

MINUTES of the meeting of Council held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 30 September 2016 at 10.00 am

Present: Councillor DB Wilcox (Chairman)
Councillor PJ McCaull (Vice-Chairman)

Councillors: PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, CR Butler, ACR Chappell, MJK Cooper, PE Crockett, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, DW Greenow, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, JA Hyde, TM James, AW Johnson, JF Johnson, MD Lloyd-Hayes, MN Mansell, RI Matthews, RL Mayo, MT McEvelly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, P Rone, AR Round, A Seldon, NE Shaw, WC Skelton, J Stone, D Summers, EJ Swinglehurst, A Warmington and SD Williams

The Chairman informed Council with great sadness of the passing of two former councillors, Beris Williams and John Edwards.

Both councillors had served for a substantial number of years on South Herefordshire District Council and then Herefordshire Council. It was recognised that they both represented their wards admirably and did distinctive service, with both holding the office of vice-chairman of the council; John Edwards retired from the council after two years as chairman.

Council stood in silence as a mark of respect.

The Chairman reported that he had written letters of condolence to the families of Beris Williams and John Edwards and that services were due to be held on 7 October and 13 October 2016, respectively.

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Bramer, KM Guthrie, JLV Kenyon, JG Lester and LC Tawn.

28. DECLARATIONS OF INTEREST

Agenda item 7 (minute 33), Annual report of Hereford and Worcester Fire Authority.

Councillor RJ Phillips declared a pecuniary interest in this item, as vice-chairman, and on behalf of other councillors present who were members of the fire authority.

29. MINUTES

The minutes of the previous meeting were received.

RESOLVED: That the minutes of the meeting held on 15 July 2016 be confirmed as a correct record and signed by the Chairman.

30. CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman reported that one petition had been received immediately before the meeting from Hereford Transport Alliance in relation to the promotion of a tram system in conjunction with the South Wye Transport Plan. It was noted that the petition contained 375 signatures, collected in one day, and it had been requested that the petition be included in the consultation process on the transport plan. The Chairman handed the petition to Councillor PD Price, cabinet member infrastructure.

The Chairman advised that this was the last meeting to be attended by the Reverend Prebendary Paul Towner, who was retiring the following week as the Vicar of St Peter and St James, after 17 years' service to the city and county. The Chairman presented him with a plaque of the county's coat of arms, suitably engraved to mark the contribution he had made. In receiving the gift and thanking Council, the Reverend Prebendary commented on the importance of public service and the benefits of partnership working.

The Chairman drew attention to the concert to be held on Saturday 22 October 2016 in aid of the Chairman's Charity, 'The Haven'.

31. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the minutes at appendix 1.

The Chairman proposed, and Council agreed, to vary the order of business stated on the agenda so that the 'Annual report of the Hereford and Worcester Fire Authority' item was considered before the 'Notices of motion under standing orders' item.

32. ANNUAL REPORT OF HEREFORD AND WORCESTER FIRE AUTHORITY

The new Chief Fire Officer, Nathan Travis, was welcomed to Council. Councillor RJ Phillips, vice-chairman of the Hereford & Worcester Fire Authority, introduced the report and invited questions from members.

During the discussion, the following principal points were made:

- Attention was drawn to the success of the 'Dying 2 Drive' scheme, with almost 1500 young people attending, and praise given to the organisers, particularly Angela Tyler, and to the schools that had signed up. It was commented that the organisers were raising money for a simulator and councillors were urged to give their support to the initiative.

Councillor Phillips asked councillors to report back to schools in their wards about the value of the scheme.

- Comments were made about Herefordshire's large geographic area and, whilst recognising the budget pressures for all public services, the need to protect frontline firefighters.

In response, the Chief Fire Officer said that the fire authority was considering its medium term financial plan and it was estimated that by 2019/20 there would be a

budget deficit of between £1.6m and £2.4m, predicated on the national pay agreement. He advised that a review was being undertaken on staffing across the board and the authority would be looking to manage a balanced budget whilst indicating its priorities to frontline firefighters.

- It was noted that the service had attended 6,459 incidents in 2015-16, representing an increase of 347 on the previous year, and it was requested that a breakdown of figures for Herefordshire be provided for different types of fire and road traffic incidents.

Councillor Phillips and the Chief Fire Officer agreed to circulate further information. The Chairman suggested that it would be helpful if such further detail could be included in fire authority reports to Council in the future.

- With reference made to Community Risk Management Plan (CRMP), it was requested that the voluntary Day Crewing Plus duty system trial period review findings be reported to councillors. It was also requested that the outcome of the Wyre Forest hub station consultation be made available.

Councillor Phillips said that, whilst it was a document belonging to the fire authority, the CRMP could be shared with councillors. However, the Wyre Forest hub station was considered a Worcestershire issue and this would be debated at the next fire authority meeting.

The Chief Fire Officer reminded Council that key documents about the service were already available on its website (at <http://www.hwfire.org.uk/your-right-to-know/our-publications/>), alongside information about fire authority meetings and agenda (at <https://hwfire.cmis.uk.com/hwfire/Meetings.aspx>).

- A councillor commented that, at a recent town council meeting, reference had been made to negotiations ongoing between the police and fire service to combine the site in Bromyard. Confirmation was sought about these negotiations, whether it was desirable, and whether it would have any effect on the service provided by that fire station.

Councillor Phillips commented on the efficiencies associated with combining fire, police and blue light services, particularly during a time of public constraint. He said that an audit had been undertaken across the two counties; a joint station was to open in Evesham in December and other sites were being looked at in Bromsgrove and Redditch, as well as in Hereford.

The Chief Fire Officer reported: Bromyard was being considered as a possible joint station; the fire service was in early discussions with the police and the council to create a new hub in Hereford; the potential for the fire service to support the wider police agenda, and vice versa, was something he was keen to champion; and crews at the fire stations were being consulted and feedback was positive. He noted the benefits of combining services from both financial and service delivery perspectives.

RESOLVED:

That the annual report of the Hereford & Worcester Fire Authority be received.

33. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman reported that two motions had been submitted for consideration by Council.

The Chairman advised that it was for Council to decide whether, under section 100(A)(4) of the Local Government Act 1972, the press and public should be excluded from the meeting for the discussion on the first motion on the grounds that it involved the disclosure of exempt information relating to an individual as defined in schedule 12(A) of the act. He added that, in light of the subject matter, Council may choose not to exclude the public but the monitoring officer was obliged to ask Council to consider this.

Councillor CA Gandy moved that Council agree that this motion be debated in public, seconded by Councillor DW Greenow. This was carried, with two abstentions.

Motion 1: To admit Sasha Kindred OBE to be honorary freeman of the county of Herefordshire

In presenting the motion, the Chairman asked that references inferring that Sascha Kindred might retire from competition be deleted from the preamble to the motion.

In response to a question about the award, the Chairman said that the ability to confer honorary titles was set down in statute. The monitoring officer confirmed that the power under section 249 of the Local Government Act 1972, subsection 5, enabled the council to admit (a) persons of distinction and (b) persons who have, in the opinion of the authority, rendered eminent services to that place or area to be honorary freemen or honorary freewomen of the place or area for which it is the authority.

The Chairman noted that it was unusual for a council chairman to propose a motion but, in view of the special circumstances and for the first time during the life of this council, he proposed that Council make Sascha Kindred an honorary freeman of the county and made the following points:

1. In September 2016, in the Paralympic Games in Rio de Janeiro, Sascha Kindred of Herefordshire had won a gold medal for the 200m men's individual medley in swimming and broke the world record in doing so.
2. This was the seventh gold medal that Sascha had won since competing in his first Paralympic Games in 1996 in Atlanta.
3. Twenty years later, he had a marvellous record of achievement, winning a total of 62 major championship medals, including 7 golds at Paralympic Games, 11 golds at World Championships, and 14 golds at European Championships.
4. In the Queen's New Year Honours list of 2009, he had been awarded the Order of the Most Excellent Order of the British Empire for his sporting achievements.
5. Four years ago, the former Council Chairman, the late Councillor Olywn Barnett, had presented a certificate of congratulations to Sascha and other medal winners of the 2012 Paralympic Games at a welcome home celebration.
6. In the 2016 Paralympic Games, Sascha was the only Herefordshire resident Paralympian winner. The Chairman also paid tribute to Vicky Jenkins from Malvern who trained at Bromyard and had won a medal in archery.
7. Sascha's career started some 25 years ago in Oldham, Manchester, with his international debut three years later. He moved to Credenhill in 2006 and subsequently Belmont in 2010. He was married to Nyree, a Paralympian medal winner in swimming in her own right, and they had a daughter.

8. Since coming to Herefordshire, Sascha had carried out his main training at Leominster swimming pool whilst being a member of Hereford swimming club, making it a cross-county issue.

The Chairman concluded by saying that, to make anyone an honorary freeman or free woman of the county, Council had to be satisfied that he or she was a person of distinction and they had rendered eminent service to the area, and he considered that Sascha met those requirements. The Chairman formally proposed the motion, seconded by the Vice-Chairman.

As seconder to the motion, the Vice-Chairman said he wished to comment on Sascha as a person and, referring to his involvement in swimming events in Leominster, his ability to connect with young people and inspire them to take up swimming. The Vice-Chairman commended Sasha for staying in training for so many years, for achieving the recent world record, and for representing Herefordshire on the world stage.

Other councillors spoke in support of the motion, the following principal points were made:

- a. Comments were made about the contribution made by Sascha and his family to the community in the Newton Farm ward.
- b. Sasha provided encouragement to many young people, not only in swimming but across the board.
- c. The council should be proud that it had a facility such as Leominster swimming pool and credit should go to the council's leisure services partner, Halo, for supporting Sascha.
- d. There were many deserving individuals in the county who rendered eminent service, and had gained national and international recognition, and the council needed to be mindful of the need to preserve the awarding of honorary titles to recognise extraordinary achievement.
- e. Sasha was an inspiration for many people with disabilities.

The motion was carried, with one abstention.

RESOLVED:

In recognition of the outstanding contribution that Sascha Kindred has made to swimming in general and to the Paralympic Games in particular, and in recognising the major successes, medals and world records that he has achieved, especially in the 2016 Paralympic Games by winning a gold medal and breaking the world record for the men's 200 metre swimming medley, this Council wishes to afford him the greatest honour it has in its power to bestow on any individual resident, namely admit Sascha Kindred to be honorary Freeman of the County of Herefordshire. His achievements in Paralympic, world, European and other championships over the past two decades have attracted national and international acclaim, bringing honour and credit on him, his family and connections including the county where he lives to which he has rendered eminent service.

The Chairman advised that a special meeting would be arranged to confer the honorary freeman title on Sascha Kindred, possibly on the same day as the next scheduled Council meeting, 16 December 2016.

Motion 2: Supplementary planning document (SPD) relating to polytunnels.

In presenting the motion, Councillor EJ Swinglehurst made the following points:

- Herefordshire had been in the lead in creating a set of advisories through the SPD on polytunnels which had been adopted in 2008 after due consultation and sustainability appraisal.
- The introduction to the original document was quoted '... Herefordshire Council has prepared this supplementary planning document (SPD) to help potential applicants prepare their planning applications. It will also provide useful information to officers of the council and other interested parties, local residents for example, on how the council expects the many issues to be addressed within planning applications.'
- The adoption of the Core Strategy in 2015 led to a number of existing policies being either replaced, saved or set aside. The SPD on polytunnels was set aside.
- It was described as a compelling and detailed document, and represented a tremendous amount of effort in terms of officer time and expertise.
- The SPD was considered to be of assistance to applicants and residents alike in understanding the issues that arise.
- The reinstatement of the policy compliant elements of the document would assist the planning committee in determining applications and contribute to the sustainable future for this type of farming in the county.

Councillor Swinglehurst formally proposed the motion, seconded by Councillor BA Durkin.

Other councillors spoke in support of the motion, the following principal points were made:

- There were reflections on the difficulties and frustrations experienced prior to the original adoption of the SPD and how the council had been at the forefront in addressing the issues.
- The council should look again at whether it had adequate policies in other areas, particularly in relation to intensive livestock production, with reference made to the implications for nutrient management. It was also suggested that similar consideration could be given to a SPD in relation to housing for older people.
- Unless it had been covered by other provisions, some members considered it unfortunate that the SPD on polytunnels had not formed part of the Core Strategy documents.
- There was a need to keep the SPD sufficiently up to date and be reviewed in light of the ancillary requirements of polytunnels, such as the provision of facilities on farms and accommodation for temporary seasonal workers, and the impacts on specific areas such as Areas of Outstanding Natural Beauty (AONB). It was also commented that officers should work with councils in other parts of the country to understand and manage the totality of the infrastructure associated with this type of farming.
- There was a difficult balance between supporting new farming practices and protecting the landscape.

- A comment was made about the contribution of horticulture to the economy of the county compared to other types of farming.
- In response to a question, the monitoring officer advised that it was her understanding that the document, as an SPD, would not form part of the Core Strategy and that the whole strategy would not therefore have to go out to consultation again.

Councillor PJ Edwards moved that the question be now put, seconded by Councillor J Hardwick. This was carried.

As seconder to the motion commented that: the Tuesley Farm case in Surrey had been a turning point in terms of the planning status of polytunnels; Herefordshire Council had been at the vanguard in the development of policy in this area; the SPD would assist in the determination of planning applications; and there was a need to review the document to ensure that new farming practices were considered and the environment protected.

The motion was carried unanimously.

RESOLVED:

That Herefordshire Council ask the Executive to consider reinstating the SPD on polytunnels working with officers to ensure that the policy is still fit for purpose, up to date and policy compliant.

34. LEADER'S REPORT

The Leader introduced his report on the activities of cabinet since the meeting of Council on 15 July 2016. In particular, the Leader drew attention to the decision made by Cabinet on 28 July 2016 in respect of the council applying to become a non-constituent member of the West Midlands Combined Authority and repeated assurances to Council that he would keep members informed about progress on the issue.

Councillors asked questions about the report and associated matters, the following principal points were made:

- i. Referring to appendix 3, report on the activity of the Herefordshire community safety partnership (HCSP), a councillor expressed concern about future funding arrangements for new public open space, particularly in view of comments made at a recent members' briefing about further cuts to maintenance budgets. He also asked the cabinet member health and wellbeing to input into the HCSP on this issue on the basis that it supported healthy and safe communities. The cabinet member health and wellbeing said that, notwithstanding whether this was an issue for the HCSP or if there was a genuine safety concern, the matter would be referred to the relevant cabinet member. Later in the meeting, the cabinet member transport and roads commented that maintaining public open space was a non-statutory part of the public realm contract and, given the budget pressures, the council had to choose whether it did things differently, paid for them differently, or stop doing them altogether.
- ii. Referring to paragraph 4 of the Leader's report about the sustainability and transformation plans being developed by the NHS, the chairman of the health and social care overview and scrutiny committee expressed disappointment at the reluctance of NHS England to accept that both the scrutiny committee and the health and wellbeing board had a right to see the proposals which impact on service provision in Herefordshire before they were finalised.

The cabinet member health and wellbeing acknowledged the comments, thanked the director of adults and wellbeing for his efforts to bring the plans before members, and confirmed that the health and wellbeing board and the scrutiny committee would be holding meetings on this topic, in public on 19 October 2016.

- iii. A councillor drew attention to paragraph 6 of the Leader's report about the consultation undertaken in relation to short breaks to provide respite and opportunity for children with disabilities and welcomed the progress made, with officers and the cabinet member young people and children's wellbeing thanked for their work.

In response to a question, the Leader provided assurance that the council would maintain efforts and provide appropriate attention to these arrangements.

- iv. Referring to appendix 3, a councillor asked questions about the work being undertaken to understand and address the figures, specifically in relation to the increase in the number of hate offences (up 69% to 44 incidents) and the increase in the number of referrals to West Mercia Women's Aid (up 24%) and calls to the helpline line (up 55%).

In response, the cabinet member health and wellbeing said there was a problem with domestic violence and abuse in Herefordshire and there was considerable work going on to understand and address the issues, both to help the victims and to support the perpetrators to stop doing it; the cabinet member said that further information could be shared with the councillor about this activity. The cabinet member noted that the number of hate offences was relatively low but emphasised that all hate crime was unacceptable. In response to a further question, the cabinet member said that it was not considered that Herefordshire had an additional problem to that indicative across the country.

- v. Referring to appendix 1 and recent cabinet decisions, a councillor asked questions about the New Model in Technology and Engineering (NMiTE) university project.

The chief executive was invited to update Council, he made the following points: the Treasury green book business case had been submitted on schedule the previous week and, whilst it was for the relevant government departments to consider, he felt that a strong and powerful business case had been put forward; and, although contingent on a government decision to support the university, the council continued to discuss a range of options for learning locations and student accommodation and further updates would be provided to Council in due course. In response to a further question, the chief executive said that it was government's prerogative as to when it confirmed its position but this was unlikely to happen before the Autumn Statement, possibly not until the Budget.

- vi. It was commented that the draft economic masterplan had been discussed at general overview and scrutiny committee on 27 September 2016 and a plea was repeated for the document to reflect the importance of the market towns to the county as a whole.

The cabinet member economy and corporate services noted that the report to scrutiny was the 'start of the conversation' and he welcomed this point being brought to his attention. He provided assurance that work was ongoing to identify projects in the market towns.

Another councillor said that the document should also take into account the immediate hinterland surrounding them. It was also suggested that agricultural industries should be referenced, particularly the success of the livestock market.

- vii. Returning to the issue of short breaks, a councillor welcomed the improvement in communications with families and said that this needed to be maintained. However, there was some concern about the tactics of the tendering and contracting process and the cabinet member young people and children's wellbeing, and officers were asked to give this serious consideration.

The Leader provided assurance that the council would do all it could to make the best of the arrangements, under the guidance of the officers involved and the cabinet member young people and children's wellbeing.

- viii. A councillor expressed disappointment was that the 'Let's Listen Herefordshire' mental health day proposed by Councillor D Summers was not being taken forward, despite the motion being carried unanimously at the last meeting of Council (minute 20 refers).

The cabinet member health and wellbeing said that: Council had asked the executive 'to consider the establishment of an annual designated mental health day'; the director of adults and wellbeing and the director of public health had met with Councillor Summers to explore the idea and the cabinet member had offered to meet with him also; consideration of the proposal had been undertaken in a genuine fashion; and it had been concluded that there were better ways to achieve the desired objectives that were explicit in the motion.

- ix. Referring to page 49 of the agenda, a member drew attention to the decision regarding termination of contract with the Shaw Trust for mental health employment service and commented that mental health was a real issue for the county.
- x. A councillor said that, whilst the reasons were understood, it was regrettable that road safety would no longer be a main priority in the community safety strategy, particularly as this was a sensitive issue in rural communities. Furthermore, it was commented that more needed to be done, particularly in a time of public constraint, to secure financial contributions from developers to address rural accident blackspots; the councillor said that there were existing mechanisms but there appeared to be a reluctance to use them.

The Leader acknowledged the comments and said he would take the issue up with officers.

Another councillor subsequently commented that the level of casualties were relatively high given the rural nature and quality of the roads, and noted that rural road safety was one of the main priorities of the West Midlands Police and Crime Commissioner.

- xi. Referring to page 50 of the agenda, in relation to restated 2015/16 capital outturn per scheme, it was questioned whether Councillor RI Matthews had been thanked for the identification of errors within the report to cabinet on 16 June 2016.

The Leader said that Councillor Matthews had been provided with a detailed written response to his questions on the matter and the Leader emphasised that it involved a reporting and not financial errors, as confirmed by both internal and external audit.

The chairman of the audit and governance committee confirmed that he had thanked Councillor Matthews for his efforts in scrutinising the accounts.

- xii. A councillor suggested that, in view of the state of the roads in the county, the authority should consider using reserves or obtaining a loan from the Public Works Loan Board to carry out vital repairs to the local road network. A concern was expressed about the potential reduction in the drainage budget.

The cabinet member transport and roads reminded Council of the finite budget available, that difficult decisions had to be made about where money was spent, and, whilst £20m had been invested in roads over two years, it would cost nearly £80m to bring all the roads in the county up to an optimal state.

RESOLVED: That the report be noted.

35. FOUR YEAR FUNDING SETTLEMENT

The Leader presented the report.

A councillor noted that, following consideration of the 2016/17 budget and medium term financial strategy (MTFS) by Council on 5 February 2016, central government funding had unexpectedly awarded Herefordshire additional funding within the rural services delivery grant. However, the council's savings plans appeared to be unchanged from the MTFS which contained proposals to withdraw funding from services such as the rural subsidised bus network and the lengthsman scheme. The councillor considered that reducing funding to these services would have an impact on the quality of life and infrastructure within rural areas, placing additional pressures on parish council precepts. He added that recent briefings had made it clear that parish councils would be expected to contribute further if they wanted to maintain essential services; parish clerks and volunteer parish councillors were described as being 'at breaking point'. Therefore, assurance was sought that the additional windfall funding within the rural services delivery grant would be discussed fully, with the intention of mitigating proposed cuts to essential rural services.

In response, the Leader said that he shared concerns about the pressures that parish councils found themselves under and the additional grant had not at the moment been earmarked for a particular purpose given the uncertainties about aspects of central government funding, including other grants. He commented that the level of reserves was still a small part of the total budget when expressed as a percentage. He considered that it would be inappropriate to make decisions until the council had a clearer picture of its general financial state.

Points made by other councillors during the discussion included:

1. The approach of the Department for Communities and Local Government had left local authorities little option but to accept the settlement and rural counties were at a significant disadvantage compared to central London authorities in terms of business rates. A concern was expressed about a proposal to cap town and parish council precepts; another councillor later said that he understood that the cap would apply to the larger local councils.
2. It was commented that the efficiency statement gave the impression that the authority was flourishing but it was actually facing difficult times. It was suggested that the additional rural services delivery grant could be used to improve rural roads.

3. It was becoming more difficult for parish councils to recruit and retain parish councillors which could have a significant impact on future viability.

The Leader reiterated that he shared this concern and urged members to make representations to the government.

4. It was noted that the Local Government Association had campaigned for a four year settlement but this was considered a bare minimum offer which was not guaranteed, with the government reserving the right to change the settlement due to unforeseen events, and it did not offer the financial security needed.
5. Returning to the matter of the rural services delivery grant, a councillor said that the authority should be able to use the funding to reduce the rate at which services were withdrawn or reduced in rural areas. It was considered that adding the allocation to reserves would continue to allow services to degrade and in some cases disappear. With reference made to discussions at the general overview and scrutiny committee, an assurance was sought that, if the settlement was agreed, the council would not be constraining itself in terms of making a case on an annual basis for the special circumstances in Herefordshire, particularly in view of rural sparsity issues.

The Leader said that the council would continue to press for everything it needed at regular intervals. He reiterated the need for certainty about the financial position before any decisions could be made.

6. It was noted that the majority of local authorities had accepted the settlement and there were risks associated with not signing it.

The decision was carried unanimously.

RESOLVED: That

- (a) **Council accept the four year central government funding settlement for 2016-17 through to 2019-20; and**
- (b) **the efficiency statement (appendix 3 to the report) be approved.**

36. DESIGNATION OF SECTION 151 OFFICER

The Leader, in his capacity as chairman of the employment panel, introduced the report. It was reported that the constitution delegated authority to the chief executive, as head of paid service, to make interim appointments to senior management positions and that Mark Taylor had been appointed interim director of resources.

A councillor, and member of the employment panel, said that he understood the delegation made in the constitution but wished it to be noted that he considered it regrettable that on this occasion the Leader had not taken the opportunity to involve the panel in this appointment process and, in making this recommendation to Council, some panel members had little awareness about the candidates involved.

The decision was carried, with three abstentions.

RESOLVED:

That the interim director of resources, Mark Taylor, be designated as section 151 officer to the council.

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

A copy of the member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the minutes at appendix 2.

The meeting ended at 12.39 pm

CHAIRMAN

Public questions to Council - 30 September 2016

Question from Mr P McKay, Leominster

Question 1

Community representation as part of the Strategic Development Plan (SDP)

Fathoming out why there was a lack of community input into appropriate s.106 planning obligations in recent 20+ dwelling planning decision in parish that had lodged objection, with several other housing sites in its Neighbourhood Plan, and putting this down to absence of guidance in the SDP when there has been no developer initiated pre-application consultation regarding these in-conformance with chapter 1.8 of the SDP, with the effect being that the absence of any guidance denied the community of any input, and then finding that the latest s.106 agreements contain a clause to effect that should the Community Infrastructure Levy become payable that this would replace agreed s.106 payments.

May I ask for confirmation that in absence of any developer initiated consultation that consideration of appropriate planning obligations is not closed to community but open for community representations to be made as part of consideration of the planning application within the published consultation period, and if guidance regarding this could be added to the SDP, making it clear that submitting this information should the development be approved would not prejudice any objection to the development raised by the community, or if the introduction of the Community Infrastructure Levy is so imminent that clarifying this issue would no longer serve any practical purpose and ought look forward to receipt of Community Infrastructure Guidance ?

Answer from Councillor Philip Price, cabinet member infrastructure

Herefordshire Council is required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in Article 15 of the Development Management Procedure Order.

Where a planning application requires developer contributions or affordable housing this is set out in a section 106 draft heads of terms. This document forms part of the suite of information submitted in support of a planning application. It is published on the council planning website and is subject to public consultation.

Anyone can comment on a planning application. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups can provide representations on planning applications within the prescribed time period for consultation.

A new planning obligations supplementary planning document would be produced following the adoption and implementation of a community infrastructure levy.

Supplementary question

Thank you for your reply, my not having been aware of that and it not being mentioned in the SPD, so may I ask if any procedure is available enabling communities to request consideration of detailed changes to the obligations not expected to be of any concern to the developer, with the objective of better addressing the local community concerns, and to determine when the allocated monies will be used by yourselves or cascaded down to the community to use for the defined purpose?

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Answer from Councillor Philip Price, cabinet member infrastructure

If the question could be put in writing, I will do my best to answer within a short period of time.

Subsequent written response from Councillor Philip Price, cabinet member infrastructure

When section 106 contributions are received, the Council will liaise with the ward member, parish council and any resident groups on the spend of the monies. With regards to whether the benefactor project can be amended/alterd after the agreement has been completed this can only be done in exceptional circumstances for example, where a contribution has been requested for a facility and that facility no longer exists. The contribution will have been calculated on the basis of evidenced need. The agreement will have been completed only where the statutory legal tests will have been met. A developer would need to be in agreement with an amendment. Seeking their approval could result in them requesting the money back as the original contribution is no longer justified.

Mr McKay has been provided with information on play and sports provision in the County and who is responsible for delivery.

Question from Mr R Palgrave, How Caple

Question 2

Rail freight

The Government published its Rail Freight Strategy on 13th September 2016.

They said: "Transporting freight by rail offers significant benefits to the UK economy:

- by reducing road congestion
- improving industry productivity
- cutting carbon emissions and air pollution"

Large lorries are up to 160,000 times more damaging to road surfaces and foundations than the average car. Road repair costs are therefore mostly attributable to freight traffic.

Reducing greenhouse gas emissions from road freight transport is a significant challenge, more so than for personal transport and local buses where electric vehicles are a viable option.

With the local road network already in a poor state and with Herefordshire lagging behind much of the rest of the country in cutting emissions arising from transport, will the council investigate ways to support the expansion of rail freight in Herefordshire?

Answer from Councillor Paul Rone, cabinet member transport and roads

In line with commitments set out in the local transport plan the council will be investigating the potential for supporting rail freight as part of a review of freight within the county and the wider Marches area. Discussions are underway with local enterprise partnership partners to agree the scope and timetable for this review.

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Question from Ms K Sharp, Hereford

Question 3

Southern link road

A lot has been said about the need to deliver the southern link road so that it can link via the A465 into the large investment in road improvements that the Department for Transport is making in the Head of the Valleys Road from South Wales up to Abergavenny. With a single lane, traffic light controlled river crossing at Llangua, and the HGV height restriction at Pontrilas, would the cabinet member please detail the investments the council will have to make in road infrastructure to overcome these barriers so that heavy goods vehicles can actually access the substantial investment this county's taxpayers are being asked to make in new road infrastructure in and around Hereford?

Answer from Councillor Philip Price, cabinet member infrastructure

There are currently no plans for improvements at Llangua Bridge and Pontrilas. Whilst there may be benefits from such improvements, any proposals would need to be developed jointly with Welsh transport authorities. The council's current priority is to deliver the Hereford bypass which will deliver substantial housing and jobs growth for Hereford. The southern link road is the first phase of this.

Question from Ms D Toynbee, Hereford

Question 4

Destination Hereford

In December I requested details of how Herefordshire Council's 'Destination Hereford' package had performed against its targets of reduced congestion and increased rural access to public transport.

Cllr Price replied that the project was being evaluated, and a report would be presented. Since the £11 million was allocated to Herefordshire Council in April 2015, and I am still unable to find any performance reports by the council, would the cabinet member now please provide a detailed update on progress made in reducing congestion, developing low carbon transport and improving public transport?

Answer from Councillor Philip Price, cabinet member infrastructure

An evaluation of the Destination Hereford projects impacts on travel behaviour has been completed and is available at:

https://www.herefordshire.gov.uk/media/4690109/destination_hereford_report_final_for_issue_signed.pdf

That evaluation identified the evaluation identified:

- A reduction in car based trips as a proportion of all trips
- An increase in walking and cycling as a proportion of all trips
- An increase in walking, cycling and public transport trips (both bus and rail)

Public questions to Council - 30 September 2016

Question from Mrs E Morawiecka, Breinton

Question 5

South Wye transport package

Safer walking and cycling routes around Marlbrook Primary school, along Holme Lacy Road, the A49 Ross Road and new 20mph limits in residential areas around the A49 in South Wye are just some of the proposed sustainable transport measures in the current South Wye transport package public consultation. These measures which can be implemented relatively simply and quickly would do much to improve:

1. the health of the local population;
2. air quality along the A49 Ross Road;
3. congestion on the A49 Ross Road;
4. safer active routes for parents and children around the local primary and secondary schools;
4. low cost and safe routes for employees to access the new jobs being developed at the Hereford Enterprise Zone.

At least £7million of funding is available for these sustainable transport measures through the Growth Funding Package from central Government. With traffic on the A49 Ross Road predicted to increase traffic by over 15% once the southern link road is in place, what reasons does the cabinet member have for delaying implementation of these sustainable transport measures until after the new road is built?

Answer from Councillor Philip Price, cabinet member infrastructure

The delivery of sustainable transport measures is not being delayed until after the southern link road has been built. A number of improvements have been introduced over recent years and we are currently consulting with the public on a range of potential further improvements in the South Wye area. Details of the consultation are available at: <https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-transport-plan-201314-201516/south-wye-transport-package#consultation> and the consultation remains open until 25 October. Once the responses have been analysed, consideration will be given to which schemes to take forward and the timetable for their implementation

Supplementary question

Thank you Councillor Price for clearly stating that 'The delivery of sustainable transport measures is not being delayed until after the Southern Link Road has been built.' However, the final version of the South Wye Transport Package (SWTP) Monitoring and Evaluation Plan issued in June 2016 by Herefordshire Council states equally clearly in Section 4 on the Delivery Timeframe, that the SLR will be completed in 2019 but the active travel measures will not be completed until Autumn 2021, 5 years from now. With the results of the Destination Hereford project now publicly available it is clear that less than £5m of funding in sustainable transport measures resulted in fewer car journeys and a considerable rise in active travel across the city in less than 4 years. With such an improvement in active travel and reduction in car use, would Councillor Price reassure the public that many of the sustainable transport measures of the SWTP will be implemented ahead of or alongside construction of the Southern Link Road (SLR) to try to minimise the 15% increased vehicles forecast to transfer to the A49 Ross Road in Hereford on the opening of the SLR?

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Answer from Councillor Philip Price, cabinet member infrastructure

A report that came out did say that there has been a reduction in car use and an increase in cycling and walking of those people that were part of the questionnaire and part of the response. Unfortunately, whilst that may be the case, there is a continual rise in car use in the city.

With regards to where the money is spent on sustainable measures, there is a consultation currently going on and we will hear what people are saying on that.

It was quite clear that some of the sustainable active travel arrangements could not be implemented until after the SLR has been completed. In particular, the weight limit on the Belmont Road could only be enabled once the road has been built and some of those sustainable measures could then be implemented. We are looking at it, it is ongoing.

Some of the actions have already been taken over the last year or two and the consultation will come to a conclusion as to where we spend the money going forward but some of the active measures will have to be implemented after the delivery of the link road.

Question from Mr J Perkins, Hereford

Question 6

Investment in Rotherwas

Following the referendum vote for the UK to leave Europe, future European funding is unlikely to be made available for projects such as making privately owned land at Rotherwas viable for development. Would the cabinet member please explain how much money is needed to make sites in private ownership viable for development and if this money is not forthcoming, how much will this constrain development of future jobs at Rotherwas?

Answer from Councillor David Harlow, cabinet member economy and communities

18 acres have already been developed at the Rotherwas enterprise zone, including just over 9 acres of land previously owned by the Goodwin Trust; sale of a further 23 acres is currently being negotiated. In June the Goodwin Trust advised the board that they would be temporarily withholding a relatively small proportion (4.5 acres) of the land in its ownership from sale.

The board continues to explore the potential to build units to let and what opportunities may be or become available to meet any viability gap, but the decision to temporarily withhold that element of the site from sale does not represent a constraint on the development of future jobs at this time.

The council has a strong track record of securing external funding to support economic growth in the county; the sources of funding do change over time but there is no reason to believe that future funding opportunities will not arise given the government's continuing commitment to enterprise zones.

Supplementary question

Thank you Councillor Harlow for the answer you have provided and highlighting how successful the Enterprise Zone is in Hereford. As the HEZ site is so successful and with so much public land being developed or in the process of being sold for development, could the cabinet member explain why the A49 and the Rotherwas relief road are constraining development at the HEZ and to such an extent that the council needs to spend £27m on building a road from the A465 to the A49 to improve access to this poorly serviced site?

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Answer from Councillor David Harlow, cabinet member economy and communities

Clearly there are rules about expanding on the Enterprise Zone, including traffic levels on the A49, and our aim is to keep the expansion going. We don't want to stop the investment that is being made, it is a real success story. This is one of the most successful of the enterprise zones but, without addressing the traffic issues, there are doubts as to how much we can develop the HEZ further. We are in discussions to create an extra 24,000 sq m of new work space, with 460 job opportunities identified. This is hugely positive but we can only expand at full speed with the road infrastructure.

Members' questions at Council - 30 September 2016**Question from Councillor WLS Bowen****Question 1****Council constitution**

Are you aware that a fairly recent amendment to the constitution prevents group leaders from attending and speaking at all committee meetings and would you agree that a reversion to the protocol that all group leaders should be allowed to attend and speak at all committee meetings would be desirable and should be instituted as soon as possible?

Answer from Councillor Brian Wilcox, chairman of the council

The amendment to the constitution, which took effect on 1 January 2010, does not prevent group leaders, or any other members, from attending any public meeting of the council; members in attendance may speak at the discretion of the chairman of the meeting. Such discretion is exercised having regard to a range of factors including the number and complexity of items on the agenda, and numbers of such requests to speak. If they are not minded to exercise their discretion to allow a member in attendance to speak chairmen will often advise that member either to ask a member of the committee to raise the query on their behalf or undertake to raise the issue from the chair in order that matters relevant to the agenda can be aired in a timely way.

I am aware that the audit and governance committee has approved a set of governance design principles to guide the ongoing refresh of the council's constitution. These include the following principles:

- "Members and officers perform effectively in clearly defined functions and roles"; and
- "Maximise member engagement and participation, including the involvement of all members in the development of key policies"

As a member of the working group guiding the refresh of the constitution and reporting to the audit and governance committee, Councillor Bowen will be in an excellent position to put forward the views of his group on this matter before December when any changes to the constitution are due to be brought to Council for consideration.

Supplementary question

Can I take it that you approve of my suggestion to the working group that all group leaders should have the right not only to attend committee meetings but also to have the right to speak at all committee meetings that they attend?

Answer from Councillor Brian Wilcox, chairman of the council

Subject to the caveats contained in the earlier reply.

Question from Councillor B Matthews**Question 2****Enterprise zone (EZ)**

Members' questions at Council - 30 September 2016

In June this year, the EZ board was advised that due to the substantial costs of making plots development-ready, the Goodwin Trust had decided that at present they would not be making any land available for sale. This was because of the excessive cost of providing highways, utility services and the significant cost involved in raising ground levels on site. The board were advised that the sale of plots was no longer commercially viable.

Can you please inform members what impact the Goodwin Trust decision will have on the future prospects of the EZ, and will it mean still further delays in the provision of the well paid and secure jobs so desperately needed within the county?

Answer from Councillor David Harlow, cabinet member economy and corporate services

It is perhaps unfortunate that Councillor Matthews does not appear to have referred to the publically available minutes of the board meeting in June of this year and therefore appears to have gained a partial and unnecessarily pessimistic view of the issue. The board were indeed advised by the Goodwin Trust, a key private sector partner in the enterprise zone, that they would be temporarily withholding a relatively small area of land (4.5 acres) from sale because of the infrastructure costs associated with such sales; however the board were advised that the trust would look to work with the zone to explore building units to let and the board also determined to explore the potential and opportunities available to meet the viability gap.

I would also refer Cllr Matthews to the answer given to public question number six.

Given the progress made to date on the site (which does not amount to 'delays' as stated), the robust delivery plans in place, and continued exploration of every opportunity to support development of and business growth on this crucial site I do not share Councillor Matthews rather pessimistic view.

Supplementary question

The council has spent £10m on land improvements to bring the site up to some sort of reasonable standards, roughly working out to £80k for every job created, can you tell us how much more has to be spent on the northern size of the EZ before it will be in a reasonable state for sale?

Answer from Councillor David Harlow, cabinet member economy and corporate services

We need to recognise the challenging conditions in commercial property, not just in Herefordshire but also in the West Midlands and the whole country. Despite these conditions, we ought to be proud of the achievements in Rotherwas. It is also important to take a long term view, the EZ continues to 2037.

Commercial viability is down to the judgement of the investor, the property market can go up and down. In relation to the 4.5 acres of land withheld by the Goodwin Trust (over 9 acres had already been developed), no investments were being turned away as a result of the recent commercial decision made by the trustees.

It is not just about the number of jobs that are being attracted to Rotherwas but it was also about the quality of those jobs. Members should celebrate the fact that some projects in the EZ had been included in the New Growth Deal submission, namely the cyber security centre and the proposed redevelopment of the shell store, which will hopefully lead to better jobs.

In terms of the specific question on costs to bring that land up to development potential, a written response will be provided.

Members' questions at Council - 30 September 2016

Subsequent written response from Councillor David Harlow, cabinet member economy and corporate services

All council land within the Hereford Enterprise Zone that has not already been purchased or developed is available for sale. This includes the land within the northern site. Depending on the final use of the land, the users utility requirements, the configuration and size of plots purchased, and other variables, it is probable that additional costs will need to be incurred prior to sale completions. It is not possible to define these costs at this point due to these considerations and the variables mentioned. As stated in the response to Public Question 6 of the 30 September 2016 Council meeting, this approach to land sales has generated 18 acres of land sold to date and a further 23 acres under negotiation.

Question from Councillor B Matthews

Question 3

Approval of accounts

It was at a full council meeting, not audit and governance, when discrepancies in accounting for major capital projects was first identified. With the public and the media concerned about the inaccuracies in financial reporting at Herefordshire Council and the errors confirmed in this year's audit report, would the Cabinet Member please explain why adoption of the Year End accounts and the acceptance of the audit report have not been brought to full council for approval.

Answer from Councillor Paul Newman OBE, chairman, audit and governance committee

The functions of approval of the council's statement of accounts and consideration of the external audit findings report, which are not cabinet functions, have been delegated by Council to the audit and governance committee which also has responsibility for seeking assurance that action is taken on risk related issues identified by auditors.

The matter to which Councillor Matthews refers, and which has been reported to and considered by both internal and external auditors, was not a discrepancy in accounting but in reporting. The audit and governance committee has established a process for monitoring the implementation of actions agreed in response to audit recommendations in order that the council may have assurance that improvements in this, and other risk areas, are secured.

Supplementary question

Can I ask Councillor Newman if he could take it up with auditors and ask them to reply to me in detail on the issues that I raised?

Answer from Councillor Paul Newman OBE, chairman, audit and governance committee

The audit and governance committee proceeds in a relatively formal way. The formatting and reporting issues, as they turned out to be, were examined by both internal and external auditors who reported to the committee that there were no reasons that we should not to proceed with normal accounts and audit approval processes. Faced with such recommendations, the committee had no option but to proceed. I am happy to contact both the internal and external auditors to ask if they consider that any matters have not been properly responded to from Councillor Matthews and I will then rely on their response to that question.

