

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at Town Hall, St Owen Street, Hereford. on Friday 28 September 2012 at 10.30 am

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

Councillors: PA Andrews, AM Atkinson, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, KS Guthrie, RB Hamilton, 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, RI Matthews, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GA Powell, GJ Powell, AJW Powers, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, DC Taylor and DB Wilcox

37. PRAYERS

The Very Reverend Michael Tavinor led the Council in prayers.

Following prayers the Chairman welcomed the new Councillor for the St Nicholas ward Councillor Anthony Powers as a new Member to the Council.

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors:

CNH Attwood	MJK Cooper
PGH Cutter	DW Greenow
J Hardwick	RC Hunt
G Lucas	PJ McCaull
R Preece	PJ Watts

39. DECLARATIONS OF INTEREST

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Councillor A Seldon, Non-Pecuniary, Agenda item 14, Ocle Pychard Parish Council.

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Councillor JG Jarvis, Non-Pecuniary, Agenda Item 8, Notices of Motion, member of the Hereford Futures Board.

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Councillor JG Lester, Non-Pecuniary, Agenda Item 14, Ocle Pychard Parish Council.

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Councillor PM Morgan, Non-Pecuniary, Agenda item 14, Ocle Pychard Parish Council.

40. MINUTES

RESOLVED: That the Minutes of the meeting held on 28 September 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

- **Minutes No: 29** – A Member commented that the proposals for Hereford City were fundamentally flawed; highlighting conflict with *ward* boundaries within the *Parish of Hereford City* which would *no longer be coterminous* causing confusion when elections were held.
- In response to a comment on the Minutes and that in future the minutes of Council should include any written responses for completeness. The Chairman advised that the query should be referred to the next meeting of the political group leaders.

41. CHAIRMAN'S ANNOUNCEMENTS

The Chairman in her announcements:

- Reminded Members of the cakes for sale at Council in aid of Macmillan's World's Biggest Coffee Morning.
- Informed Members that this year's Poppy Day Appeal would be launched at ASDA superstore on 27 October at 10.00 am.
- Reported on the Carers Annual Meeting that she attended, which was of great interest to her due to her background in this area.
- Reported on her attendance at the opening of the new head quarters of the Hereford Sea Cadets at Wyese opened by the Deputy Lord Lieutenant, Mr Clive Richards OBE.
- Reported on her attendance at the launch of the Scenic Bus Route which travels between Ross-on-Wye and Hereford by way of King's Thorn.
- Expressed her pleasure at attending the Community Games for people with learning disabilities held at Hereford Leisure Centre to mark the 2012 London Olympic and Paralympic Games.
- Congratulated the Council's Markets Team who were runners up in the category of 'Market Team of the Year' at the national competition organised by the National Association of British Market Authorities.
- Referred to the exciting events held over the summer, which included the royal visit by Her Majesty the Queen, the Three Choirs Festival and the Olympic Torch passing through Hereford.
- Informed Members of the reception held on 19 September for the Herefordshire Paralympic Athletes at Point4 and advised of the public home coming welcome for the Paralympians to be held in High Town on Saturday 29 September.
- Reminded Council that this was the last Council meeting for Chief Executive Chris Bull who would be leaving Herefordshire Council on 12 October. The Chairman thanked Chris Bull for all his work as joint Chief Executive for Herefordshire Council and Herefordshire Primary Care Trust.

42. 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.

43. 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.

44. NOTICES OF MOTION UNDER STANDING ORDERS

Notice of Motion One – Development of the old Cattle Market Site

Submitted by Councillors: MAF Hubbard, EPJ Harvey, C Nicholls, S Michael, J Kenyon, MD Lloyd-Hayes, EMK Chave, A Hempton-Smith, and FM Norman.

Councillor Hubbard proposed the Notice of Motion. After consultation with the Monitoring Officer the Chairman ruled the Notice of Motion out of order.

Councillor Hubbard accepted the ruling of the Chairman but stated that the Notice of Motion had been registered in July and any concerns should have been raised at that stage. Members of Council accepted there were concerns with the Notice of Motion but agreed that any concerns should have been raised prior to the agenda being published.

Notice of Motion Two – Investigation of Possible Amalgamation of Hereford Futures and the Enterprise Zone.

Proposed by Councillor RI Matthews and seconded by Councillor TM James

Councillor Matthews addressed Council and advised that the Cabinet Member Enterprise and Culture, had altered the final paragraph of the original motion before Council, which was agreed by Councillors: Matthews and James.

Altered Final Paragraph:

That a full review take place regarding the Council's support to economic development and enterprise including the funding of Hereford Futures, the Economic Development team, Local Enterprise Partnership, Hereford Business Board, Enterprise Zone and any other relevant bodies with the aim of obtaining considerable financial savings for the taxpayer, achieving a far more effective and appropriate structure to deliver the County's economic priorities.

The following comments were made in debate:

- A Councillor expressed concern that the amendment might have lost the meaning from original motion. The Cabinet Member had been asked to visit Ledbury in order to implement the economic strategy in in the town, as it had significant industry along with young people and families, good road and rail links and broadband in the town.
- The IOC Group Leader stated the focus seemed to be on Hereford City, which appeared too dominant compared to the market towns, and believed there needed to be an organisation which served the County as a whole. This comment was supported by other Members.
- The Leader stated the purpose was to look after business across the county and it was important to ensure everything was in place to carry this out.
- Members expressed concerns about what was happening in the city centre, the fact that there were a number of empty shops and that shop owners and the public were not being kept informed or seeing any benefit regarding the proposals for the city centre.
- The Cabinet Member spoke in support of the motion stating Herefordshire's economy was based on small and medium sized businesses, which would support the economy of the County. Greater focus on EU funding and refocusing on what businesses wanted and what support they could expect to receive was also needed.

Councillor Matthews stated he was delighted with the cross party support for the notice of motion and moved the motion.

RESOLVED:

That a full review take place regarding the Council's support to economic development and enterprise including the funding of Hereford Futures, the Economic Development team, Local Enterprise Partnership, Hereford Business Board, Enterprise Zone and any other relevant bodies with the aim of obtaining considerable financial savings for the taxpayer, achieving a far more effective and appropriate structure to deliver the County's economic priorities.

Notice of Motion Three – Commitment to the Introduction of Support to Staff, Volunteers and Families to Adopt Healthy Lifestyles

Submitted by Councillor RB Hamilton and seconded by Councillor PM Morgan

Councillor Hamilton proposed the notice of motion as outlined in the agenda stating the success of the County depended on having a healthy, committed, focused and well-motivated workforce.

Councillor GJ Powell proposed an amendment to the motion, which was seconded by Councillor Edwards.

Amendment to Motion:

To make a clear commitment to active travel arrangements across the County using the Council's public health role to promote and fund sustainable forms of active travel across the County.

In debate the following points were made:

- Councillor Hamilton supported the amendment.
- It was stated that it was important to remember that rural communities relied on vehicles to get around and provide support to elderly residents.
- In supporting the motion it was asked that pressure was put on supermarkets to promote healthy lifestyles.
- Councillor Robertson, as a Council representative on the Sports Council, supported the motion and proposed that the Council have a sports champion to promote health and sport.
- In supporting the comments on community transport in rural areas, it was stated footpaths and bridleways equally needed to be maintained for community use.

The Cabinet Member Education and Infrastructure stated there were a number of ways of making travel by bus easier, which included being able to take a bike onto a bus for a part cycle part bus journey. The comments on footpaths and bridleways were also noted.

It was moved and seconded that the amended motion be now put.

RESOLVED:

To make a clear commitment to active travel arrangements across the County using the Council's public health role to promote and fund sustainable forms of active travel across the County.

45. LEADER'S REPORT

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

Members made comments on the following items:

- Planning for the Future, agenda page 45 – it was requested that all Members were kept regularly informed on issues regarding the Waste Plant. In response the Cabinet Member Major Contracts, stated that things were moving forward and negotiations were being carried out. In addition it was asked if some of the meetings of 'Your Community, Your Say' meetings could be held in the day time for some of the more elderly residents.
- Herefordshire's People, agenda page 45 paragraph 2 – in congratulating the exam results of looked after children it was requested that Members were kept informed of the progress of looked after children as corporate parents. In response to a question on exam results and that a letter was sent to the Minister, the Cabinet Member stated that the local colleges were aware of the issues, however, it was the responsibility of the school to address the issue of which exam board they used.
- Carers in the County Consultation page 46 paragraph 4 – in referring to the consultation on the website it was asked that it be remembered that not everyone had access to the web.
- Council Tax Benefit Scheme page 46 paragraph 5 – assurance was sought that people were being made actively aware of this benefit.
- Hereford Racecourse, agenda page 46 paragraph 6 – it was stated that the impact of the racecourse closing impacted locally as well as nationally and it was requested that Members be kept informed on events and a Member briefing be provided at the earliest opportunity. In response the Leader stated that a timetable had been set and he was working towards a formal agreement in the near future. It was hoped that racing could be resumed in 2014.
- Borders Broadband Project page 46 paragraph 8 – In responding to the points raised the Cabinet Member Education and Infrastructure stated he was aware that the original figure had been £6m however, Broadband Delivery UK (BDUK) had underestimated the rurality of the area and increased the budget in order to achieve what was needed for the County. The Council had decided to match fund to ensure a strong broad band network for the future. Members congratulated the Cabinet Member on what had been achieved with the Border Broadband Project. With regard to the percentage of the County that would be covered by Broadband, the Cabinet Member stated that BDUK were expected to provide high speed broadband to up to 90% of the County. Presently the take up of high speed broadband was 7-8%. He stated that there would be no exclusion, once completed, for lower speed and there were new technologies and bursary schemes to fill any gaps.
- Affordable Housing page 46 paragraph 7 – in response to a question on disused buildings, the Leader asked all Councillors to notify the Cabinet Member of any disused properties that could be reused. In response to a question on the true number of people in need of housing, the Leader stated that officers were working to obtain accurate figures and asked the Cabinet Member to provide a short note for Members.
- In response to a question on a major procurement process being carried out, the Leader advised that all Members were informed and was part of the root and branch review. The forthcoming meeting of the Overview and Scrutiny Committee would provide the opportunity to discuss the issues.
- Finally in noting this was the last Council meeting for Chris Bull as Chief Executive, Members thanked him for the excellent job he had done for Herefordshire in his time as joint Chief Executive for Herefordshire Council and Hereford Primary Care Trust.

The Leader announced to Council that two directors of Stanhope were in attendance at Council and thanked them for attending the meeting.

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

46. THE ANNUAL COUNCIL MEETING

Councillor Stone, Chairman of the Audit and Governance Committee presented the Monitoring Officer's report on the Annual Council meeting. Councillor Stone supported the report and stated that he felt that currently Council was trying to deal with too many issues at the annual meeting and that more time needed to be given to civic matters. He added that the Committee supported the recommendations.

In debate it was noted:

- Annual Council was an important occasion to welcome visitors from out of the County.
- Annual Council provides the Chairman with the opportunity to recognise the achievements of people within the County.
- It was noted the annual reports from Committees, the Leader's report and questions from Members and the public should no longer be considered at the Annual meeting. It was suggested that consideration be given to a pre-end of year report. The Chairman requested the suggestions be considered by Group Leaders.

RESOLVED

THAT:

- a) The business to be discussed at the Annual Council meeting in May be amended as shown in Appendix 1 to the report; and**
- b) The Monitoring Officer be authorised to make any consequential amendments to the Constitution.**

47. REVIEW OF OVERVIEW AND SCRUTINY STRUCTURE

The Chairman of the Overview and Scrutiny Committee presented the report of the Monitoring Officer on the Review of the Overview and Scrutiny Structure and made the following comments:

- Emphasised that the Lamb report proposed the way forward for the Council.
- At a recent meeting Members had expressed the view that a three Committee structure should be adopted, the Chairman stated he believed a two Committee structure should be adopted comprising of one Overview and Scrutiny and one Health Committee.
- Essential to ensure Cabinet and Overview and Scrutiny worked well together and the Lamb report proposed a working group build upon this.
- It was suggested that the Chairmen of the Task and Finish Groups hold more public meetings.
- It was proposed that the structure of a two Committee system be reviewed in 12 months.

Councillor Robertson proposed an amendment to the recommendations for a three Committee structure to include an Environment Committee based on the away day discussions held by Committee Members in April this year. The amendment was

seconded by Councillor Bowen, who stated it would provide strength and depth to the scrutiny process.

In debate the following comments were made:

- The IOC Group Leader reiterated that the role of the Committees was to scrutinise and not to Monitor and felt that a two Committee structure was enough for Members and their workload capacity, particularly for those Members working full time.
- The Independent Group Leader urged Members to support a three Committee structure to include an Environment Committee to deal with issues such as transportation and highways.
- The Liberal Democrat Group Leader supported a two Committee Structure.
- The Cabinet Member Education and Infrastructure reminded Members that they had been consulted regarding changes and Group Leaders had recommended that Members support the recommendations.

The amendment to the recommendations was lost.

In response to questions to Chairmanship the Leader announced that:

Councillor Seldon would be the Chairman of the Overview and Scrutiny Committee and Councillor Harvey would serve as Vice-Chairman.

Councillor Millar would be the Chairman of the Health Scrutiny Committee and Councillor Robertson would serve as Vice-Chairman.

RESOVED

THAT:

- a) the recommendations of the report on the Overview and Scrutiny (O&S) Function as set out at pages 3-4 of Appendix 1 to this report be adopted;**
- b) the authority to exercise the Authority's statutory health scrutiny functions be delegated to the Health and Social Care Overview and Scrutiny Committee;**
- c) the Terms of Reference of the General Overview and Scrutiny Committee and the Health and Social Care Overview and Scrutiny Committee be as set out at paragraph 23 of the report;**
- d) each Overview and Scrutiny Committee consist of 13 Councillors and seats on each Committee be allocated by political proportionality as set out at paragraph 13 of the report appointments to those seats to be confirmed by Group Leaders;**
- e) the change to two Overview and Scrutiny Committees take effect from Monday 15 October 2012.**
- f) Council approve the appointment to the office of Chairman and Vice-Chairman of the General Overview and Scrutiny Committee and the Health and Social Care Scrutiny Committee;**
- g) statutory co-optees serve on the General Overview and Scrutiny Committee;**

- h) the operating principles set out at paragraph 18 of the report form the basis of the new scrutiny model;
- i) the rules of proportionality be not applied to Task and Finish Groups appointed by either of the two Overview and Scrutiny Committees;
- j) the Head of Governance be designated as the Authority's statutory Scrutiny Officer; and
- k) the Monitoring Officer be authorised to make any consequential amendments to the Constitution.

48. GRANT OF DISPENSATIONS UNDER THE LOCALISM ACT 2011

Councillor Stone, Chairman of the Audit and Governance Committee presented the report of the Monitoring Officer to Council on the granting of dispensations under the Localism Act 2011 and moved the adoption of the recommendations.

RESOLVED

THAT:

- a) the power to grant dispensations under Section 33 (2)(b)(d) and (e) Localism Act 2011 or any subsequent amendment be delegated to the Audit and Governance Committee;
- b) the power to grant dispensations under Section 33 (2)(a) and (c) Localism Act 2011 or any subsequent amendment be delegated to the Monitoring Officer with a right of appeal to the Audit and Governance Committee; and
- c) Council Procedure Rules be amended by the addition of:

“4.1.25 Exclusion of Members with Disclosable Pecuniary Interests

Where a Member is prevented by virtue of a Disclosable Pecuniary interest from participating in a meeting, that Member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted”

And the insertion of the words “clause 4.1.25” in clauses 4.1.2.1 and 4.1.22.1

49. APPOINTMENT OF INDEPENDENT PERSONS TO THE HEREFORDSHIRE STANDARDS PANEL

Councillor Stone, Chairman of the Audit and Governance Committee rose to address Council on the Appointment of Independent Persons to the Herefordshire Standards Panel. Councillor Stone expressed his thanks to independent panel members Mr Bharier and Mr Stevens for the guidance they would provide the new panel members over the next 12 months and thanked them for their attendance at the Council meeting.

RESOLVED: That it be noted and approved the appointment of Mr Jake Bharier, Mr Robert Cook and Mr David Stevens as Independent Persons to

the Herefordshire Standards Panel, in accordance with the provisions of the Localism Act 2011.

50. APPOINTMENT OF TEMPORARY COUNCILLORS TO OCLE PYCHARD PARISH COUNCIL

Councillor Jarvis, Leader of the Council presented the report of the Head of Governance Services on the Appointment of Temporary Councillors to Ocle Pychard Parish Council and moved the adoption of the recommendations.

RESOLVED

THAT:

- a) **Council agreed to the appointment of the following Councillors as temporary members of the Ocle Pychard Parish Council until such time as an election has been held and the new Councillors have taken up office or failing enough nominations being received, the co-option of three Councillors:**

Councillors: JG Lester, PM Morgan, A Seldon; and

- b) **the Assistant Director, Law, Governance and Resilience, be authorised to make the necessary order with effect from 28 September 2012.**

51. EMPLOYMENT PANEL

Councillor Jarvis, Leader of the Council, rose to address Council with the recommendations of the Employment Panel which met on 13 September 2012. The Leader made the following comments:

- The Employment Panel received evidence of the current salary trends for the Chief Executive appointments to authorities similar to Herefordshire, which informed the recommendation to Council.
- Council is required to approve the salary a part of its published Pay Policy Statement under the Localism Act 2011.
- Should Council approve the salary the Employment Panel will proceed with the recruitment process and make a recommendation to Council on a suitable appointment in due course.
- Under the Constitution during the interim period an officer needs to be appointed to carry out the functions of the Chief Executive. It was suggested that the Deputy Chief Executive is the appropriate person.

Council debated the funding for the post and the need to look at the public sector and the salary boundaries and pay. Council noted the new post would only be responsible for Herefordshire Council and not a joint Chief Executive as previously. Discussion was held on whether any savings would be achieved and Members were reminded that those working in the public sector, particularly those working health, received considerably more salary than this post was offering. Following a vote there were:

For	18
Against	11
Abstentions	03

The Leader moved the adoption of the recommendations of the Employment Panel.

RESOLVED

THAT:

- a) the proposed remuneration for the post of Chief Executive be within a range of £140,000 to £145,000; and
- b) the Deputy Chief Executive fulfil the functions of the Chief Executive under the Constitution on an acting basis pending an appointment to the post of Chief Executive.

INFORMATION ITEM - OLD CATTLE MARKET SITE, HEREFORD

The Leader announced to Council that preparatory work for the start of demolition work on the old cattle market site would commence on 1 October 2012.

The meeting ended at 1.30 pm

CHAIRMAN