor PJ Edwards, Personal, Member of Hereford City Council

Councillor EPJ Harvey, Personal, Member of Ledbury Town Council.

Councillor AJ Hempton-Smith, Personal, Member of Hereford City Council.

Councillor JLV Kenyon, Personal, Member of Hereford City Council.

Councillor SM Michael, Personal, Member of Hereford City Council.

Councillor NP Nenadich, Personal, Member of Hereford City Council

Councillor C Nicholls, Personal, Member of Hereford City Council.

Councillor DB Wilcox, Personal, Member of Hereford City Council.

Agenda Item 8. NOTICE OF MOTION TWO UNDER STANDING ORDERS.

Councillor AJM Blackshaw, Personal, Candidate for election to office of West Mercia Police and Crime Commissioner.

Councillor WLS Bowen, Personal, Member of West Mercia Police Authority.

Agenda Item 11. STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE IN HEREFORDSHIRE; THE "YES WE CAN" PLAN.

Councillor AJ Hempton-Smith, Personal, Member of Herefordshire County Voluntary Youth Service.

## 23. MINUTES

**RESOLVED: That the Minutes of the meeting held on 25 May 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:**

- **(Minute no 8 – appendix 1)** That it be recorded that the answer to question 5 of the public questions to Council on 25 May was incorrect in stating that no other Councillors had taken up cycle training. Councillor PJ Edwards had done.
- **(Minute no 10)** That the first sentence of Minute no 10 be deleted.
- **(Minute no 9 – appendix 2)** Councillor EPJ Harvey informed Council that, with reference to the answer to her question to Councillor Jarvis at Council on 25 May (question 11), as recorded at page 16 of the agenda papers, the question and supplementary question asked and the answers given at that meeting were correctly recorded. However, subsequent correspondence with the Leader had revealed that, in giving the answer, the LDF Steering Group had been confused with her question about the LDF Task Group.

She therefore requested that it be recorded in the Minutes that the correct answer to her original question in May should have been:

“The most recent meeting of the LDF Task Group was held in September 2010; the minutes of this group’s meetings are available on the website.”

She stated that had she received this response at the time she would have asked a very different supplementary question.

She requested that this planned supplementary question also to be noted in the minutes, since under the constitution she was now barred from asking her original or any similar question for the next 6 months.

The supplementary question was prepared as being:

According to its terms of reference the Task Group:

- “is a non-executive group to advise on the preparation of the documents which together make up Herefordshire Council’s Local Development Framework
- will have a particular focus on advice concerning the consistency of the emerging policies with the priorities and programmes of the groups they represent

- will be supported by Planning, Transportation and other officers of Herefordshire Council as required, and
- minutes of each of their meetings will be circulated in draft, and agreed with the Chairman and published on the Council's website";

and its membership: "will include representatives of Herefordshire Partnership and Herefordshire Council thus: Herefordshire Partnership representatives drawn from Policy and Delivery Groups (PDGs) including at least one "Business representative" to represent the Economic Development PDG, one "Environmental representative" to represent the Environment PDG, one "Community representative" to represent the Stronger Communities PDG, additional member(s) as required to represent the other PDGs/the Board, a member of staff of the Partnership Team itself; and Herefordshire Council representatives: Cabinet Members for the portfolio areas which include Environment, Transportation and Economic Development; up to two Members to represent the minority political groups and the Chair of the Environment Scrutiny Committee in an ex-officio capacity".

With this in mind, and given the very recent recognition of the need to undertake further work to ensure the robust nature of the LDF, will the Leader give this Council his assurance that he will be reconvening this important Task Group so that it may provide the valuable stakeholder support and assistance which was its originating purpose?

## **24. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman in her announcements:

- Reported with sadness the tragic death of Warrant Officer Class 2 Leonard Thomas, from Symonds Yat killed in Afghanistan,
- Expressed how wonderful it had been to see so many people turn out to see Her Majesty the Queen on Diamond Day. Herefordshire had given Royal visitors a wonderful welcome and it had been a memorable day.

A small replica of the Hereford Bull in High Town had been presented to Her Majesty the Queen. The Chairman had thanked Hereford Academy for designing the presentation box for the bull.

She congratulated the organisers for their hard work in delivering such a fantastic event and also thanked all the volunteer stewards who had contributed to the success of the day.

- Reported that at a meeting between the Governor of the State of Washington, the Communities Secretary, representatives of the Get It Group and the Council a memorandum of agreement had been signed with the potential to bring over 500 jobs to the County.
- Reported that she had hosted a reception at the Hay Festival, an important highlight of the year for Herefordshire, attracting worldwide interest and providing an opportunity to showcase the County.
- Welcomed the holding of the prestigious Three Choirs Festival in Herefordshire, another example of superb organisation and partnership working.
- Thanked the custodians at the Shirehall who worked so hard to prepare the hall for Council meetings as well as other events.

- Thanked all those members of staff and partner organisations for their hard work in keeping the County going during the recent heavy rainfall and local flooding.
- Congratulated Mr David Stevens, who had chaired the Council's Standards Committee on being awarded the MBE in the Queen's Birthday Honours List for services to the community. Members applauded Mr Stevens.

## **25. 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.

## **26. 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.

## **27. NOTICES OF MOTION UNDER STANDING ORDERS**

### **Notice of Motion One - Supporting the High Streets of Herefordshire**

Councillor EPJ Harvey proposed the Notice of Motion and Councillor AM Atkinson seconded it.

Councillor Harvey noted that Councillors from all four of the Market Towns that had submitted bids for funding under the second tranche of Portas Pilot projects had signed the motion. A number of recommendations in the Portas Review were for implementation at local level and the motion sought to support these aspects being taken forward.

She stated that the County had a truly unique architecture: a large market town in the form of the cathedral city at the geographical centre surrounded by five distinct and characterful market towns – pretty much equidistant from one another and from the city. This was an incredibly resilient layout upon which to build.

The high streets and town centres were the hubs of the County's communities supporting hundreds of local jobs.

It was an indication both of the esteem in which the County's high streets were held and the tipping point at which many were now poised that in Herefordshire four communities had developed plans to implement aspects of the Portas Review's recommendations.

It was difficult to predict the effects of economic events at a national level. However, whatever changes they may bring, attention given now to the maintenance and improvement of the County's town centres, and to strengthening the businesses and communities which inhabit them, could only deliver a positive result.

Councillor Atkinson commented that whilst local communities were making considerable efforts on their own initiative they needed help. The Council should do what it could to help and support them.

A Member suggested that representatives of the Market Towns and the City should consider combining to submit a single bid under the Portas Scheme.

The Cabinet Member – Enterprise and Culture and the Leader of the Council spoke in support of the motion.

A Motion that the question be now put was carried.

**RESOLVED (unanimously): That the Notice of Motion be supported:**

**That the Council resolves to support the high streets of Herefordshire by implementing the local government level recommendations of the Portas report; encouraging landlords, business owners and communities to work together to ensure the relevance, resilience and renewal of all of our town centres. Specifically the Council shall:**

- 1. endorse, encourage and materially support the “Town Team” model of community engagement in the operational management of our high streets;**
- 2. celebrate markets in all their forms and encourage new market traders by actively reviewing trading regulations and promoting a “Herefordshire Market Day”;**
- 3. encourage new business through the exercise of new powers to approve business rate concessions and by the implementation of parking schemes tailored to the needs of a Locality in discussion with Town Teams;**
- 4. facilitate skills sharing and mentoring between large businesses and small local and independent retailers;**
- 5. engage with commercial landlords to support new and existing businesses through more flexible rent reviews, short tenancies and pop-up business models, and, if necessary, use statutory powers of compulsory purchase to ensure the redevelopment of key high street retail space; and**
- 6. promote Neighbourhood Planning and encourage the inclusion of the High Street as a distinct area in Neighbourhood Plans.**

#### **Notice of Motion Two – Community Support Officers**

Councillor PM Morgan proposed the Notice of Motion and Councillor RJ Phillips seconded it.

Councillor Morgan emphasised the important part Community Support Officers (CSOs) played in ensuring community safety and the health and wellbeing of communities and her concern that financial pressures on the Police Authority should not lead to the loss of this valuable resource.

Councillor Phillips commented on the reassurance CSOs provided to communities. He added that it was important that the Police Authority listened to the wishes of its residents.

A Member commented that the grant for Community Safety Officers was currently ring-fenced and there should therefore be no reduction in funding at this time. This would not be the case after April 2013 when responsibility for setting the policing budget would rest

with the newly elected Police and Crime Commissioners. It was suggested efforts should therefore be focused on lobbying the candidates for the West Mercia police area, making them aware of the Council's concerns and its support for CSOs.

A motion that the question be now put was carried.

**RESOLVED: That the Notice of Motion be supported:**

**This Council is extremely concerned that the West Mercia Police are planning to reduce the number of Community Support Officers within Herefordshire.**

**This Council would like to ask the West Mercia Police to reconsider this decision, and see if there are ways in which we could work together to preserve and enhance the Community Support Officer role, which we believe performs an extremely valuable service within our communities.**

*(Councillor RI Matthews abstained and requested that this be recorded.)*

**Proposed Urgent Notice of Motion**

Councillor MAF Hubbard sought the Chairman's permission to propose an urgent notice of motion in accordance with Standing Order 4.1.16.5 on the grounds that a critical local situation had arisen.

The Chairman did not accept that the proposed motion related to a critical local situation. She noted that the Cabinet Member – Enterprise and Culture had offered to discuss the issue with Councillor Hubbard and considered that to be the best course of action, expressing the wish that the discussions should take place as soon as possible.

**28. LEADER'S REPORT**

The Leader of the Council, Councillor JG Jarvis, presented his report.

He thanked the Chairman of the Council for her work in support of the Royal visit to the County. He also informed Council that the Secretary of State for Communities and Local Government had granted planning permission for the development of a waste incinerator at Hartlebury, Worcestershire.

Members made comments on the following items:

- Page 28 of the agenda papers paragraph 4 – The Leader of the It's Our County Group put on record his Group's view that unless a fully tested "no road" option was included in the Core Strategy difficulties lay ahead.
- Page 30 paragraph 22 – The Leader was requested to support an application for funding to provide for the replacement of four trees and the replacement of seating that had been removed to allow for the installation of the Hereford Bull sculpture in High Town. The Leader of the Council confirmed his support for this work.
- Page 29 paragraph 19 – Attention was drawn to the number of people on the housing waiting list and the fact that many had no prospect of being housed. It was suggested that a way had to be found of enabling applicants to have a clearer understanding of their housing prospects. The Leader commented that this was an extremely difficult problem. The relevant Cabinet Member and Cabinet Support

Member were considering the matter and concerns should be brought to their attention.

- Page 28 paragraph 6 - It was questioned whether it was correct to refer to the first phase of the root and branch reviews as being “well in hand”. The Leader commented briefly on the programme of reviews.
- Page 27 – Confirmation was sought that the Council had sufficient capital funding in place to support the Joint Waste Strategy.
- Page 28 paragraph 4 - It was requested that the outstanding matters referred to in that paragraph in relation to finalising the Local Development Framework should be listed, for Members reference. The Leader agreed to consider this request.
- Page 30 paragraph 20 – Clarification was sought as to who had made appointments to the Enterprise Zone Board, the selection criteria, and who paid the appointees. The Cabinet Member – Enterprise and Culture commented that the Board was established by the Marches Local Enterprise Partnership. A Managing Director for the Enterprise Zone had recently been appointed on an interim basis in accordance with the policy governing such appointments. He highlighted the planned investment by the Get it Group in the Enterprise Zone and the plans of that Group to work with local schools and colleges to try to ensure that local people would have the skills to take the jobs that would be generated.
- Page 29 paragraph 12 – With reference to the consultation on the adult social care charging policy and the policy that any charges made needed to cover the cost of services, assurance was sought that those on low incomes and on benefits would not be adversely affected. The Cabinet Member - Health and Wellbeing commented that there would be means testing. It was also confirmed that residential services were not affected and did not form part of the consultation.
- A Member requested that consideration be given to making greater efforts to raise Member awareness of major issues and consultations such as that on the adult social care charging policy.
- It was suggested that consideration should be given to establishing a financial reserve to deal with problems associated with floods given their increased frequency. The Leader acknowledged this suggestion but observed that caution needed to be exercised in considering the creation of such reserves. He would, however, discuss the matter with the Section 151 Officer.
- There was general praise for the work of Amey, emergency services, local councillors, local communities and the emergency planning team in responding to the recent flooding.

**RESOLVED: That the overview of the Executive’s activity be noted.**

## **29. ELECTORAL REVIEW OF HEREFORDSHIRE: PROPOSALS FOR WARDING ARRANGEMENTS**

Council was invited to consider and approve the proposed submission to the Local Government Boundary Commission for England, in respect of council warding arrangements for Herefordshire.

The Leader of the Council presented the report. He noted that whilst the Commission would change the detailed boundaries of wards he considered there was a major principle that he wished to recommend to the Commission. This was that each ward

should be represented by a single Member who would be accountable to the electorate for their performance.

Councillor MAF Hubbard proposed the following amendment to recommendation b in the report published with the agenda papers.

*This Council recognises that warding arrangements as set out in Appendix 1 to the report do not take account of the flexibility for multi-member wards as explained in part 6 of appendix 2 to the report.*

*This Council further resolves that a request be made to the Local Government Boundary Commission to look specifically at Herefordshire's urban areas and where evidence is brought forward that communities are being split they apply this flexibility.*

Councillor Hubbard stated that the amendment was consistent with point 6 of the Electoral Review Warding criteria set out at appendix 2 to the report which had been agreed by the Electoral Review Working Group following hard debate. The current proposals based on single ward representation clearly split communities.

Councillor PJ Edwards seconded the amendment. He expressed concern that the Council would lose credibility if it were now to abandon its previous position that there should be flexibility and argue instead for single Member wards across the whole County. This would undermine the rest of the Council's submission.

A number of Members expressed the view that single Member wards strengthened accountability and provided clarity to the electorate. Others spoke in support of the flexibility of multi-member wards, the choice it offered to residents, and the ability to share the workload and pool skills and expertise.

Members commented that a number of proposals in the draft submission split communities. Examples given included: Bromyard, Holmer, Ledbury, Leominster and Sutton Walls.

Another Member commented that the proposals for Hereford City were fundamentally flawed, highlighting conflict with parish boundaries within the City which would cause confusion when elections were held.

It was suggested that only one ward had actually needed to be changed and the Council should have left well alone and focused on more important issues. The Leader challenged this point noting that the Commission's criteria had necessitated change.

In summing up, Councillor Hubbard commented that the electoral review was about both accountability and effective representation. He emphasised the wording of the motion, that where evidence was brought forward that communities were being split there should be flexibility.

A motion that the question be now put was carried.

A named vote was called on the amendment.

The following Members voted in favour of the amendment (24): CNH Attwood, PL Bettington, WLS Bowen, AN Bridges, EMK Chave, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, AJ Hempton-Smith, MAF Hubbard, Brig P Jones CBE, JLV Kenyon, MD Lloyd-Hayes, RI Matthews, PJ McCaull, NP Nenadich, C Nicholls, FM Norman, R Preece, SJ Robertson, P Rone, A Seldon, and GR Swinford

The following Members voted against the amendment (26): PA Andrews, AM Atkinson, LO Barnett, CM Bartrum, AJM Blackshaw, H Bramer, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, RB Hamilton, JW Hope MBE, JA Hyde, TM James, JG Jarvis, AW Johnson, JG Lester, G Lucas, JW Millar, PM Morgan, RJ Phillips, GJ Powell, PD Price, P Sinclair-Knipe, J Stone, and DB Wilcox.

Councillors JF Knipe and DC Taylor abstained.

The amendment was therefore lost.

Council did not accept recommendation (a) in the report that the proposals for warding arrangements as set out in the summary of the Submission at Appendices 1 and 2 to the report be adopted.

A motion that recommendations c and d in the report should be combined was carried. Council did not accept the combined recommendation.

**RESOLVED: That the Council requests the Local Government Boundary Commission to conduct the review so that the recommendations in due course will provide that all wards in the County should be single member electoral areas, and accordingly return one councillor in each case.**

**(Council accepted the Chairman's proposal that any remaining business be agreed unopposed, with the exception of the final item on the agenda (agenda item 17).)**

**30. STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE IN HEREFORDSHIRE;  
THE "YES WE CAN" PLAN**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED:**

**That (a) the *Yes We Can* plan as recommended by Cabinet be approved; and  
(b) it be noted that the priorities within the *Yes We Can* plan will be considered as part of the Council's Root and Branch Reviews.**

**31. IMPLEMENTATION OF LOCALISM ACT 2011 CHAPTER 7 - STANDARDS**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

The Minutes of the final meeting of the Standards Committee held on 15 June 2012 had been circulated to Members in advance of the meeting.

**RESOLVED:**

**That (a) the Code of Conduct be adopted;  
(b) the Complaints Process be adopted;  
(c) the granting of dispensations be delegated to the Audit and Governance Committee and the Monitoring Officer be requested to make recommendations about further delegations;  
(d) the powers of Audit and Governance Committee be enlarged to enable it to determine complaints about member conduct and the**

**Monitoring Officer be empowered to make any necessary consequential amendments to the Constitution;**

- (e) the Audit and Governance Committee be requested to bring forward amendments to Standing Orders as a matter of urgency;**
- (f) all members be encouraged to attend training;**
- (g) the members of the Standards Committee be thanked for their hard work and especially their assistance in developing these proposals; and**
- (h) the Minutes of the final meeting of the Standards Committee held on 15 June 2012 be noted.**

**32. TREASURY MANAGEMENT OUTTURN REPORT**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the Treasury Management out-turn report be approved.**

**33. HEREFORDSHIRE COMMUNITY SAFETY STRATEGY 2011-2014**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the Herefordshire Community Safety Strategy 2011-2014 be adopted.**

**34. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 15 February and 20 June 2012 be received.**

**35. WEST MERCIA POLICE AUTHORITY**

(This item was agreed unopposed in accordance with 4.1.7.2 of the Constitution.)

**RESOLVED: That the report of the meetings of the West Mercia Police Authority held on 14 February and 19 June 2012 be received.**

**36. REPORT OF THE EMPLOYMENT PANEL**

**RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

**Paragraph 1 Information relating to any individual.**

**Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

*(The following is the complete Minute of the proceedings during which the public were excluded.)*

The report of the Monitoring Officer including details of the consultation with the employee concerned was considered.

**RESOLVED: That the Chief Executive's employment be terminated on the basis of the information contained in the report of the Monitoring Officer.**

The meeting ended at 1.25 pm

**CHAIRMAN**