

MEMBER QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**Question from Councillor RI Matthews**

Question 1

Smallholdings

A few weeks ago the executive decided to defer a decision in regard to the possible sale of the council smallholdings. There are quite a few tenants with young families and considerable overheads who are on short-term farm business tenancies, some with less than eight months remaining. I understand that verbal offers of extensions to their contracts have been made, but have not been formally confirmed in writing. It goes without saying that this is an intolerable situation, and I am aware that a large number of members are extremely concerned about the unprofessional and unsympathetic manner in which this matter is being handled. Could you please tell the tenants, and members, as a matter of urgency what you are doing to address this unacceptable situation?

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 1

A decision on the future of the council's smallholdings is now scheduled for June 2015; this is to enable a business case, assessing the options, to be fully developed to inform that decision. In the meantime the smallholdings estate will continue to be managed in accordance with the current policy. Officers are in communication with tenants to ensure they are kept informed.

Supplementary Question

Will officers keep in touch with tenants, some of whom are at the end of the tenancy and have young families to keep and overheads to meet, to address their concerns and provide help?

Answer from Councillor Bramer

Officers are dealing with tenants' concerns. Twelve month extensions to tenancies are being offered because of the delay in reaching a decision.

Question from Councillor ACR Chappell

Question 2

Bath Street

With reference to the recent decision to dispose of the Bath Street site can the Cabinet Member confirm:

- a) Before the decision was taken, what other sites were investigated?

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- b) With the Cabinet supporting the Southern Relief road, what consideration was given to providing a site, through developers money, for a joint emergency services centre on the line of the Rotherwas access road and Southern Relief road?
- c) With a 1000 homes due to be built up against the access road and increasing development at Rotherwas, and the intention of continuing these roads to form part of the by-pass, why was Bath Street handed to the Fire Authority?
- d) The Bath Street site, the ambulance station site in Ross Road and the present fire station site, provide enough space for 300 homes, thus relieving green field space from development. Will the Cabinet member re-consider his agreement with the Fire Authority?

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 2

The Fire & Rescue Service (FRS), who are the lead on this project, will be able to advise what other sites they investigated; however it is understood that the Bath Street site has been demonstrated to be the best possible site to serve the city from a fire and rescue point of view. This was validated by response modelling and a sequential test of options.

The decision to dispose of the site, taken in April, (report available on the council website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2683>), was in line with the council's agreed accommodation strategy, having been declared surplus to operational needs. The agreement the council has reached with the FRS provides the opportunity for a land swap deal whereby the FRS develop the existing Bath Street site, demolish the buildings and hand part of it back to the council for business user car parking for children's safeguarding staff. In return the council will receive the existing FRS site levelled to the ground. The council will then be able to dispose of this site at will.

The council will continue to work with developers and other partners to identify suitable sites to meet all the needs of the county whether housing, employment or maintaining essential emergency services.

Supplementary Question

As there is no rush to have a new fire station will the Cabinet Member review his decision as there is a great deal of disquiet in the City with regard to the loss of the Bath Street property? Now we know the link road will be built will he also look at the police sports ground on Widemarsh Street?

Answer from Councillor Bramer

The Fire and Rescue Service made clear that Bath Street is its preferred option and that the current fire station is not fit for purpose. I therefore do not intend to revisit my decision.

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Question from Councillor ACR Chappell

Question 3

'Pauper' Burials

Can the Cabinet Member advise:

- a) How many 'Paupers Funerals' has the Council paid for this year and what is the total cost?
- b) Of these, how many were for Homeless people, and how many were for other people who had been considered vulnerable?
- c) Hereford Hospital Trust also has responsibility for 'Paupers Funerals' for patients who die in their care. Is there an increase in the county of 'Pauper Funerals', and is the Cabinet Member satisfied that there is enough dignity shown in these cases?

Answer from Councillor P Morgan Cabinet Member Corporate Services

Answer to question 3

- a) The council has paid for five public funerals so far this year, at a cost to the council of £4,012. Although involved in a number of other cases, these were referred either to a family member or the NHS.
- b) Of these five people none were homeless; all could be viewed as vulnerable, for example being older people living on their own or with medical, addiction or social problems.
- c) There has been no identifiable increase in the council referred public funerals; we do not hold information in respect of those for which the NHS has responsibility. I am satisfied that, for those funerals which the council is responsible for, the deceased are treated with respect and dignity. A service is carried out in all cases, and an officer from environmental health attends every funeral.

Supplementary Question

Will the Cabinet Member look at ways to seek to ensure that those who most need to do so use the service and are not discouraged, for example, by terminology?

Answer from Councillor Morgan

In my written answer I used the term "public funeral". It is not an easy issue but we will do the best we can.

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Question from Councillor GA Vaughan Powell

Question 4

Waste PFI

The findings of a key parliamentary committee questions the viability of the PFI project deal in respect of the Hereford/ Worcester incinerator plant at Hartlebury, where in their view the technology being used could soon be out of date. Can you assure members and taxpayers that when this plant is operational it will be cost effective and viable for many years to come?

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 4

Yes. A financial and options appraisal was carried out as reported to Cabinet in December 2013. This supported the view that an Energy from Waste (EfW) plant was the most cost effective and viable solution to treat the council's residual waste for the next 25 years.

Supplementary Question

Councillor Vaughan Powell reserved her right to submit a written supplementary question.

Question from Councillor AJW Powers

Question 5

Core Strategy

I understand that an unchanged Pre-Submission version of the Local Plan Core Strategy (LPCS) was submitted on Monday, but that it was accompanied by a schedule of proposed amendments. I also understand that legal advice, as to whether these amendments should be judged 'minor' or 'major', was sought from London.

You will recall that at the last Full Council meeting in July my Notice of Motion specifically required that any amendments made to the LPCS, over and above such 'minor' amendments as were agreed by Council in July 2013 to be delegated to officers, were to come before Full Council for approval; and that this NoM was passed by a unanimous vote.

Can the Cabinet Member please provide details of the Schedule of Amendments to the LPCS submitted on Monday, and give his assurance that these do indeed amount only to 'minor' amendments according to the July 2013 conditions?

Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 5

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The schedule of changes proposed to the plan, available on the council's website at <http://councillors.herefordshire.gov.uk/mglIssueHistoryHome.aspx?Id=50007571&Opt=0> and included with the submission, originate from comments received during the final round of consultation on the plan (May – July 2014). They are minor and do not affect the substance of the plan as approved at council in July 2013. The council's appointed barrister in this matter has confirmed the changes proposed are both minor and appropriate.

Supplementary Question

Having now looked at the amendments I can see that but at least is surely more than 'minor' in its strategic and financial implications. That is the inclusion in the Policy HD2 bullet point on education of the words "tertiary facilities", which surely includes the new university project. The officer report states: "the series of minor changes have no direct financial impact".

Was the London barrister who advised on this so-called "minor" amendment specifically made aware of the new university project, with its plans to accommodate up to 5000 students, and thus of what these two words "tertiary facilities" really entail?

Why was it necessary to employ a costly London barrister when, only four days after submission of the Core Strategy, this meeting could and should have been allowed to judge whether any of these amendments were in fact more than 'minor'?

Answer from Councillor Price

Councillor Price agreed to provide a written answer.

Written answer

The schedule of proposed minor changes was discussed with the council's appointed barrister as part of his wider role in providing assurance and guidance on the submitted plan and its associated documents.

As part of this role the barrister was aware of the comments in respect of the university and provided his assurance on the minor change on that aspect together with the wider schedule of minor changes.

Question from Councillor AJW Powers

Question 6

Local Transport Plan

Two years ago this Council unanimously resolved "to make a clear commitment to active travel arrangements across the county using the council's public health role to promote

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and fund sustainable forms of active travel across the county.” At this meeting we are being asked to approve an extension to Local Transport Plan (LTP) 3, but have been given no details on finance or scheme delivery for 2015-16.

Will the Cabinet Member please tell us:

- a) what progress has been made on the 2012 commitment?
- b) how the proposed extension to LTP3 would build on this?
- c) what schemes –whether new or existing - will be advanced through an extended LTP3?
- d) what are the sustainable transport and active travel elements in the Marches LEP-funded Hereford City Transport Package and South Wye Transport Package?
- e) How would these too be advanced during an extended LTP period?

Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 6

- a) Great progress has been made with the promotion of sustainable and active travel. Additional funding of £5 million was secured through the Government’s Local Sustainable Transport Fund and together with existing funding has enabled a range of infrastructure improvements and behavioural change initiatives to be implemented. The “Choose How You Move” campaign has supported through promotions, advice and incentives to individuals, communities, schools and businesses to change travel behaviour. New and improved cycling and pedestrian infrastructure has been delivered in many locations including the Greenway (Connect 2) bridge and path from the city centre to the Hereford Enterprise Zone at Rotherwas and the upgrading of Newmarket Street to integrated the Old Market development with the city centre providing a much enhanced pedestrian environment.
- b) The extension of the current local transport plan would provide the policy context to allow us to continue our commitment and enable the delivery of similar schemes to promote sustainable and active travel over the coming year.
- c) It is proposed to continue to deliver the Choose How You Move behavioural change campaign and deliver cycling and pedestrian infrastructure improvements. Specific schemes are included in the annual programme based upon existing prioritisation processes and consultation upon the public realm annual plan which will take place over the coming months prior to the programme being confirmed for 2015/16.
- d) The sustainable transport elements of the Hereford City transport package comprise upgrades to Blueschool Street, Commercial Square and Commercial Road and development of a transport hub at Hereford rail station. The sustainable transport elements of the South Wye transport package have recently been the subject of public consultation and subject to considering this feedback, may comprise pedestrian crossing facilities on the A465, extension to cycle routes and improved access to public transport.

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- e) The development and design of sustainable transport elements of would be taken forward during the coming year alongside work to take forward the road elements of these packages.

Supplementary Question

How much will be budgeted for these schemes, how will they be funded and how much of the LEP funding for transport infrastructure go to the sustainable travel elements?

Answer from Councillor Price

I will provide a written answer.

Written Answer

These schemes have not yet been programmed, this will be progressed through development of the Annual Plan for 2015/16 which has been subject to consultation during October 2014.

Indicative funding for the schemes includes: Local Transport Plan Integrated Block Grant - £1.069M indicated for 2015/16 (by Department for Transport), from Local Growth Deal Fund - £5.4M allocated to the City Link Road Package, from pre-committed devolved major transport scheme funding of £800K. The details are yet to be programmed but funding via the LEP includes the £5.4M local growth deal and £800K from pre-committed funds. These contributions will be used to progress the Hereford City Link Road Package which will include further development of the package elements comprising upgrades to Newmarket Street and Commercial Road and development of a transport hub at Hereford Rail Station.

Question from Councillor AJW Powers

Question 7

Marches Local Enterprise Partnership

The Marches Growth Deal refers to requirements that, as part of this deal, the Local Enterprise Partnership strengthens its governance, agrees monitoring and reporting arrangements, and produces “an assurance framework with the Government by September 2014” on processes that will guide local decision-making and ensure value for money.

As the local authority designated to lead the LEP on governance matters what progress has Herefordshire Council made on these requirements?

Answer from Councillor AW Johnson Cabinet Member Corporate Strategy & Finance

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Answer to question 7

The decision taken at Cabinet on 31 July (available on the council's website at <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2756>) authorised the establishment of a joint executive committee in respect of the Marches Local Enterprise Partnership (LEP). This decision has been mirrored by our LEP partners Shropshire and Telford & Wrekin Councils. The first meeting of this body is in the process of being convened.

Supplementary Question

The formation of a joint executive committee does not in itself amount to the “assurance framework” on the use and accountability of tax-payers’ money that the Government is requiring. Why, for example, have no minutes of LEP Board Meetings been published on the LEP website since 2011 - or has the Board not met since then? Haven't we been here before with Hereford Futures and ought we not to be learning lessons from that experience?

Answer from Councillor Johnson

I will provide a written answer.

Written Answer

Herefordshire Council is the governance lead in respect of the Marches LEP joint executive committee; Shropshire Council remains the accountable body for the Marches LEP.

The Marches LEP is developing an accountability and assurance framework in accordance with the government guidelines (which are themselves in draft form currently). This framework will be formally approved by the Marches LEP joint executive committee before the end of the financial year. The Marches LEP website is currently being reviewed and it is intended that board agenda's and decisions will be made available on that website.

Question from Councillor WLS Bowen

Question 8

Accommodation Strategy

Can the Cabinet Member please confirm:

- a) What is the total cost of refurbishing the Shire Hall for the use of Herefordshire Council?
- b) What will be the total cost of refurbishing the Plough Lane site?
- c) What is the expected receipt from the sale of Brockington?
- d) How much has been spent on Hereford Town Hall?

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- e) If the Shire Hall received a new, energy efficient heating system.

Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 8

- a) The works are not fully complete, current forecast total scheme spend is to budget being £2.8m
 - b) The works are not fully complete, current forecast total scheme spend is to budget being £4m
 - c) £1.5m. It should also be noted that there will be significant revenue savings generated by moving operations from this building.
 - d) The Town Hall is not scheduled for refurbishment within the current accommodation strategy.
 - e) The refurbished area is now served by two new highly efficient condensing boilers. The rest of the Shire Hall remains serviced by existing boilers which will be upgraded in future phases.
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Supplementary Question

Please could you inform us as to the costs of the Union St building containing legal services and the costs and timing of the renewal of the car parks surrounding the Shire Hall. How much will be saved by the disposal of Brockington and do you really think it is good value for money?

Answer from Councillor Bramer

I will provide a written answer.

Written Answer

The costs of the civic hub phase 1 (which included 33/35 Union St and its annexe) were £1.61m. This figure was included in the £2.8m figure given in response to question a) above.

The works to the car park at Shire Hall are estimated to be £52,000. Work will start once agreement has been reached with other parties who have rights of use at this car park; agreement is expected to be reached before the end of the calendar year.

The disposal of Brockington, in accordance with the council's agreed accommodation strategy, represents value for money. The site was surplus to the council's operational requirement and offered an opportunity for further rationalisation of the retained estate. The council has a significantly reduced need for corporate accommodation having reduced its headcount by over 40% in the last four years and adopted space standards of ten employees to every six workstations. The disposal of Brockington was approved in 2009, reconfirmed in 2011 and 2012, and a budgeted capital receipt and revenue saving built into the medium term financial strategy. The annual revenue costs of the Brockington premises were in the region of £170k. As over 50% of the premises expenses of the Shire Hall are met by third party income that is secure in the long term and a revenue budget was already in place, the operational savings from the disposal of Brockington are

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realisable in full. The disposal represents a significant capital receipt to the council with the council further benefitting from additional council tax receipts from the residential development proposed for the site.

Question from Councillor EPJ Harvey

Question 9

Waste PFI

At the budget-setting council meeting back in February I asked: “How is this council to have confidence today that the capital borrowing proposed for the Energy from Waste Incinerator at Hartlebury in Worcestershire is delivering the best value solution for Herefordshire’s waste disposal needs for the next 25 years ...?”

Cllr Bramer responded: “The council can be confident that the capital borrowing represents the best value option for the county because the analysis and appraisal of options in both the Joint Municipal Waste Management Strategy and cabinet report has been completed in accordance with relevant government guidance.”

On 3rd September the Public Accounts Committee of the House of Commons published their report into DEFRA oversight of 3 PFI waste contracts (including that of Herefordshire & Worcestershire). In conclusion, this report stated that:

- a) DEFRA’s “support of PFI to build waste management infrastructure may result in long term contracts that are too inflexible for a sector where technology is continually evolving and the amount of waste produced can be hard to predict.” And suggested that DEFRA “should consider including other forms of support to help local authorities to manage their waste in ways that are flexible enough to deal with changes in technology and waste levels to ensure local authorities are not locked into projects that provide more capacity than is required and are very expensive.”
- b) “Local authorities need better advice on negotiating PFI contracts, particularly on technical aspects such as when to secure finance, and compensation arrangements.” and suggested that “The Department should make better use of its position and expertise to support local authorities in negotiating PFI contracts and achieve value for money for local taxpayers.”
- c) DEFRA “has made decisions on this programme focused entirely on the need to meet the EU target without due regard to the impact of its decisions on local authorities.” and suggested that “The Department needs to balance the need to meet the EU target at minimum cost, with making sure that its decisions serve taxpayers’ interests as a whole and do not result in additional costs for local authorities. The Department should place more weight in its decision-making on the cost to the public in the round when it considers withdrawing its support to individual projects.”

Would the Leader please indicate where, if at all, this council disagrees with any of the Select Committee's findings quoted above.

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Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 9

The council does not disagree with the findings quoted.

Members should however note that the National Audit Office (NAO) report and subsequent Parliamentary Select Committee findings are focused on Defra's oversight of PFI contracts.

Herefordshire Council and Worcestershire County Council were pleased to help the NAO with their study, met with them in November/December 2013, and were then in regular contact throughout the period of the study and production of the report.

It is a matter for Defra to respond to the findings of the Parliamentary Select Committee report, rather than the two councils.

Supplementary Question

Will the Leader, on behalf of his whole cabinet, assure this council that the Energy from Waste incinerator, without any early prospect of combined heat and power capacity, satisfies the statutory definition of being the BEST VALUE SOLUTION for HEREFORDSHIRE's (I stress Herefordshire) waste disposal needs for the next 40 years.

Answer from Councillor Johnson

I will provide a written response.

I am satisfied that the energy from waste project was demonstrated as the best value option for Herefordshire, as reported to Cabinet in December 2013. This was supplemented by the variation business case reported to the Audit and Governance Committee on 29th September 2014 which included an updated financial assessment by Deloitte.

Question from Councillor MD Lloyd-Hayes

Question 10

Memorial Trees

Recently in my ward two trees were felled during building development. They were dedicated to two young students who had tragically lost their lives. What mechanism does the council have to prevent the felling of such trees which enable family and friends to visit and remember their lost ones?

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Answer from Councillor PD Price Cabinet Member Infrastructure

Answer to question 10

I understand that the basis of this question relates to the removal of two memorial trees in the grounds of a school to accommodate a series of access improvements. I also understand that the situation is being remedied in a sensitive way following discussions between the school, the ward member and the families concerned.

In its discharge of its planning functions the council can control works to trees in conservation areas and to other trees covered by tree preservation orders. It has no direct powers to control works to non-protected trees and which have been planted as memorials. However applicants and agents can be invited to submit information on planning applications with regard to memorial trees so that the ward members, the planning officer and where appropriate the Planning Committee can be aware of their presence within a planning application site.

Supplementary Question

Will applicants and agents be invited to submit information on planning applications with regard to memorial trees as a matter of course?

Answer by Councillor Price

I will suggest to the Planning Service that this as part of the planning application.