

MINUTES of the meeting of Council held at The Shire Hall, St Peter's Square, Hereford HR1 2HX on Friday 12 December 2014 at 10.00 am

Present: Councillor J Stone (Chairman)
Councillor R Preece (Vice Chairman)

Councillors: PA Andrews, AM Atkinson, CNH Attwood, JM Bartlett, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, EPJ Harvey, 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, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell and TL Widdows

Councillor LO Barnett

Council observed a silence in memory of Councillor LO Barnett.

The Leader and the other political group leaders paid tribute to Councillor Barnett.

During the course of the meeting a number of other Members also paid their respects to Councillor Barnett.

40. ELECTION OF CHAIRMAN

(Councillor Stone left the meeting for the duration of this item.)

Councillor RI Matthews proposed and Councillor SJ Robertson seconded the nomination of Councillor J Stone.

RESOLVED: That Councillor J Stone be elected Chairman of the Council for the remainder of the municipal year.

(Councillor Stone in the Chair)

41. APPOINTMENT OF VICE-CHAIRMAN

(Councillor Preece left the meeting for the duration of this item.)

Councillor JLV Kenyon proposed and Councillor AJW Powers seconded the nomination of Councillor R Preece.

RESOLVED: That Councillor R Preece be appointed Vice-Chairman of the Council for the remainder of the municipal year.

42. APOLOGIES FOR ABSENCE

Apologies were received from Councillors ACR Chappell, J Hardwick, RL Mayo and DB Wilcox.

43. DECLARATIONS OF INTEREST

Agenda Item 8 – Notice of Motion – The Living Wage

Councillor RJ Phillips declared a non-pecuniary interest as Vice-Chairman of the Employers' side on the National Joint Council.

Agenda item 8 – Notice of Motion – Wellington Level Crossing, Haywood Lane near Marden

Councillor AN Bridges declared a non-pecuniary interest as an employee of Network Rail.

Agenda item 13 – Ross-on-Wye Community Governance Review

Councillors AM Atkinson, CM Bartrum and PGH Cutter declared non-pecuniary interests as Members of Ross-on-Wye Town Council.

44. MINUTES

The Chairman reported that he had been notified of a correction to Minute no 25 – declarations of interest. The Minute should state that Councillor Bridges had declared a non-pecuniary interest.

RESOLVED: That the Minutes of the meeting held on 26 September 2014, as amended, be confirmed as a correct record and signed by the Chairman.

45. CHAIRMAN'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda papers.

The Chairman thanked colleagues who had assisted him in fulfilling the considerable number of engagements that had needed to be undertaken between September and November.

He added congratulations to Councillor PJ Edwards and his fiancée on their forthcoming marriage and also to Councillor DW Greenow and his fiancée on their forthcoming marriage.

Petition

The Chairman reported that he had received a petition from Climate Action Now requesting support for policies that address the impact of climate change. He handed the petition to Councillor PD Price (Cabinet Member – Infrastructure).

46. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers is attached to the Minutes at Appendix 1.

47. NOTICES OF MOTION UNDER STANDING ORDERS

Notice of Motion One- Support for City of Culture Bid

Councillor Nenadich proposed the motion. He commented on the process that would need to be followed to make a bid noting that the intention was that the bid would be based on a county-wide approach. He emphasised how important substantial support from the local community would be to making a successful bid. He highlighted the breadth of cultural assets within the County in which the County should take pride. He also emphasised the economic benefits that being city of culture had brought to other UK cities who had made successful bids.

There was general support for a bid to be made. Members emphasised the importance of engaging the county as a whole.

It was observed that if the Council's support was to be meaningful careful consideration would need to be given to arts funding in setting the budget. Funding from the Council could be critical to arts organisations in helping them to secure funding from other sources. There was evidence that every £1 spent on the arts generated £25-40 aside from providing health and wellbeing benefits.

The motion was carried with 36 votes in favour of it, none against it and one abstention.

RESOLVED: to ask the executive to explore ways of supporting a bid by the courtyard theatre and its partners for Hereford to be made the UK city of culture 2021.

Notice of Motion Two – Governance Arrangements

Councillor James proposed the motion. He commented that the programme panels that had formed part of the governance arrangements when he had been Leader, when executive arrangements had been required by legislation to be introduced, had provided Members with a role in contributing to decision making and had enabled them to keep informed about decisions that were being taken. He considered that under the current arrangements the majority of Members were not aware of and informed about the difficult decisions that had to be made. There was a lack of accountability and no public support for the system. The motion did not advocate a particular solution but proposed an exploration of the available options for the new Council to consider in May.

Councillor Matthews, seconding the motion, stated that there was a need for decision making to be more open and transparent. There was too much power in the hands of too few Councillors. Members not on the executive felt sidelined.

The Leader of the Council commented that whilst he received correspondence about decisions that had been taken he had never received any complaining about the decision making process. In his view the matter was not of concern to the public. The real motivation for some Members was their dissatisfaction that they themselves did not have decision making powers

He did not accept that the process was secretive and lacked accountability. He noted that the public had only been excluded on a very few occasions from Cabinet meetings. Those exclusions had been in accordance with the customary procedure when commercially sensitive material was discussed. Details of forthcoming decisions were available to Members.

He supported the formation of a working group to examine options for governance arrangements but remarked that it was important to establish what the reasons for seeking change were so that the correct solution could be found.

In discussion the following principal points were made:

- A number of authorities had been exploring options for revising their governance arrangements for some time and had already made improvements.
- Councillors had sought election to be involved in the decision making process. Instead they found themselves excluded from it. There was a lack of influence in decision making. Members felt disenfranchised.
- The expertise and experience of many Councillors was not being drawn upon.
- It should be recognised that Members had different skills. Some relished exercising decision making powers; others flourished in a community representational role.
- The respective roles of Council and the executive as currently established caused dissatisfaction.
- The public were concerned when it was explained to them that under the current system the majority of the 58 Councillors had little decision making power. A number of people had signed a petition in High Town supporting a change to the current arrangements.
- New arrangements could ensure inclusivity in decision making without hindering the speed with which decisions could be taken.
- It was important that decisions could be taken promptly and acted upon.
- The Committee system had not been perfect and had not been immune from charges of decisions having been taken behind closed doors.
- It was noted that the reference to the Committee system in the motion was not advocating that system be adopted but requesting that it be considered alongside other options.
- The role of the Audit and Governance Committee in relation to governance matters should not be overlooked.
- A Member recorded his disagreement with the sentiments expressed in paragraph 1 of the motion, considering paragraph 2 sufficient.
- The Cabinet Member (Health and Wellbeing) commented that he had issued a considerable number of briefing notes. He had also offered Members the opportunity to discuss issues with him but few Members had taken advantage of this offer.

The motion was carried with 36 votes in favour of it, 1 against it and 13 abstentions.

RESOLVED:

- That**
- (a) Council take note of the public disillusionment with the current arrangements of Herefordshire Council. Their arrangements failing to include the majority of elected Councillors in the decision making process and the highly secretive manner in which the Council operates; and**
 - (b) officers be instructed to produce a report on the alternative governance arrangement to include a streamlined committee system, with an all party working group being set up to oversee this alternative arrangement.**

Notice of Motion 3 – The Living Wage

Councillor Norman proposed the motion. She commented that the motion provided an opportunity to encourage other employers to follow the lead set by the Council. Only a few Council employees were paid below the living wage and the differential between the lowest and highest paid posts was at a ratio of 1:11, compared with the 1:10 proposed in the motion.

Herefordshire was a low wage area and people were struggling to meet costs. The consequences of low pay including the implication for crime levels were known. The payment of low wages meant that tax income was lower and that other parts of society had to provide support through the benefits system to supplement wages.

A number of businesses including several large employers and a number of Councils had adopted the living wage. The Federation of Small Businesses had said the payment of the living wage should be a voluntary goal.

Councillor Bartlett, seconding the motion, commented that adopting the motion would set a good example. It would also not be difficult for the Council to implement as it affected few employees and the proposed wage differential between the highest and lowest paid staff had almost been attained.

In the course of discussion the following principal points were made:

- The Leader cautioned that he supported the introduction of the living wage payment for Council staff. However, restricting the Council to an inflexible wage differential between the highest and lowest paid staff might prove restrictive. Market rates should determine the appointment to the post of Chief Executive. Also, if contractors, for example those providing care services, were to pay the living wage the additional cost to the Council would be some £3-5 million per annum. In addition a number of people receiving care services were currently self-funding. If costs were increased by the Council's actions this would increase the burden on them. Whilst the aim of the motion could be applauded the real solution was to provide economic growth. The administration had put forward proposals to achieve growth, for example through infrastructure projects, although these had not received support across the Council.
- The Cabinet Member (Health and Wellbeing) commented further on the difficult negotiations over the costs of commissioning adult social care services. Advocates of the introduction of the living wage needed to be prepared to consider where savings could be obtained to support its implementation.
- Small and medium sized businesses were facing difficult economic conditions. In seeking to set a good example the Council should not give the impression that anyone not paying the living wage was setting a bad example.
- It was noted that the motion proposed to encourage other employers to follow the Council's example and was not prescriptive.
- It was confirmed that by redefining posts currently paid below the minimum wage and giving them additional responsibilities the Council could introduce the living wage without having to revisit the evaluation of other posts.
- The living wage had no statutory basis. It was based on one calculated rate for London and one rate for elsewhere in the UK, making no distinction between urban and rural areas.
- There were alternative ways of growing the economy to that proposed by the administration, for example a green economy.

Separate votes were taken on each part of the motion.

Point one of the motion was carried with 34 votes in favour of it, 3 against and 12 abstentions.

Point 2 of the motion was lost with 13 votes for it, 25 votes against it and 10 abstentions.

Point 3 of the motion was lost with 17 votes for it, 24 against it and 8 abstentions.

RESOLVED: That the Chief Executive, as Head of Paid Service, be requested to report to the Employment Panel and Council on how to achieve the following outcome: introduce the living wage (£7.85/hr) into the Council's pay policy in place of the inadequate minimum wage.

Notice of Motion Four – Wellington Level Crossing, Haywood Lane, near Marden

Councillor Guthrie proposed the motion. She commented on the situation as set out in the text accompanying the motion set out in the agenda papers. She added that no action had been taken to examine the drainage issues to resolve the flooding at the location and there had been no explanation of Balfour Beatty's decision not to proceed with the approach recommended in its report. Action needed to be taken to avoid a serious accident.

The Leader commented that the situation was more difficult to resolve than it appeared. He proposed a meeting between himself, the Cabinet Member, the Local Member, Chief Executive and Balfour Beatty to take the matter forward.

Councillor Bridges, seconding the motion, expressed his dismay that a solution to address such a serious safety issue had not been implemented. He emphasised that gates needed to be provided and arrangements made to enable them to be locked when necessary at times of flooding. Local residents supported this approach. An upgrade to the crossing would cost over £1m and even if it were to be approved by Network Rail it would take several years before it would be implemented. He explained how the crossing currently operated and the risk to both rail users and road traffic inherent in the current situation.

The Cabinet Member (Transport and Roads) outlined a number of practical complications associated with locking gates at the crossing and the legal implications. He observed that a majority of those who ignored the road closed signs and got into difficulty were local people. However, he supported a further meeting to discuss the issues.

Councillor Guthrie reiterated that it was essential that the gates were closed and locked when flooding occurred as originally recommended in Balfour Beatty's report.

The motion was carried with 37 votes in favour of it, none against it and 6 abstentions.

RESOLVED: That to prevent a major incident with resultant loss of life at the Level Crossing and to ensure the safety of all road users, rail passengers and nearby residents, this Council resolves to request the executive to expedite the repositioning and locking of the gates as recommended in Balfour Beatty's report.

48. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of Council in September.

He added with reference to paragraph 8 of the report relating to the Marches Local Enterprise Partnership (LEP) that bids had also been submitted for “growth deal” funding for an east-west Leominster relief road and the development of the Model Farm site, Ross-on-Wye.

In discussion the following principal points were made:

- (paragraph 7 of the report) The Leader stated that he was not aware of any plans to relocate Hereford United Football Club to the racecourse. Discussions had taken place on the area identified for development at the eastern end of the ground. He would inform Members of the outcome of the court action involving the football club.
- (paragraph 8) With regard to the Rotherwas rail link, including the provision of a bridge across the river, the Leader commented that information had been sought from London Midland. He would provide an update to Councillor Matthews.
- Concern was expressed about air pollution in the Bargates area of Leominster which would be exacerbated by proposed housing development. It was asked if funding would be available from the LEP bid to mitigate the issue. The Leader commented that this could not be confirmed until the outcome of the bidding process. Local Ward Members would be consulted on how funding received could best be used.
- (paragraph 9 – waste disposal) Councillor Harvey questioned how the Leader, in replying to her supplementary question to Council in September, could give the assurance that “the energy from waste project was demonstrated as the best value option for Herefordshire”. The Leader commented that in his view all questions about the project had been exhaustively tested and answered. The cost of withdrawing from the project and pursuing another course would be huge.
- (paragraph 10) Whilst welcoming the development of the Old Market site it was requested that support also be provided to the historic core.

A specific concern was expressed about the state of the paving in High Town, Hereford. It was stated that the City Council had set aside a sum to contribute to repairs but no one had taken up their offer. The Leader agreed to check on the matter.

The Leader commented that he wanted the historic core to be properly developed. He added that the Butter Market project in High Town was progressing and he would provide an update to Members.

The feedback he had received was that the Old Market development was increasing business overall and drawing business into the historic core. He would provide a written response on this matter to Councillor Robertson.

A Member suggested that the developers of the Old Market had previously indicated a willingness as part of the scheme to provide signing from the development to the historic core. The Leader agreed to investigate.

RESOLVED: That the report be noted.

49. LOCAL COUNCIL TAX SUPPORT SCHEME 2015-2016 EFFECT ON PARISH PRECEPTS

Council was asked to note the recommended approach to the funding changes as a result of the abolition of the council tax benefit scheme and the introduction of the council tax reduction scheme and to approve the recommended funding allocation to parish councils.

RESOLVED: That Council tax reduction support scheme grant funding estimated at £289k is passed onto parishes in 2015/16 (as it was in 2014/15).

50. PROPOSED CAPITAL PROGRAMME 2015/16 TO 2017/18

Council was asked to approve the additional capital investment programme for 2015/16 to 2017/18 inclusive, as proposed by Cabinet on 13 November 2014.

There were 19 votes in favour of the proposal, 5 votes against it and 10 abstentions.

RESOLVED: That the additional capital schemes as detailed in appendix 1 of the report be approved for inclusion in the 2015/16 to 2017/18 capital programme.

51. HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

Council was asked to approve amended terms of reference for the Board.

Councillor GJ Powell, Chairman of the Health and Wellbeing Board, presented the report.

There were 31 votes in favour of the proposal, no votes against it and 1 abstention.

RESOLVED: That the revised terms of reference as set out at appendix 2 to the report, including amendments to membership, be agreed.

52. THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW

Further to the report to Council on 26 September 2014, Council was asked to consider further recommendations, as agreed by the Audit and Governance Committee on 26 November 2014, regarding the Ross-on-Wye Community Governance Review as the changes proposed by that review required the consent of the Local Government Boundary Commission for England and that consent had now been obtained.

The Chairman of the Audit and Governance Committee presented the report.

RESOLVED unanimously:

- That (a) **the County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 be revoked with immediate effect; and**
- (b) **the Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) (No. 2) Order 2014 (to be substantially in the form set out in Appendix 2 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007.**

53. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

A copy of the Member questions and written answers, together with a supplementary question asked at the meeting and the answer, is attached to the Minutes at Appendix 2

Public questions to Council – 12 December 2014

Question from Mr M Sandaver, Herefordshire

Question 1

Council contractors

Why are outside contractors used, instead of the council taking responsibility for employing their own staff to carry out these tasks?

Answer from Councillor H Bramer, cabinet member contracts and assets

Answer to question 1

The council's vision, as set out in our commissioning and commercial strategy is to be an innovative, agile commissioning organisation that secures better outcomes by commissioning the right services from the right provider, at the right time and at the right price.

Outside contractors, whether from the private or the voluntary and community sector, may be used where they will deliver better outcomes in the most cost effective and efficient way.

Question from Mr P McKay, Leominster

Question 2

Determination of highway status

At January 2014 Council meeting I was advised that *"Herefordshire Council is currently finalising a draft protocol for processing requests for Determination of Highway Status and it is anticipated that the draft will be available for consultation in March 2014. Mr McKay and other interested individuals and organisations will be able to comment on it at that time. Once adopted following consultation the protocol will be published on the Council's website."* The October LAF minutes advise that *"The Highways Draft Protocol needs some minor tweaks, and the Cabinet Member report needs to be written. This report will be submitted by the end of the year."*

Could you confirm that this is progressing and anticipated date by which this will be published on the council's website?

Answer from Councillor P Rone, cabinet member transport and roads

Answer to question 2

I can confirm this is progressing. The report will be ready for consideration in early January and, subject to approval, the final protocol will be available to view on the council's website by the end of January 2015.

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Question from Mrs V Wegg-Prosser, Breinton

Question 3

The Local Plan Core Strategy Costs

Could the cabinet member responsible for the core strategy please provide the cost to date of the entire local plan process, dating from the finance year 2007/8 to the year 2013/14, broken down by year, and with spend to date for the year 2014/15, and an estimate of costs to this year end, March 2015?

Answer from Councillor P Price, cabinet member infrastructure

Answer to question 3

	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	2014/ 15	2014/ 15
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual to Date	Fore-cast
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Local Development Framework	291	132	345	131	221	255	199	139	330
Forward Planning	490	472	410	491	558	416	301	133	197
Total Core Strategy	781	604	755	622	779	671	500	272	527

Please note that a proportion of these costs has been supported by external funding. Forward planning costs relate to the staffing costs but it is not possible to specify which proportion is directly attributable to the local plan process.

Members' questions at Council – 12 December 2014

Question from Councillor R Matthews

Customer contact

- 1 *I am constantly receiving complaints from extremely irate members of the public who are concerned that they cannot make contact with the council by telephone, as they are frequently having to wait in excess of thirty minutes for their calls to be answered. Can you please inform members as to why this should be, and what you intend to do about this appalling and unacceptable situation?*

Answer from Councillor P Morgan Cabinet Member Corporate Services

Answer to question 1

Councillor Matthews is well aware of the substantial savings that the council is having to make and our very clear priorities.

How people contact customer services is changing, so that we can use the resources we have to best effect. We are doing this because:

- the way people want to access services is changing with more demand for 24hr internet services.
- the service has seen 25% reduction in staffing since April 2013 as part of the budget reduction plan to direct resources to essential services.
- we want to reduce customer waiting and response times, and to make sure queries go to the right place to be answered

During October and November alone the customer services team handled a total of 44,673 telephone calls. Of those 13,964 had telephoned the general switchboard number; the average time calls to that number were queued being 32 seconds.

In terms of addressing both the volume of calls and the waiting times there are a range of actions already taking place:

- Transfer of customer contact for public realm queries to Balfour Beatty Living Places
- Comprehensive on-line council tax programme for customers to manage their own account and payments
- Programme of improved messaging relating to council tax to mitigate the need to call the local authority
- Current campaign for more people access services on-line who have the ability to do so
- Automated messaging for customers to use the extension number to divert their call directly to the person intended
- Increase of on-line reporting (e.g. pothole reporting direct to BBLP systems) and social media to pre-empt queries
- A concentration of resources when call volumes are at their highest (between 9-10am)

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- Additional staff being drawn in from the services to deal with surges in call numbers, for example when individual electoral registration notifications first went out to residents or black bin delivery.

The support of Councillor Matthews and all ward members in helping to promote alternative self-help contact methods would be welcomed, and will ensure that those residents with no choice but to use telephone contact will be able to access the service more easily.

Supplementary Question

Many people continued to want to contact the Council by telephone. It was unacceptable to have to wait up to 45 minutes for a call to be dealt with.

Answer by Councillor Morgan

The Cabinet Member commented that only 1 call out of over 44,000 calls received by Customer Services in October and November 2014 had been queued for 30 minutes or more. The Council had to make savings and ensure that contact with the public was managed in the most efficient way. The Council had invested in the website and the public satisfaction statistics were reasonable although there was clearly room for improvement. She accepted that using the website was not suitable for everyone and provision had to be made for those people. She invited Councillor Matthews to supply her with evidence to support his assertion that the information that had been provided to her was incorrect.