

MINUTES of the meeting of Council held at Council Chamber - Brockington on Friday 19 July 2013 at 2.00 pm

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, 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, JG Lester, RI Matthews, PJ McCaull, JW Millar, PM Morgan, C Nicholls, FM Norman, RJ Phillips, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, J Stone, GR Swinford and DB Wilcox

21. PRAYERS

Councillor the Reverend Prebendary Carl Attwood, led the Council in prayers.

22. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

Councillor PJ Edwards	Councillor J Knipe
Councillor MD Lloyd-Hayes	Councillor RL Mayo
Councillor SM Michael	Councillor NP Nenadich
Councillor P Sinclair-Knipe	Councillor AJW Powers
Councillor GA Vaughan-Powell	Councillor D Taylor

23. DECLARATIONS OF INTEREST

Councillor EMK Chave declared a non-pecuniary interest in agenda item 10: Appointment Of Independent Persons To The Council's Standards Panel because she was acquainted with David Williams through Herefordshire Advanced Motorists.

24. MINUTES

RESOLVED: That the Minutes of the ordinary and the extraordinary meetings of Council held on 24 May 2013 be confirmed as a correct record and signed by the Chairman, subject to the following point of clarification on the minutes of the extraordinary meeting: Minute number 15, agenda page 18, bullet point 11 should be amended to state that, "a 1p council tax rise would give £642.60 and a 12.5p rise would give £8,032. This is based on a council tax base of 64,260".

25. CHAIRMAN'S ANNOUNCEMENTS

In the Chairman's announcements the Chairman:

- Informed Council of the retirement of Mike Toney, Head of Benefits and Revenue Performance.

- Informed Council of the commemorative service held at the Cathedral for the coronation of Her Majesty The Queen.
- Informed Council of the ceremony for the Herefordshire Volunteer of the Year Awards won by Richard Johnston.
- Informed Council of the Chairman and Vice-Chairman's attendance at the Royal Three Counties Agricultural Society's Award Ceremony.
- Advised of Chairman and Vice-Chairman's attendance at the Armed Forces Flag raising ceremony held at the Shire Hall.
- Advised of the Chairman and Vice-Chairman's attendance at the Whitecross Summer Sports Events.
- Reported the Vice-Chairman's attendance at a special ceremony granting The Rifles Regiment freedom of Ross-on-Wye.
- Informed Council of the annual Historical Hereford Day, which was opened by Councillor Graham Powell.
- Informed Council of Councillor Sally Robertson being nominated a 'Shining Light' in celebration of one year on from London 2012 and the Olympic Games.
- Informed Council that members of the Brimfield bowling club, whilst bowling at Windsor Castle, had had the honour of speaking to Her Majesty the Queen.

There were no petitions from members of the public.

26. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers is attached to the Minutes as Appendix 1. There were no supplementary questions asked.

27. 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 is attached to the Minutes as Appendix 2.

28. NOTICES OF MOTION UNDER STANDING ORDERS

NOTICE OF MOTION ONE – VOLUNTARY REDUCTION IN MEMBERS' ATTENDANCE ALLOWANCE

Moved by Councillor AM Atkinson and seconded by Councillor P Rone.

Councillor AM Atkinson addressed Council and made the following points:

- The motion was not a gesture, but a question of morality and fairness.
- He accepted some Members did not claim allowances and that the basic allowance for Councillors was not excessive.
- Councillors could not allow staff to be made redundant and not give up anything in Members' allowances.
- Members were allowed to claim out of pocket expenses, but if a Member was not out of pocket then they shouldn't make a claim.
- It was accepted no one wanted anyone to think they couldn't stand to be a Councillor as they couldn't afford to, but Members didn't have to claim for everything.
- Councillors should lead by example, especially at times of hardship.

Councillor P Rone made the following comments:

- He did not believe that any Councillor stood to be elected as a Councillor based on the allowance they would receive.
- These were extraordinary times with the number of redundancy notices being sent out.
- He accepted that some Members didn't claim or claimed and gave their allowance to charity.
- He asked Members to consider the Notice of Motion in the manner in which it was proposed.

The following comments were made in debate:

- Members were asked to reject the Notice of Motion as grandstanding.
- Members were not forced to claim their allowance.
- The Independent Remuneration Panel set the allowance for Councillors, not Members themselves. People's circumstances were very different and the allowances in Herefordshire were modest compared to other authorities. Members had the right not to claim their allowance.
- Not all Members were wealthy enough to give up their allowance; people could decide for themselves.
- The Notice of Motion would make it impossible for less well off members of the public to become Councillors.
- It could be expensive for Members travelling around a rural ward.
- The Notice of Motion could discourage women, mothers and people with a disability from becoming Councillors.
- Some Members had given up work to stand as a Councillor and lost money for each Council meeting they attended.
- There was a need to encourage a good cross section of society to stand as a Councillor. There was concern that Herefordshire's current system was ageist and sexist.
- The Notice of Motion was proposed with the best of intentions but it was wrong for people to feel coerced into giving up their allowance.
- Herefordshire Councillors had decided against joining the local government pension scheme, which some other authorities had done and which was a loss to Members.

A named vote was taken:

For: Councillors: AM Atkinson and P Rone.

Against: Councillors PA Andrews, CNH Attwood, CM Bartrum, LO Barnett, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, KS Guthrie, RB Hamilton, J Hardwick, JW Hope MBE, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JG Lester, JW Millar, FM Norman, GJ Powell, R Preece, PD Price, A Seldon, J Stone, GR Swinford and DB Wilcox.

Abstain: Councillors EMK Chave, EPJ Harvey, AJ Hempton-Smith, MAF Hubbard, RI Matthews PJ McCaull, PM Morgan, C Nicholls, RJ Phillips and SJ Robertson.

The Motion was lost with:

FOR	2
AGAINST	33
ABSTAIN	10

NOTICE OF MOTION 2 – NON PROCEDURAL VOTES TAKEN AT ALL MEETINGS OF COUNCIL COMMITTEES.

The Notice of Motion proposed by Councillor Hamilton and seconded by Councillor Powell was withdrawn by the proposer and seconder, to be presented at a later date.

29. LEADER'S REPORT

The Leader of the Council presented his report.

A Member requested that the format of the Leader's report should be reviewed. Members had already been informed of decisions that had been taken. It would be more useful if the report commented on what had happened but also looked ahead to the key issues that would be under consideration before the next council meeting.

RESOLVED: That the report be noted.

30. APPOINTMENT OF INDEPENDENT PERSONS TO THE COUNCIL'S STANDARDS PANEL

The Chairman of the Audit and Governance Committee, presented the report of the Head of Governance and Monitoring Officer on the appointment of independent persons to the Council's Standards Panel.

Councillor Stone thanked Jake Bharier and David Stevens for their service to the Panel, both of whom had to step down from their positions because of the provisions of the Localism Act 2011. He welcomed the new members: David Williams and John Sharman.

RESOLVED: That the appointment of John Sharman and David Williams as Independent persons to the Standards Panel, be approved.

31. APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

(The Head of Governance left the room during consideration of this item.)

The Leader of the Council presented the report of the Chief Executive on the appointment of Electoral Registration Officer and Returning Officer and moved the recommendation, which was seconded by Councillor A Seldon.

RESOLVED: That the post of Head of Governance be designated Electoral Registration Officer and Returning Officer.

32. ELECTORAL REVIEW OF HEREFORDSHIRE - FINAL RECOMMENDATIONS

The Leader of the Council presented the report of the Head of Governance on the Electoral Review of Herefordshire Final Recommendations.

RESOLVED: That the Local Government Boundary Commission for England's final recommendations for Council size and warding arrangements, and the timetable for implementation, be noted.

33. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brigadier P Jones CBE presented the annual report of the Hereford & Worcester Fire and Rescue Authority.

He noted concern expressed by a Member about proposals relating to fire cover for Hereford City.

RESOLVED: That the annual report of the Hereford & Worcester Fire and Rescue Authority be received.

The meeting ended at 3.35 pm

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL – 19 JULY 2013

Question from Mr P McKay, Herefordshire

Question 1

At present Council has its rights of way data viewable on one web page, with its roads data viewable on another web page overlaid with waste collection data, all viewable though when looking at road data have to keep switching from waste collection data to road data.

At Full Council meeting of March 2011 I was advised that it is Councils objective to have complete and correct highway records and when I asked Full Council meeting May 2012 if the objective of getting the Highway Records online could now be given priority, and the date this could be expected I was advised that positional accuracy checks are currently being undertaken before the information is converted for uploading to the website; I am pleased to advise that this should be completed by the autumn.

I am now advised via Freedom of Information that The Statutory Street Register, also known as the Local Street Gazetteer, is in a format that is ready to be published, but discrepancies between the Local Street Gazetteer and the highways extents have been found, with Herefordshire Council currently reviewing the two data sets to establish the full extent of the work required and have commenced corrective work.

So may I now ask when this information is now expected to be published online, and with a significant number of Definitive Map Modification Order Applications on the register if completing and correcting the highway records with them being published online could be covered by this years, and future years, annually published Authority Monitoring Reports ?

Answer from Councillor PD Price Cabinet Member Highways & Transportation

Answer to question 1

I appreciate Mr McKay's patience in awaiting this information.

We continue to work towards making the Local Street Gazetteer available online. This involves a considerable amount of manual checking to ensure the accuracy of the data provide, due to the need to bring together separate existing data sets. Whilst this work is ongoing, we have to prioritise our limited resources; this has meant that the process is taking longer than was originally anticipated. It is hoped to complete this process in the coming months and make the data available on-line. Once published, we will endeavour, within the resources available, to update it as necessary to reflect changes over time.

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Question from Ms A Sheppard, Herefordshire

Question 2

Learners with learning difficulties and disabilities (LDD) aged 19-25 years have always had a right to further education, but the historical lack of relevant specialist provision in Herefordshire has prevented all but the most able of these young people from accessing further education locally. These rights have recently been strengthened by statute and the county's only OFSTED graded outstanding provision for learning disability (Barrs Court Specialist School and College) has offered to make specialist provision available to young people aged up to 25 years. Barrs Court is prepared to make this provision available either:

- As a college of further education with funding secured via the Education Funding Agency;

and/or

- As a day care provider with funding secured via personalized budgets and Direct Payments.

Both of these examples have been successfully facilitated by special schools in other local authorities and could be implemented just as well by Barrs Court in Herefordshire.

Although some 5,000 Herefordshire citizens have signed a petition to indicate their support for this proposal, Herefordshire local authority (LA) has never been supportive.

In a press release released in November 2012, an elected member declared that the LA had commenced a review of LDD provision in October, but the terms of reference for such a review had never been shared. The performance indicators on the proposed timeline for this review have not been met either, suggesting that the LA might be struggling to shape a strategic plan that can facilitate LDD provision that will be of an equally outstanding quality as that which is already offered by Barrs Court. Barrs Court already operates a 16-19 years LDD provision at The Hub (formerly St Owens) and with a little re-structuring of the day care services on offer at The Hub, more, or all of the building, could be dedicated to delivering outstanding LDD provision at minimal cost. However, once again the LA has resisted such a proposal out of hand, despite the financial gains this would bring to Herefordshire Council.

My question today is to ask the elected members of Herefordshire Council how the local authority is planning to meet its statutory obligation to make LDD provision available locally that will be of the same outstanding quality as that which can be made so readily available by Barrs Court?

Answer from Councillor JW Millar Cabinet Member Children's Services

Answer to question 2

We are committed to increasing choice, giving more control to young people and their families in planning for their future, and improving the outcomes for young people.

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Herefordshire Council is undertaking a review to develop and ensure suitable, sufficient and high quality education and training provision is available to meet the needs of Herefordshire resident young people aged 16-25 with learning disabilities. While the excellence of Barrs Court is recognised, we are working collaboratively with other providers including Westfield School, which also has outstanding provision for post 16 provision, health services and social care to develop what is collectively the best for these young people.

As a member of the review focus group, Mrs Sheppard will of course be aware of this review and its timetable, and I welcome the contribution being made by all members of that group. Cabinet expects to consider the overall findings of that review at its meeting on 19 September 2013. Meanwhile, building on the early findings of that review, pilot activity is starting in October

Question from Ms L Williams, Herefordshire

Question 3

Public Toilets

Do the council really believe that the withdrawal of the above services will not be detrimental to Hereford citizens and the tourist industry as a whole?

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

Answer to question 3

The council is not intending to end access to public toilets; rather it remains committed to ensuring the availability of toilets across the county for the benefit of local people and tourists. However as public funding decreases, council resources cannot continue to support all services to the levels we have enjoyed previously and therefore other ways of delivering services must be explored.

We have established a successful Community Toilet scheme in partnership with local businesses which is improving both the quality and availability of toilet provision. Where this scheme has successfully secured the availability of better quality provision, the council has and will continue to review the need to provide council maintained public toilets and close those that are no longer needed.

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Question from Mr P Newman, Herefordshire

Question 4

Public Footpath KY27 – KINNERSLEY

In September 2006 I received a Consultation re the possible Diversion of this path. In January 2007 I contacted Herefordshire Council Rights of Way Manager advising him that the path was obstructed by a pile of earth and that development appeared to be taking place on the site - in addition the Footpath Sign was missing. In February of this year I discovered that the path had a building and garden totally blocking the path. This type of problem used to occur in Herefordshire, but assurance was received from the Council that it was a thing of the past.

What procedures are now in place to prevent development occurring on Public Rights of Way and can the Cabinet member please ensure the existing processes are in place and being adhered to, and look at an overhaul and strengthening of these procedures which involve more than one Council department?

Answer from Councillor PD Price Cabinet Member Highways & Transportation

Answer to question 4

I can confirm that when a planning application is received which affects the line of a Public Right of Way (PROW) then it is given the statutory publicity and the council's PROW service are consulted. In the event that a planning permission is granted which affects the line of a PROW the developer is advised that work should not be commenced until the PROW has been properly diverted.

If Mr Newman would care to forward to me the details of the site in question I will ensure a more detailed explanation is provided regarding that site.

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Question from Councillor WLS Bowen

Parking Meters at Brockington

1 *As new parking charges have been brought in at a time when Council staff are feeling demotivated, could answers be provided to the following points:*

- *How much has it cost to install the parking meters and signage at Brockington?*
- *How much does it cost to monitor and enforce the new parking regulations at Brockington?*
- *Are you aware that the new parking regulations at Brockington have led to neighbouring streets becoming cluttered with Council officers' cars, much to the annoyance and discomfort of the local residents?*
- *How much cash has the parking meters collected so far?*
- *Do you really think that the new parking regulations are either a good or worthwhile innovation?*

Answer from Councillor PD Price, Cabinet Member Highways and Transportation.

Answer to question 1

The cost of meters and signs at Brockington was £3,640.

It isn't possible to give meaningful income figures specifically in relation to the Brockington site as the introduction of parking regulations at council office car parks affects a number of sites, day tickets are transferable between those sites, and some staff have taken up the option to purchase season tickets. With that caveat in mind I can confirm that actual cash taken from the meters during the first full month of operation was £793; income to date in respect of season ticket sales (covering all council office car parks) totals £11,400.

There are no additional costs of enforcement as the additional car parking sites have been incorporated into existing officer patrols.

We are aware of reports from two local residents with regard to parking on nearby streets, and staff have been reminded of the need to park considerately. Whilst this does not appear to be as significant an issue as the question may suggest, we continue to monitor the situation and will take action where appropriate.

Whilst it is acknowledged that the introduction of charges is not popular with many staff, and that there is no 'perfect solution' to the sensitive issue of parking, as a council we must ensure as best we can equality for staff and residents alike. As with charges in public car parks for commuters, it is felt that

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this principle of equality can be supported in part by implementing parking charges at council buildings where it is sensible and cost effective to do so. Not to have included the Brockington site, where senior managers are based, would not have been equitable.

The policy is also in keeping with the council's commitment to supporting and promoting increased sustainable travel across Herefordshire and enables Herefordshire Council to reflect an exemplar approach to local businesses. The Local Transport Plan has identified that 10,000 car journeys of less than three miles are made every morning in Hereford during peak times. It is hoped that parking charges will encourage more staff to consider alternative means of travel such as walking, cycling or public transport, which will help to reduce congestion and CO2 emissions.

Supplementary Question

It was questioned how the cost of enforcement could not have increased. Concern about the discomfort to local residents as a result of officers parking on nearby streets was reiterated.

Cabinet Member Response

The Cabinet Member replied that it was too early to assess the full impact of introducing charges. He would, however, monitor the situation and report back in due course.

Question from Councillor TM James

Payments to Third Party Agents/Organisations

- 2 *Can the Cabinet Member responsible for Economic Development inform Members whether any fees or monies will be paid by the Council to any third party agents or organisations relating to the collapse of the deal to locate hi-tech aerospace jobs to Hereford and Ross-on-Wye and if so, how much?*

Answer from Councillor RJ Phillips Cabinet Member Enterprise & Culture

Answer to question 2

I am happy to confirm that no fees or monies will be paid by the council to any third party agents or organisations in respect of this matter.

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I would also like to correct the suggestion that a 'deal' has 'collapsed'. It is perfectly normal for potential investors to explore development opportunities; it would be exceptional if all came to fruition. As you would expect from a prudent authority, we have made no financial or other assumptions based on speculative interest, and continue to work with other potential investors interested in these sites and as such are continuing with site infrastructure and servicing work.

Supplementary Question

It was asked whether the due diligence had been undertaken, suggesting that greater caution should have been exercised.

Cabinet Member Response

The Cabinet Member replied that due diligence had been undertaken. The Council had shown appropriate caution. As Cabinet Member it had been incumbent upon him to meet a Trade Minister offering potential investment in the County. He expected to be able to make an announcement soon about local companies investing in the Enterprise Zone.

